

# THE PORTUGUESE NATIONAL CONTACT POINT FOR RESPONSIBLE BUSINESS CONDUCT

Webinar 'Business and Human Rights Developments in Portugal'

Beatriz Albuquerque

15 September 2020

# THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES (THE 'GUIDELINES')

- **48** Governments adhering to the Guidelines establish National Contact Points ('NCPs')
- **Since 2000** part of the NCP's mandate to receive 'specific instances' related to the non-observance of the Guidelines
- **Over 500** specific instances reviewed arising in more than **100** countries
- The **2011** review of the Guidelines included a new human rights chapter, consistent with the UNGPs
- Human rights-related cases now account for **over 51%** of the cases received
- **6** NCPs have received **49%** of all cases filed since 2000

# THE NATIONAL CONTACT POINTS

- Main functions of the NCPs:
  - Promotion of the Guidelines and the role of the NCPs
  - Grievance mechanism to resolve cases ('specific instances')
- Core principles according to which NCPs operate:
  - Visibility
  - Accessibility
  - Transparency
  - Accountability

# THE NATIONAL CONTACT POINTS

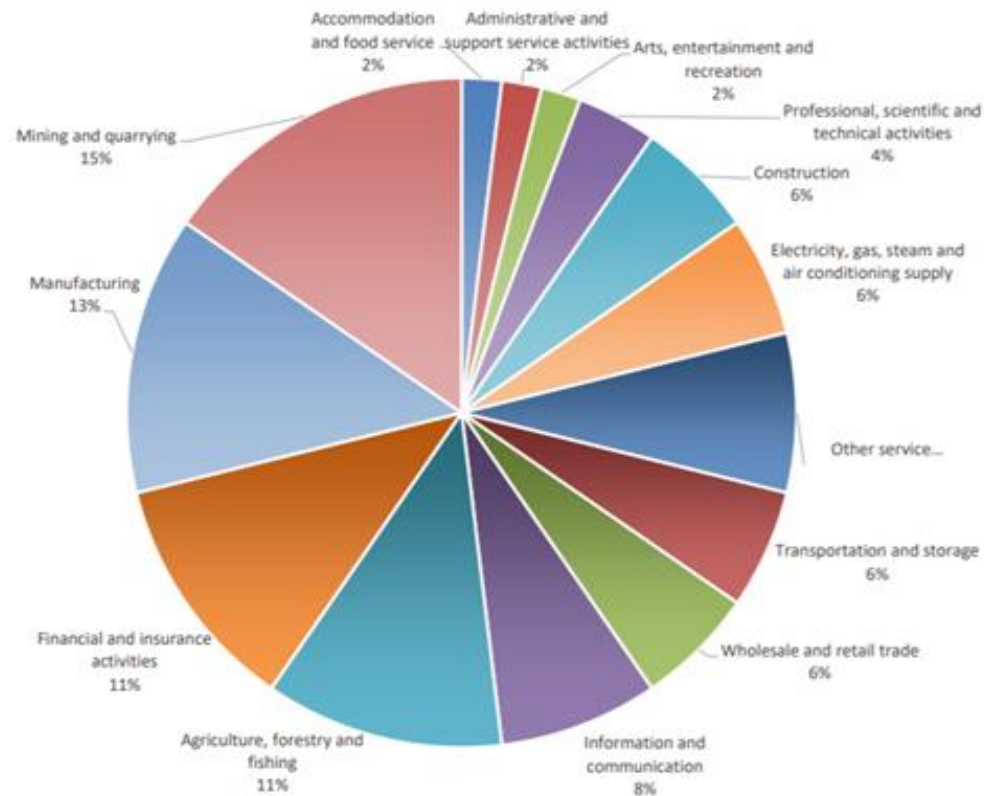
## 2018 FACTS & FIGURES

- NCPs closed **34** specific instances (in line with previous years)
- **13** concluded, **20** not accepted and **1** withdrawn
- From those 13, **11** underwent mediation and **only 4** cases reached agreement
- **52** new submissions filed (compared to average 25)
- **52%** of all NCPs received specific instances (increase from 38%)
- **68%** of closed specific instances involved large enterprises

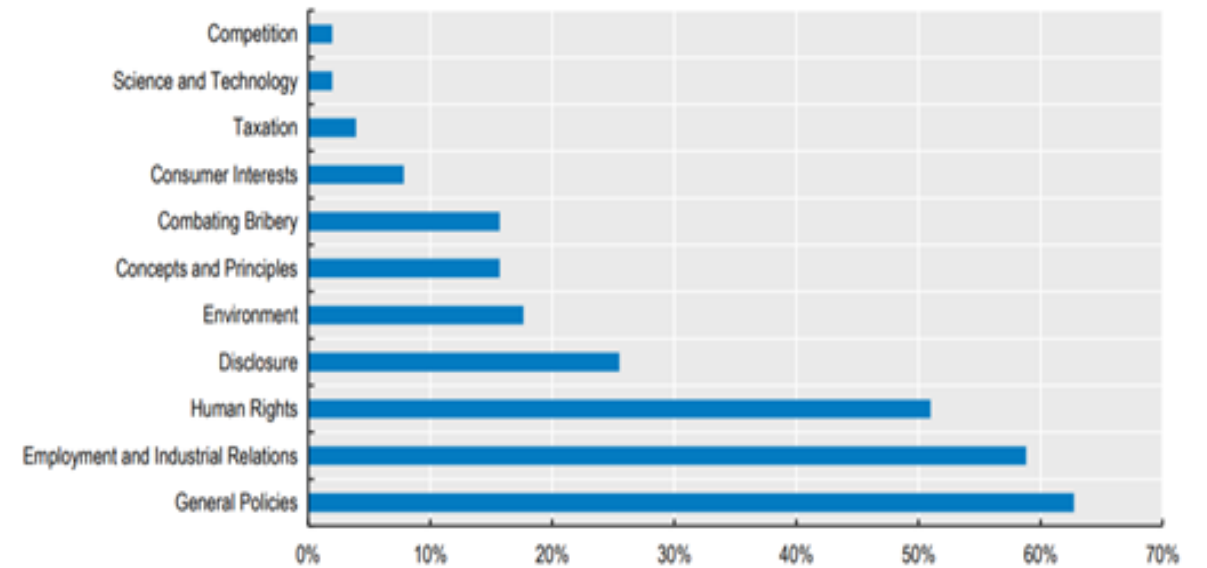
# THE NATIONAL CONTACT POINTS

## 2018 FACTS & FIGURES

### MOST PREVALENT INDUSTRY SECTORS



### MOST CITED CHAPTERS OF THE GUIDELINES



# THE PORTUGUESE NATIONAL CONTACT POINT

- Inter-ministerial decision-making structure (DGAE and Aicep Portugal Global)
- Part-time staff (26/48 NCPs have full-time staff)
- No advisory body
- No dedicated budget (24/48 NCPs have)
- Reports to government
- Website with published rules of procedure and form for initial request
- Participation and organization of 4 events (2017-2018)
- No promotional plan (38/48 NCPs have)

# THE PORTUGUESE NATIONAL CONTACT POINT

## SPECIFIC INSTANCES

### 1) **Factory closure in Portugal (2004)**

- Portugal was the lead NCP
- Manufacturing sector
- Breach of employment and industrial relations
- Conclusion: no breach of the Guidelines, agreement of the parties

### 2) **Alleged breach of human and labour rights in Denmark and Portugal (2013)**

- Portugal was a host country
- Agriculture, forestry and fishing sectors
- Breach of employment and industrial relations and human rights
- Conclusion: case withdrawn, agreement reached, no proof of violations

# THE PORTUGUESE NATIONAL CONTACT POINT

## SPECIFIC INSTANCES

### **3) Polish enterprise part of a Portuguese multinational (2014)**

- Accommodation and food service
- Breach of employment and industrial relations
- Conclusion: trade union retracted the notification of the alleged breach

### **4) French company operating call-centres and UNI Global Union (in progress)**

- Portugal is a supporting NCP
- Administrative and support service activities
- Breach of human rights, employment and industrial relations and environment
- Initial statement will later be released
- 1st covid-19 related complaint filed under the Guidelines



## CONCLUDING REMARKS

- 3 reasons for the lack of specific instances in Portugal
  - Scope of the Guidelines
  - Lack of information
  - Prevalence of judicial litigation

Thank you very much!  
Any questions?

[albuquerque.beatriz94@gmail.com](mailto:albuquerque.beatriz94@gmail.com)