

NATIONAL
CONTACT
POINT
PORTUGAL

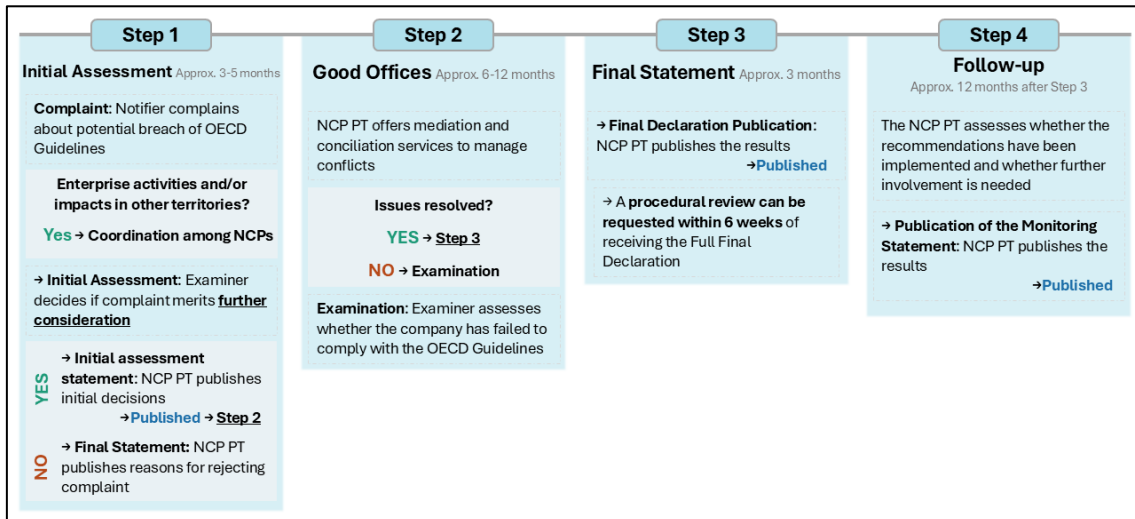
**RESPONSIBLE
BUSINESS
CONDUCT**

Procedures Guide for
**Handling
Specific Instances**



Portuguese National Contact Point procedures for dealing with Complaints brought under the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct

Diagram of the Case Handling procedures for dealing with Specific Instances (Complaints) in the NCP PT



Disclaimer

This document is intended to provide guidance and support, and it should not be used as a substitute for legislation or legal advice.

Information and answers to your questions about the topics covered here can be found on our [website](#).

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Context

The [OECD Guidelines](#) outline recommendations on responsible business [Conduct](#) that may go beyond what [Enterprises](#)¹ are legally required to comply with. Government recommendations for [Enterprises](#) to follow the [OECD Guidelines](#) are distinct from matters of legal liability and legal enforcement.

The Portuguese National Contact Point ([NCP PT](#)) focuses on the implementation of the [OECD Guidelines](#) by [Enterprises](#) working in Portugal or from Portugal.

This procedure is in line with the 2023 version of the [OECD Guidelines](#).

Glossary

The following concepts will be highlighted in blue throughout the text:

Advisory Board	Cross sectoral and multistakeholder body that provides non-binding strategic and technical advice to the NCP PT ² .
Complaint(s), Case(s) or Specific Instance(s)	A Complaint about Enterprises Conduct relating to the OECD Guidelines . The terms Specific Instance , Complaint and Case can be used interchangeably.
Conduct	May include acts, omissions, responsibilities or decisions.
Core Effectiveness Criteria	<p>A set of criteria outlined in the OECD Guidelines that all NCP seek to meet, aiming at functioning with an equivalent degree of effectiveness.</p> <p>The Core Effectiveness Criteria are: visibility, accessibility, transparency, accountability, impartiality and equitability, predictability and compatibility with the OECD Guidelines.</p> <p><u>Visibility</u>: The NCP is easily identifiable for stakeholders inside and outside of government. Information about the NCP, the NCP Complaint procedure and the Procedural Guidance are available on the NCP website. The NCP informs the public about the NCP and its Complaint procedure.</p> <p><u>Accessibility</u>: The NCP does not charge a fee for the filing of a Complaint. The NCP provides a Complaint submission form on its website which requests information Relevant for the Initial Assessment, as well as additional information on the NCP Complaint procedure. NCP is available to answer questions about the procedure. NCP Complaint procedures can be Conducted in Portuguese or English. Conducting the Complaint procedure in languages other than Portuguese and English may be possible in line with available capacities and resources. When NCP Complaints are handled in languages other than Portuguese or English, delays can occur due to translation and interpretation requirements. Translation and interpretation</p>

¹ The concept of enterprise is broad and is further explained in this document.

² To be created.

	<p>services may be limited to key steps of the Complaint procedure.</p> <p><u>Transparency</u>: The NCP acts in a transparent manner. This also holds true for the Complaint procedure as long as the level of confidentiality needed for a successful process is ensured.</p> <p><u>Accountability</u>: The NCP reports about its activities on an annual basis. The reports are published on the NCP website. The NCP's work is also subject of the meetings of the Working Group of the OECD Guidelines, which includes representatives of business, trade unions, civil society and experts. The Working Group meets at least twice a year. The NCP will also, as foreseen in the OECD Guidelines, undergo regular peer reviews.</p> <p><u>Impartiality and equitability</u>: The NCP ensures impartiality vis-à-vis the Parties. This means, for example, that all statements by the Parties are usually shared to ensure that the Parties have a comparable level of information. The NCP ensures that all Parties can take part in the procedure in fair and equitable conditions. The NCP is available for all Parties throughout the procedure for questions, explanations or other support.</p> <p><u>Predictability</u>: The NCP ensures predictability by providing clear and publicly accessible information about the course of the procedure, the criteria for accepting Complaints, expectations with regard to the participation of the Parties in Good Faith, confidentiality, the character and possible results of the procedure, as well as the NCP's own role in the process.</p> <p><u>Compatibility with the OECD Guidelines</u>: In its Good Offices, the NCP acts in accordance with the Guidelines and based on their principles and standards. Throughout the process, the NCP provides its expertise on the Guidelines and supports the Parties in finding agreements that are compatible with the Guidelines.</p>
Discussion Plan	Initial guiding scripts that aim to provide useful information to the Parties involved in the Good Offices stage. They are flexible and tailored for a specific Complaint .
Due Diligence	Due Diligence is an outward-facing approach to risk – it assesses risk to people, the environment and society, instead of risk to the Enterprise . The OECD Guidelines recommend Enterprises to undertake risk-based Due Diligence .
Enterprise(s)	The multinational company or business entity against which the Complaint is made. ³
Examination process	The stage of a Complaint that may occur when: <ol style="list-style-type: none"> NCP PT Good Offices offer is refused by the Enterprise or business related entity;

³ [NCP PT](#) will seek to take a broad view of the definition of 'multinational enterprise' for the purposes of receiving [complaints](#).

	<p>2. the Enterprise or business related entity has not acted in Good Faith; or</p> <p>3. the Good Offices phase has been concluded without agreement.</p> <p>In this process, the NCP PT Secretariat or an Independent Mediator considers whether the actions of an Enterprise that are the subject of the Complaint were consistent with the OECD Guidelines and may recommend means to improve their observance.</p>
Examiner	The role taken by the NCP PT Secretariat or the Independent Mediator during the Examination process.
Final Statement	<p>A statement published on the NCP PT website that signals the end of a Complaint.</p> <p>When at the Initial Assessment step, the NCP PT concludes that it will reject the Complaint, the Final Statement replaces the Initial Assessment statement.</p> <p>A Final Statement can include information about the issues raised, the Complaint process, Parties' engagement in the process and their respective positions.</p> <p>When an examination has taken place, Final Statements can also contain the independent Examiners views on whether an Enterprise has breached the OECD Guidelines and may include recommendations to improve observance of the OECD Guidelines.</p>
Follow-up	Step with the purpose of verifying to what extent the recommendations in the Final Statement have been implemented and whether additional involvement of the Portuguese NCP would be warranted, including, where appropriate, an offer of Good Offices .
Follow-up Statement	<p>Statement published on the NCP PT website after the Final Statement, following up on:</p> <ul style="list-style-type: none"> ○ the progress of the implementation of recommendations and, ○ the progress of Parties and issues arising from the Final Statement.
Good Faith	<p>In the context of engagement in the NCP PT process, Good Faith includes:</p> <ul style="list-style-type: none"> ○ responding in a timely manner to the NCP PT ○ acting consistently with NCP PT Complaint procedures, including by: <ul style="list-style-type: none"> ✓ maintaining confidentiality where appropriate and/or when requested ✓ refraining from distorting the issues and the process, particularly in public communications ✓ not threatening or taking reprisals against other Parties or against the NCP PT itself, and ✓ genuinely engaging in the proceedings with a view to finding an OECD Guideline-compatible solution to the issues raised. This includes giving serious consideration to any offer of Good Offices made by (or on behalf of) the NCP PT.

<p>Good Offices</p>	<p>The terminology used in the OECD Guidelines Implementation Procedures, which identifies the offer of a platform for dialogue between the Parties to assist with the resolution of the Complaint.</p> <p>Facilitated discussion services offered by the NCP PT Secretariat or an Independent Mediator intended to assist the Parties to resolve a Complaint once it has been accepted.</p> <p>Mediation or conciliation, whether formal or informal, may form part of the Good Offices stage.</p>
<p>Independent Mediator</p>	<p>An adequately qualified person who is contracted by the NCP PT to manage Complaints brought under the OECD Guidelines, help promote the OECD Guidelines and the NCP PT, and advise on improving the NCP PT.</p> <p>Where the NCP PT Secretariat appoints a qualified mediator to manage a Complaint about alleged non-observances of the OECD Guidelines, the appointed mediator is independent of the Parties.</p> <p>In handling Complaints, qualified mediators exercise their judgement impartially and without bias, independent of the interests of others.</p> <p>These procedures refer to the qualified mediator as Independent Mediator.</p>
<p>Initial Assessment</p>	<p>This refers to the initial stage of analysis or screening in which the content of the Complaint is examined to verify whether there is sufficient plausibility to proceed with the process, namely whether it is Material and Substantiated. The main objective is to determine whether a Complaint should move forward to Step No. 2 – Good Offices, be declined, or be transferred to another NCP.</p>
<p>Initial Assessment statement</p>	<p>A statement drafted by the NCP PT Secretariat or an Independent Mediator that is published on the NCP PT website when concluding the Initial Assessment step. Initial Assessments contain decisions about whether the Complaint should be:</p> <ul style="list-style-type: none"> • accepted and progressed to the next stage of the NCP PT Complaints treatment procedure process, or • Rejected (Final Statement), or • transferred to another NCP (Transfer Statement) <p>And contain: The assessment of the issues raised in the Complaint and whether the issues require further examination.</p>
<p>Material and Substantiated</p>	<p>Material means that the issues are plausible and related to the application of the OECD Guidelines. Substantiated means that there is a plausible link between the Enterprise and the issues raised.</p>
<p>National Contact Points for Responsible Business Conduct (NCPs)</p>	<p>Entities established by governments to promote the OECD Guidelines and related Due Diligence guidance, and to handle Complaints as a non-judicial grievance mechanism.</p>
<p>NCP PT</p>	<p>Stands for the Portuguese National Contact Point</p>
<p>Notifier(s)</p>	<p>The individual or entity that submits a Complaint to the NCP PT. The Notifier is usually directly or indirectly affected by the Conduct that is the subject of the Complaint.</p>

	Alternatively, the Notifier may be any interested Party able to supply the NCP PT with timely, accurate and adequate information to allow the progressing of the Complaint .
OECD	Organisation for Economic Co-operation and Development
OECD implementation procedures	The procedure is established in Part II of the OECD Guidelines in the section entitled “Procedures of the OECD Guidelines for MNEs on RBC (Procedures)
OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (OECD Guidelines)	Recommendations jointly addressed to multinational Enterprises from the governments of OECD members and other adhering countries. The recommendations explain the actions Enterprises should take to: <ul style="list-style-type: none"> ○ Enhance their contribution to sustainable development, and ○ Address any adverse impacts on people, planet and society that are associated with their business activities. The OECD Guidelines are available on the OECD website and the NCP PT website.
OECD Responsible Business Conduct Centre	The OECD Responsible Business Conduct Centre is the Secretariat to the Working Party on Responsible Business Conduct , which includes representatives of all governments adhering to the OECD Guidelines .
Party/Parties	The Notifier and the Enterprise .
Procedural Review	The process through which one or both Parties may request an assessment on whether the NCP PT Secretariat or the Independent Mediator acted in accordance with the established Case-handling procedures. This request must be submitted within six weeks from the receipt of the completed version of the Final Statement .
Relevant	Information that is directly connected to the issues under consideration in the procedure and that may contribute to clarifying facts, assessing claims, or facilitating settlement. Relevant information can originate from the Parties , third Parties , or other sources. Depending on the circumstances, such information may need to remain confidential (for example, trade secrets or the identity of complainants at risk of retaliation) or may be disclosed when transparency, impartiality and equitability of the procedure so require.
Transfer Statement	A statement published on the NCP PT website that sets out a decision to transfer the Complaint to another NCP and which replaces the initial statement.

Timeframes for the NCP PT Complaint procedures

1. The following table provides timeframes for each stage of the [NCP PT Complaint](#) handling process.

Note: timeframes are indicative of ideal scenarios and [Complaints](#) may take longer.

Etapa	Duration
Step 1 Submission and Initial Assessment	3 months (+ 2 months if coordination with other NCP is needed)
Step 2 Good Offices	6 months
Step 3 Final Statement	3 months
TOTAL	12 months (+ 2 months if coordination with other NCP is needed)
Step 4 Follow up	3 months (12 months after the conclusion of step 3).

2. Where delays are anticipated or ongoing, the [NCP PT Secretariat](#) or the [Independent Mediator](#) will discuss the reasons with the [Parties](#) and consider options to suitably manage the delay. Significant delays will be noted on the [NCP PT](#) website.
3. In the situation where the [Independent Mediator](#) is holding the [Case](#), significant delays should be reported to the [NCP PT Secretariat](#).

General rules of the NCP PT Case handling procedures

4. The [NCP PT](#) helps to resolve [Complaints](#) related with multinational [Enterprises Conduct](#) alleged to be inconsistent with the [OECD Guidelines](#). [NCP PT Secretariat](#) addresses adverse impacts from multinational [Enterprises](#) activities in a way that is consistent with the [OECD Guidelines](#). The [NCP PT](#) performs a function as a non-judicial grievance mechanism to contribute to the resolution of [Complaints](#) in relation to the implementation to the [OECD Guidelines](#).
5. Participation in the procedure is voluntary.
6. By joining the [NCP PT Specific Instance](#) procedure, the [Parties](#) accept the rules set out in this Guide.
7. The [NCP PT Complaints](#) handling procedure is not a judicial procedure, but a platform for dialogue that is governed by the following essential effectiveness criteria: visibility, accessibility, transparency, accountability, impartiality and fairness, predictability and compatibility with the [OECD Guidelines](#).
8. The [NCP PT Complaints](#) handling procedure requires that the [Parties](#) involved participate on the basis of the principle of [Good Faith](#) and act constructively.
9. The [NCP PT](#) will not tolerate any attempt of retaliation against itself or the [Parties](#) involved and will take measures accordingly.

The main language of the proceedings is Portuguese. The [NCP](#) is available to provide assistance in English if required.

10. The [NCP PT](#) will accept allegations in both Portuguese and English.

Transparency and confidentiality

11. The fundamental principle of transparency by which the [NCP PT](#) is governed also applies to the [Complaints](#) handling procedure.
12. At the same time, confidential information provided to the [NCP PT](#) will be treated appropriately and this information will not be publicly disclosed by the [NCP PT](#) without previous consultation and agreement of the concerned [Parties](#). This information will only be shared, in a confidential manner, with those who directly support the [NCP PT](#) Secretariat or the [Independent Mediator](#) in the [Good Offices](#), [Follow-up](#) and [Procedural Review](#) stages, such as with members of the [Advisory Board](#), service providers such as translators, other government officials and other [NCPs](#).
13. The [NCP PT](#) will ensure the necessary protection of professional and trade secrets of data relating to the [Parties](#), particularly when their publication implies risks of reprisals.
14. All [Relevant](#) facts and arguments brought forward by each [Party](#) during the proceedings is shared with the other [Parties](#), with the exception of confidentiality over personal identities where there is a security/privacy risk and/or legitimately sensitive business information.
15. Information shared between the [Parties](#) and the [NCP PT](#) shall be kept confidential, even after the [Complaint](#) has been processed, unless:
 - a. The [Party](#) providing the information consents its disclosure;
 - b. The information is in the public domain;
 - c. Non-disclosure would be contrary to the provisions of national law.
16. In accordance with the principle of [Good Faith](#), the [Parties](#) involved in the proceedings of a [Specific Instance](#) have a duty to maintain confidentiality in respect of the information obtained during the proceedings.
17. Upon completion of the [Initial Assessment](#), the [NCP PT](#) will publish on its website a statement that includes information on the content of the [Complaint](#) raised as well as of the [Parties](#).

Conflicts of interest

18. The **NCP PT** acts in an impartial and unbiased manner and ensures fair and equitable conditions for the **Parties** in the procedure of a **Specific Instance**, being subject to the obligations arising from national laws and the **OECD Council Recommendation of 2024 for Managing Conflict of Interest in the Public Service**⁴.
19. In the proceedings of a **Specific Instance**, members of the **NCP PT**, the members of its **Advisory Board** and the **Independent Mediators** involved who are or reasonably foresee becoming in a situation of conflict of interests must request to be excused. In this context, the **NCP PT** Secretariat will adopt the appropriate measures to avoid or end the conflict and address it in its public statements (e.g., **Initial Assessments**, **Final Statements**).

Data protection

20. The processing of personal data by the **NCP PT** is carried out in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council, of 27 April 2016, [General Data Protection Regulation (GDPR)], in particular with its article 6.^o n.^o 1, letter e), and with Law no. 58/2019, of 8 August, which ensures the implementation of the GDPR in the national legal system.
21. Within the scope of the **Case Handling Procedures**, the **NCP PT** collects and processes personal data only to the extent necessary and in accordance with applicable legislation and the DGAE Privacy Policy (<https://www.dgae.gov.pt/politica-de-privacidade-e-seguranca.aspx>)⁵ and the AICEP, E.P.E. Privacy Policy (<https://www.portugalglobal.pt/politica-privacidade/>)⁶.
22. Where necessary, the **NCP PT** obtains information from European public bodies and/or third countries. It may be necessary to share personal data in certain circumstances, in particular when the **NCP PT** coordinates its action with other **NCPs** in order to identify the **NCP** responsible for the **Case** or when transferring a **Complaint** to another **NCP**.
23. Any transfer of data to **NCPs** of third countries to the EU, or to international organizations, will be done to the extent strictly necessary and for reasons of public interest, under the terms of article 22 of Law no. 58/2019, of August 8, and article 49, paragraph 1, letter d) and paragraph 4 of the General Data Protection Regulation.
24. If it is necessary to transfer data to countries outside the EU, the **Parties** involved will be informed in advance.

⁴https://www.oecd.org/en/publications/managing-conflict-of-interest-in-the-public-service_9789264104938-en.html

⁵ There is no version in English.

⁶ There is no version in English.

Submitting a Complaint

25. **Notifiers** can submit their **Complaint** using the form on the “Submit a **Complaint**” section at **NCP PT** website. If a **Notifier** is unable to use the form, the **NCP PT** Secretariat will seek to provide reasonable alternative arrangements to ensure the process is accessible, such as e-mail, telephone call, videoconference and on-person meeting.
26. **Complaints** can be made to the **NCP PT** about alleged non-compliance with the **OECD Guidelines** by:
 - a. a multinational **Enterprise** operating in Portugal, or
 - b. a multinational **Enterprise** operating from Portugal, even in a country that is not adherent to the **OECD Guidelines**.

Regarding the concept of multinational Enterprise: as stated on the 2023 edition of the Guidelines, “a precise definition of multinational **Enterprises** is not required for the purposes of the Guidelines. While the Guidelines allow for a broad approach in identifying which entities may be considered multinational **Enterprises** for the purposes of the Guidelines, the international nature of an **Enterprises** structure or activities and its commercial form, purpose, or activities are main factors to consider in this regard. These **Enterprises** operate in all sectors of the economy. They usually comprise companies or other entities established in more than one country and so linked that they may co-ordinate their operations in various ways. While one or more of these entities may be able to exercise a significant influence over the activities of other entities in a group, their degree of autonomy within the group may vary widely from one multinational **Enterprise** to another. Ownership may be private, State, or mixed. The Guidelines are addressed to all the entities within the multinational **Enterprise** (parent companies and/or local entities). According to the actual distribution of responsibilities among them, the different entities are expected to co-operate and to assist one another to facilitate observance of the Guidelines.”

27. The **NCP PT** will seek to take a broad view of the definition of multinational **Enterprise** for the purpose of receiving **Complaints**.
28. The **Complaint** should relate to an **Enterprise** with links to Portugal. If that is not the **Case**, the **Complaint** will not be analysed in greater detail by the **NCP PT**. In these **Cases**, the **NCP PT** will make efforts to support the **Notifier** in identifying the correct **NCP** and, if successful, will issue a transfer declaration.
29. Where there are risks to the personal safety of the **Notifier** and/or the threat or risk of reprisals, the **NCP PT** will enable **Notifiers** to anonymously file **Complaints** or use a third-Party to do so.

Independent Mediators

30. External mediators with an adequate level of experience and recognized independence may be appointed by the **NCP PT** to assess the substance and validity of **Complaints** and provide mediation services.

Procedure

STEP 1: Initial Assessment

31. The timeframe expected for this step is three months. In the circumstances described in paragraph 32 (coordination arrangements), it may take additionally two months, with a total of five months.
32. The objective of the **Initial Assessment** stage is to determine whether a **Complaint** should be accepted for **Good Offices**, should be rejected and/or should be transferred to another **NCP**. In this last scenario, it may include situations where the **NCP** initially contacted will not be involved anymore or where it will support the **NCP** identified as being the leader. As mentioned in paragraph 31, initial coordination arrangements to identify the lead and supporting **NCP** should be completed within two months.
33. Receipt of a **Complaint** will be acknowledged to the **Notifier** within 5 working days.
34. The existence of a **Complaint** will be published on the **NCP PT** website within 15 working days upon receipt. The entry on the **NCP PT** website will, at least, identify the country or countries and the sector to which the **Complaint** relates.
35. If revealing the sector where the **Enterprise** operates might identify the **Enterprise**, the **NCP PT** Secretariat can choose to disclose only the country where the **Enterprise** is located.
36. The **NCP PT** Secretariat will seek to obtain the information necessary to **Conduct** an **Initial Assessment**.
 - a. Where a **Complaint** does not contain the information necessary to **Conduct** an **Initial Assessment**, the **NCP PT** Secretariat will work with the **Notifier** to explain what additional **Material** would be required for the **Initial Assessment** to proceed. Incomplete **Complaints** will be considered invalid if **Notifiers** are unable to provide required information.
 - b. The **NCP PT** Secretariat will notify by postal mail or e-mail the **Enterprise** about the **Complaint**.
37. The **NCP PT** Secretariat may seek additional information from both **Parties** at this stage and will facilitate the exchange of this information between them.
38. The **NCP PT** Secretariat can consider **Complaints** even if the same **Complaint** is being considered in other proceedings. This includes judicial or non-judicial proceedings.
39. **Complaints** that concern a matter that the **NCP PT** or another **NCP** is currently handling, or has already handled to completion, will be subject to an evaluation process, including consultation and coordination with other **NCP** if appropriate.
 - a. This process will determine whether an offer of mediation by the **NCP PT** is likely to contribute positively to resolving the issues raised. Such **Complaints** may not be considered valid if the substance of the **Complaint** is not distinctly different from **Complaints** that have been or are being handled by the **NCP PT** or by another **NCP**.

40. In line with the circumstances set out in the [OECD implementation procedures](#), if the [NCP PT](#) is not the correct [NCP](#) to handle the [Complaint](#), the [NCP PT](#) Secretariat may seek to transfer the [Complaint](#) to another [NCP](#) during the [Initial Assessment](#) stage.
41. During the [Initial Assessment](#) stage, the [Enterprise](#) named in the [Complaint](#) will be notified and provided with a copy of the [Complaint](#) submission, not containing the [Notifier's](#) identity. The [Enterprise](#) will be given an opportunity to provide a preliminary response to the [Complaint](#) prior to the publication of a statement on the outcome of the [Initial Assessment](#). The [Enterprise](#) will be contacted through e-mail or postal mail.
42. When deciding, whether or not, to accept an [Initial Assessment](#), the [NCP PT](#) Secretariat will determine if the [Complaint](#) was made in [Good Faith](#) and is related to the implementation of the [OECD Guidelines](#), in a matter consistent with the [OECD implementation procedures](#). In doing so, the [NCP PT](#) Secretariat will make an [Initial Assessment](#) of whether the issue raised warrants further examination against the criteria outlined in the [OECD implementation procedures](#), namely:
 - a. The identity of the [Party](#) concerned and its interest in the matter;
 - b. Whether the issue is [Material](#) and [Substantiated](#);
 - c. Whether the [Enterprise](#) is covered by the [OECD Guidelines](#);
 - d. Whether there seems to be a link between the [Enterprises'](#) activities and the issue raised in the [Specific Instance](#);
 - e. Whether consideration of the issue would contribute to the purposes and effectiveness of the [OECD Guidelines](#).
43. To promote accessibility, the [NCP PT](#) Secretariat considers [Material](#) and [Substantiated](#) to mean that the issues are plausible and related to the application of the [OECD Guidelines](#), and that there is a plausible link between the [Enterprise](#) and the issues raised.
44. The [NCP PT](#) Secretariat will draft a statement with the proposed outcome of the [Initial Assessment](#) to accept, reject or transfer the [Complaint](#). The statement will be an [Initial Assessment statement](#) if the [Complaint](#) has been accepted, a [Final Statement](#) if the [Complaint](#) has been rejected, or a [Transfer Statement](#) if the [Complaint](#) is to be transferred to another [NCP](#).
45. The draft statement will be provided to the [Advisory Board](#) for review and advice. The [NCP PT](#) Secretariat is not required to make changes in response to the views of the [Advisory Board](#) but may do so at their discretion.
46. After considering the views of the [Advisory Board](#), the [NCP PT](#) Secretariat will provide a copy of the draft statement with the outcome of the [Initial Assessment](#) to the [Notifier](#) and the [Enterprise](#) for their comment. The [NCP PT](#) Secretariat is not required to make changes in response to the comments of the [Notifier](#) or the [Enterprise](#) but may do so at their discretion.
47. If a [Complaint](#) is accepted:
 - a. An [Initial Assessment statement](#) will be published on the [NCP PT](#) website.
 - b. The identity of the [Enterprise](#) against which the [Complaint](#) has been made will be published in the [Initial Assessment statement](#) and on the [NCP PT](#) website, if not already done so. In exceptional circumstances, such as where non-disclosure of the

- [Enterprise](#) is important for protecting the safety of an individual, the identity of the [Enterprise](#) may be withheld at the discretion of the [NCP PT Secretariat](#).
- c. The [NCP PT Secretariat](#) will offer the [Parties](#) the opportunity to enter a [Good Offices](#) process.
48. If a [Complaint](#) is rejected, a [Final Statement](#) will be prepared and published in line with [NCP PT Complaint](#) procedures. The [NCP PT Secretariat](#) will consult with the [Parties](#) and consider their views on whether the identity of the [Enterprise](#) will be published.
 49. If a [Complaint](#) is transferred to another [NCP](#) because of the [Initial Assessment](#) stage, a [Transfer Statement](#) will be published on the [NCP PT](#) website stating why and to which [NCP](#) the [Complaint](#) has been transferred. The identity of the [Enterprise](#) will be published on the [NCP PT](#) website if the transferee [NCP](#) publishes this information.
 50. Acceptance, rejection and/or transfer of a [Complaint](#) is not an assessment of whether the [Enterprises'](#) actions are consistent with the [OECD Guidelines](#).

STEP 2: Good Offices

51. The timeframe expected for this step is six months.
52. The objective of the **Good Offices** stage is for the **NCP PT** Secretariat, or an **Independent Mediator** appointed by the **NCP PT**, to help resolve issues, based on their experience and expertise, by facilitating an exchange of information between the **Parties**. This exchange can include conciliation, formal mediation, or facilitated discussions with the aim of arriving at a mutually agreed resolution, consistent with the Guidelines It relies on **Parties** acting in **Good Faith**. The reference to consistency includes, namely, a commitment by the company to further the implementation of the Guidelines in the future and, address negative impacts that the company has caused or contributed to.
53. The **NCP PT** Secretariat may facilitate **Good Offices** directly, or delegate certain steps to a suitable independent mediation professional.
54. The **NCP PT** will prioritize an in-person model for carrying out **Good Offices**, at a location that is accessible for the complainants and is feasible to the **NCP**. When not possible, these **Good Offices** can be **Conducted** online.
55. The **Good Offices** process has two stages: preparation and proceedings. In the preparation stage, the **NCP PT** Secretariat or the **Independent Mediator** engages each **Party** separately to explain the process and options for discussion of the issues, and prepares a framework for handling any conciliation, mediation or facilitated discussions.
 - a. In practice, it is expected that the **Good Offices** process will differ from **Complaint** to **Complaint**, and the **NCP PT** Secretariat or the **Independent Mediator** will retain a flexible approach when distinguishing between the preparation and proceedings stages.
56. In consultation with the **Parties**, the **NCP PT** Secretariat or the **Independent Mediator** will prepare a **Discussion Plan** to clarify the process and manage timeframes and expectations.
 - a. In **Cases** where a **Notifiers** security would be compromised by direct participation in discussions, the **NCP PT** Secretariat or the **Independent Mediator** will seek to agree alternative arrangements.
57. The **NCP** may seek advice from competent authorities and/or representatives of the business community, workers' organizations, other non-governmental organizations and experts appropriate to the situation in question, as well as seeking information on similar **Specific Instances** from the Secretariat or guidance from the WPRBC if it has doubts about the interpretation of the Guidelines
58. The **NCP PT** Secretariat or the **Independent Mediator** will seek each **Party's** agreement to proceed with discussions and, if both **Parties** agree, the discussions will start.
59. At any stage of **Good Offices**, either **Party** may decide not to continue, in which **Case** the **NCP PT** website will state that the **Good Offices** have been declined and a **Final Statement** will be produced by the **NCP PT** Secretariat.

60. This **Final Statement** will always be authored by the **NCP PT Secretariat**, even when the **Good Offices** process is **Conducted** by an **Independent Mediator**. In such **Case**, the **Independent Mediator** is expected to provide the **NCP PT Secretariat** **Relevant** information for the preparation of the **Final Statement**.
61. If at any stage of the **Good Offices** process:
- a. The **Notifier** does not agree to continue, the **NCP PT Secretariat** will prepare a **Final Statement** summarizing the process followed to-date. In this **Case**, the **NCP PT Secretariat** or the **Independent Mediator** will not undertake an examination of the issues raised unless it determines that the **Notifier** discontinued due to a lack of **Good Faith** engagement by the **Enterprise**. The **Final Statement** may include information on why the **Notifier** has chosen not to continue.
 - b. The **Enterprise** does not agree to continue, the **NCP PT Secretariat** will prepare a **Final Statement** which will include an examination of the issues raised, unless it determines that the **Enterprise** discontinued due to a lack of good-faith engagement by the **Notifier**.
62. The **NCP PT Secretariat** or the **Independent Mediator** will review the progress of the proceedings at regular intervals. If it considers that **Good Offices** are no longer productive after consultation with the **Parties**, the **Complaint** will proceed to **Final Statement** which will include an examination of the issues raised.
63. The **NCP PT Secretariat** or the **Independent Mediator** may offer the **Parties** the option of putting the **Complaint** on hold if:
- a. It is considered that the **Complaint** cannot be progressed under the **NCP** process at the current time, or
 - b. the **Parties** jointly inform the **NCP PT Secretariat** or the **Independent Mediator** that they wish to pursue alternative **Good Offices** processes outside the **NCP PT**. This will be documented in the **Final Statement**.
64. If a **Complaint** is put on hold, the **NCP PT Secretariat** will modify the status of the **Complaint** on its website and request regular updates to the **Parties** in order to determine whether the **Complaint** needs to be reopened. The **NCP PT** website will be updated as appropriate. This update will be performed by the **NCP PT Secretariat**.
65. If the **Notifier** informs the **NCP PT** in writing that further engagement from the **NCP PT Secretariat** or the **Independent Mediator** will not be required, the **Complaint** will be treated as having been withdrawn. This will be documented in the **Final Statement**.

Examination

66. The objective of the examination stage is for an **Examiner** to:
 - a. consider whether the **Enterprises'** actions raised in a **Complaint** were consistent with the **OECD Guidelines**, and
 - b. identify means by which to improve observance of the **OECD Guidelines**, where appropriate.

67. An examination will occur if:
 - a. the **Enterprise** has refused the **NCP PT** offer of **Good Offices**;
 - b. the **Good Offices** stage was concluded without reaching a mutually agreed solution, unless the **Examiner** determines there was a lack of **Good Faith** engagement in **Good Offices** by the **Notifier**, or;
 - c. the **Enterprise** has not acted in **Good Faith** during the **Complaint** procedure.

68. The **Examiner** will invite the **Parties** to provide submissions and **Relevant** supporting **Material** to assist the **Examination process**. The **Examiner** may also request additional information from the **Parties** or seek meetings with the **Parties**.

69. The **Examiner** will review the **Initial Assessment statement** and any further information received from the **Parties** or other **Relevant** sources.

70. The **Examiner** may seek out additional information and advice to inform the examination, including from other stakeholders such as **Relevant** government entities, non-government organizations, diplomatic missions, other **NCP**, business associations and independent experts.

71. In a **Final Statement**, the **Examiner** will incorporate:
 - a. the results of the examination;
 - b. recommendations, where appropriate;
 - c. if necessary, an appropriate timeframe for **Follow-up**.

Step 3: Final Statement

72. The timeframe expected for this step is three months.
73. The [Final Statement](#) will always be prepared by the [NCP PT Secretariat](#).
74. At the conclusion of the [Complaint](#) process, the [NCP PT](#) will always publish a [Final Statement](#).
75. At a minimum, the [Final Statement](#) will take into consideration:
 - a. the need to protect sensitive business and other stakeholder information;
 - b. the [Parties'](#) respective positions as appropriate;
 - c. the steps taken by [NCP PT](#);
 - d. the [Parties'](#) engagement in the process and the issues raised.
76. If the [NCP PT](#) does not accept a [Complaint](#), at the [Initial Assessment](#) stage, a [Final Statement](#) will be issued explaining the reasons why the [Complaint](#) was not accepted.
77. If an agreement is reached by the [Parties](#) during an [NCP PT Good Offices](#), the [Final Statement](#):
 - a. will state when the agreement was reached and, if the [Parties'](#) consent, the results of the agreement;
 - b. may include recommendations on the implementation of the [OECD Guidelines](#), as appropriate (and if possible, a reasonable timeframe for follow up).
78. Where an examination has been [Conducted](#), the [Final Statement](#):
 - a. will include the reasons why the examination was justified;
 - b. where [Relevant](#), should also include recommendations on the implementation of the [OECD Guidelines](#), and if appropriate, a reasonable timeframe for follow up;
 - c. may include the reasons why an agreement could not be reached;
 - d. may include the [Examiners'](#) views on whether the [Enterprise](#) observed the [OECD Guidelines](#) and whether the [Parties](#) engaged in [Good Faith](#) throughout the process.
79. The [Final Statement](#) will provide a timeframe for the [Follow-up](#) on the [Complaint](#).
80. Where appropriate, the [Final Statement](#) may inform other government entities about matters in the [Final Statement Relevant](#) to their responsibilities, including instances of inappropriate [Conduct](#).
81. To prepare a [Final Statement](#), in addition to the review of the [Materials](#) provided by the [Parties](#), the [NCP PT Secretariat](#) may seek out:
 - a. Publicly available information;
 - b. Information gathered through the [Good Offices](#) phase (if the [Parties](#) consent); and
 - c. Information gathered during an examination.

82. To prepare a [Final Statement](#), the [NCP PT Secretariat](#) may also gather information and advice from other stakeholders and sources including the [Advisory Board](#), other [NCP](#), the [OECD Responsible Business Conduct Centre](#) or other subject-matter experts.
83. Each [Party](#) will be given an opportunity to respond to any information that may be considered by the [NCP PT Secretariat](#) in the formulation of views or recommendations for the [Final Statement](#).
84. The [NCP PT Secretariat](#) may initiate or resume the [Good Offices](#) process at any point during the drafting of a [Final Statement](#) if it is considered useful and is agreed by the [Parties](#).
85. Once the [NCP PT Secretariat](#) has prepared their [Final Statement](#), the [Advisory Board](#) will be provided with a draft for review and advice. Where necessary and appropriate, the [Advisory Board](#) members may request additional information over a reasonable time period to inform its review of the [Final Statement](#). The [NCP PT Secretariat](#) is not required to make changes in response to the views of the [Advisory Board](#) but may do so at its discretion.
86. A draft [Final Statement](#) will then be provided to both [Parties](#) for comment. When applicable, the same [Independent Mediator](#) that acted in the [Good Offices](#) step or examination stage, after being provided with the draft, may propose changes at its discretion.
87. The completed [Final Statement](#) will be:
 - a. provided to both [Parties](#), when appropriate to the [Independent Mediator](#) and the [Advisory Board](#);
 - b. published on the [NCP PT](#) website;
 - c. reported to the [OECD](#);
 - d. provided to [Relevant](#) Portuguese government entities and [NCP](#).
88. Where recommendations affect bodies other than the [Parties](#), the statement will be provided to these bodies. The [NCP PT Secretariat](#) or the [Independent Mediator](#) has discretion to accommodate any reasonable requests, including from the [Advisory Board](#), in relation to sensitivities around publication content or timing.

Step 4: Follow-up

89. The timeframe expected for this step is three months and occurs months after issuing the [Final Statement](#).
90. The [Follow-up](#) will always be prepared by the [NCP PT](#) Secretariat.
91. The [NCP PT](#) Secretariat preparing a [Final Statement](#) will specify a timeframe for a [Follow-up](#) on the [Complaint](#), provided this is appropriate in the context of the issues involved. The objective of any [Follow-up](#) process will be to examine the extent to which the recommendations in the [Final Statement](#) have been implemented and whether any further engagement from the [NCP PT](#) is justified, including where appropriate, an offer of [Good Offices](#).
92. The [NCP PT](#) Secretariat will then request an update from both [Parties](#) on developments since the completion of the [Final Statement](#). The [NCP PT](#) Secretariat may also [Conduct](#) independent inquiries and if necessary, include consultation with third [Parties](#).
93. The [NCP PT](#) Secretariat will draft a [Follow-up Statement](#) with a summary of the updates received and any observations on the matter that they consider [Relevant](#). This includes the extent to which recommendations made in the [Final Statement](#) or any mediated outcomes have been implemented. The [NCP PT](#) Secretariat may also recommend an additional [Follow-up](#) period, where they consider this useful. Consistent with paragraph 80, at the conclusion of each [Follow-up](#) process, the [NCP PT](#) Secretariat may report situations of inappropriate [Conduct](#) to the attention of other government entities.
94. Once the [NCP PT](#) Secretariat has drafted its [Follow-up Statement](#), the [Advisory Board](#) will be provided with a copy for review and advice. The [NCP PT](#) Secretariat is not required to make changes in response to the views of the [Advisory Board](#) but may do so at its discretion.
95. The draft [Follow-up Statement](#) will then be provided to both [Parties](#) for comment. The [NCP PT](#) Secretariat may make changes at its discretion.
96. The [Follow-up Statement](#) will be:
 - a. published on the [NCP PT](#) website;
 - b. shared with the [Parties](#) and the [Advisory Board](#);
 - c. reported to the [OECD](#);
 - d. provided to [Relevant](#) Portuguese Government entities and [NCP](#).
97. If requested by the [Parties](#), the [NCP PT](#) can offer [Good Offices](#) to the [Parties](#) at any time during the [Follow-up](#) phase.

Procedural Review

98. Where any [Party](#) considers that the [NCP PT Secretariat](#) or the [Independent Mediator](#) has not acted in line with these procedures, they may request a [Procedural Review](#) within 6 weeks from receipt of the completed version of the [Final Statement](#).
99. Requests can be made to the [NCP PT Secretariat](#) according to the contact information listed on the [NCP PT website](#). The request should identify the [Final Statement](#) to be reviewed and what procedural irregularity occurred.
100. The [NCP PT Secretariat](#) will acknowledge the receipt of a review request within 5 working days and send a copy of the request to all [Parties](#) involved in the [Complaint](#).
101. The [NCP PT Secretariat](#) will notify the [Advisory Board](#) of a request for [Procedural Review](#) and call for the formation of an [Advisory Board Review Committee](#) (the Committee). The Committee will consist of 3 Board members (one government and 2 non-government, with the latter members to include a balance of business and civil society/union backgrounds to reflect the multi-stakeholder composition of the [Advisory Board](#)). The members of the [Advisory Board](#) may volunteer themselves or their proxies to participate in the Committee. If there is a surplus of volunteers, the [Advisory Board Chair](#) has the discretion to select from the volunteers, retaining the composition of one government, one non-government and one additional member with either a civil society or union background.
102. Appointments to the Committee are to be consistent with the [Advisory Board](#) published conflicts of interest framework. If suitable representation cannot be drawn from the [Advisory Board](#) or proxies, then the [Advisory Board](#) members may nominate one or more external candidates for the Committee. The external candidate(s) must be agreed by majority of the [Advisory Board](#). The name of any candidate(s) agreed by majority of the [Advisory Board](#) will be provided to the [Parties](#) for comment, and the [Advisory Board](#) may make changes at their discretion.
103. The Committee will be provided with [Relevant](#) information to complete the [Procedural Review](#).
 - a. The [NCP PT Secretariat](#) or the same [Independent Mediator](#) as the one that eventually participated in the [Good Offices](#) phase in the past, will provide written comments on the review request and any background information they consider [Relevant](#) to the review.
 - b. Subject to any confidentiality considerations, the information provided will be made available to the [Parties](#).
 - c. The Committee will investigate the review request to determine whether there are grounds for concern about the procedural matters raised. The Committee may make inquiries to form their decision. To facilitate these inquiries, the Committee may share the request for review or seek submissions from any person involved in the original matter (including the [Parties](#)). The Committee may also consult with other [NCP](#) or the [OECD Responsible Business Conduct Centre](#).
104. If the Committee determines that [Material](#) procedural irregularities occurred, it will:
 - a. Acknowledge that there were procedural irregularities in handling the [Complaint](#) by the [NCP PT Secretariat](#) or the [Independent Mediators](#).

- b. Return the decision to the [NCP PT Secretariat](#) or the same [Independent Mediator](#) that eventually participated in the [Good Offices](#) step, with instructions on how to rectify the procedural irregularity.
 - c. Make recommendations to the [NCP PT Secretariat](#) or the same [Independent Mediator](#) that eventually participated in the [Good Offices](#) step, to prevent the recurrence of such irregularities in the future.
- 105.** The review by the Committee does not necessary implies a change in the substance of the [NCP PT](#) decision.
- 106.** If the decision is sent to the [NCP PT Secretariat](#) for reconsideration, the following will be done:
- a. re-open the [Complaint](#) in accordance with the instructions of the Committee, if necessary.
 - b. correct the procedural irregularities, if necessary
 - c. reconsider the [Final Statement](#) (where the procedural irregularities would have influenced the [Final Statement](#)), if necessary.
- 107.** If the [NCP PT Secretariat](#) decides not to follow the decision, as it is non-binding, it will have to justify it in writing.
- 108.** No further request for review of that action may be made.
- 109.** The Committee will provide its draft public statement on the [Procedural Review](#) to the [NCP PT Secretariat](#) or to the same [Independent Mediator](#) that eventually participated in the [Good Offices](#) step, and both [Parties](#) for comment prior to finalising and publication by [NCP PT Secretariat](#).

Withdrawal of Complaints

- 110.** [Notifiers](#) may request to withdraw the [Complaint](#) in writing to the [NCP PT](#). If this occurs, the [Examiner](#) will:
- a. consider whether there have been any concerns about reprisals or safety, including where appropriate by contacting the [Notifier](#) or other [Relevant Parties](#);
 - b. consult the [Enterprise](#);
 - c. where appropriate, close the [Complaint](#).
- 111.** Withdrawn [Complaints](#) will be publicly acknowledged on the [NCP PT](#) website through the publication of a [Final Statement](#) consistent with the [Final Statement](#) section.