



Case study: lessons from a NCP case

Remediation through the OECD National Contact Points: The Case of Former Employees of Bralima

Parallel session

29 November

15:00-16:25

Organized by OECD

Brief outline: This session will present a deep-dive into a specific instance handled by an OECD National Contact Point (NCP) to showcase how the NCP system works in practice and what kind of outcomes are possible through engagement with the mechanism. It will provide an overview of the specific instance filed with the NCP of the Netherlands involving former employees of Bralima, a subsidiary of Heineken. Both parties to the specific instance as well the responsible NCP and will share their experiences with the process.

Session objectives: The objective of this session is to showcase how the NCP system works in practice and what kinds of outcomes are possible through engagement with the mechanism.

Key discussion questions:

- What does an NCP specific instance proceeding look like in practice?
- What works well with respect to the procedure and where is there room for improvement?
- What factors are most important in reaching a positive outcome?
- What value, in its role as a grievance mechanism, does the NCP add from the perspective of business and local communities?

Speakers:¹

- **Kathryn Dovey**, Manager of the National Contact Point Network, OECD (**Moderator**)
- **Rutger Goethart**, Manager International Labour Relations, Heineken International
- **Maartje van Putten**, NCP of the Netherlands
- **John Namegabe Bugaboo**, former Bralima employee
- **Joseph Wilde-Ramsing**, Coordinator, OECD Watch & Senior Researcher, SOMO

Format: The session will include as a speaker one of the submitters of the specific instance, a representative from OECD Watch who facilitated participation of the submitters, the company against whom the specific instance was addressed, and a representative of the Dutch NCP who was involved in the handling of the case. The case study format will provide practical insights into real life experiences and challenges faced. There will be an opportunity for Q&A with the audience to allow for further interaction and engagement.

Background information:

ABOUT THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES

The OECD Guidelines are recommendations addressed by governments to multinational enterprises operating in or from adhering countries. They provide non-binding principles and standards for responsible business conduct in a global context consistent with applicable laws and internationally recognised standards. The OECD Guidelines are the only multilaterally agreed and comprehensive code of responsible business conduct that governments have committed to promoting.

ABOUT NCPs

OECD National Contact Points (NCPs) are agencies established by adhering governments to promote and implement the OECD Guidelines for Multinational Enterprises. NCPs assist enterprises and their stakeholders to take appropriate measures to further the implementation of the Guidelines. They also provide a mediation and conciliation platform for resolving practical issues that may arise.

ABOUT THE CASE OF FORMER EMPLOYEES OF BRALIMA

On 14 December 2015, the [Dutch NCP](#) received a submission from three individuals involving Heineken, a Dutch multinational and its subsidiary Bralima operating in the Democratic Republic of Congo (DRC). The three individuals stated that Bralima had not observed the Guidelines in the dismissals of 168 former employees in the DRC between 1999 and 2003.

Because the issues occurred before the revision of the OECD Guidelines for multinational enterprises in 2011, the NCP decided whether the specific instance merited further consideration on the basis of the 2000 version of the OECD Guidelines.

In its [initial assessment](#) published on 28 June 2016, the Dutch NCP accepted the specific instance for further consideration. The NCP offered its mediation services which both parties accepted. The NCP facilitated and monitored the process between the parties after the mediation dialogues ended in January 2017. Through the process the parties managed to reach agreement on the issues at hand. A [final statement](#) for the specific instance was published on 18 August 2017 providing an overview of the proceedings and outcomes.

¹ Further information on speakers provided in Annex

ANNEX. SPEAKERS SHORT BIOS.

Kathryn Dovey

Manager of the National Contact Point Network, OECD

Kathryn is based in the Responsible Business Conduct Unit where she is responsible for supporting National Contact Points (NCPs) in their mandate as promoters of the OECD Guidelines and as non-judicial grievance mechanisms. Kathryn joined the OECD in 2014 to work at the Global Forum on Tax Transparency where she supported developing countries in the fight against international tax evasion.

Prior to joining the OECD, Kathryn was a founding Director of the Global Business Initiative on Human Rights, a business-led programme focused on implementing the UN Guiding Principles on Business and Human Rights. Kathryn has also worked as Gender Research Fellow for the Institute for Human Rights and Business, and at the Moscow office of Human Rights Watch where she led various research and advocacy projects.

In 2014, Kathryn was recognised as a Young Global Leader by the World Economic Forum. She has lived and worked in Canada, France, Portugal and Russia.

Rutger Goethart

Manager International Labour Relations, Heineken International

Rutger is a passionate, knowledgeable manager of Labour Relations and Public Affairs issues in a national and international context, both at a strategic and practical level. Thrives in situations where engagement with private and public stakeholders around complex and sensitive issues is critical. Able to motivate and align stakeholders to create win-win situations. A firm believer in sincerity and transparency as the true basis for personal and company credibility.

Rutger started at HEINEKEN in September 2006 and worked as Global Public Affairs manager responsible for managing the complex and sensitive alcohol related policy agenda and other policy issues. Currently Rutger is, as Manager International Labour Relations, responsible for International Labour Relations, the HEINEKEN European Works Council, HEINEKEN's Human Rights programme and for HR aspects of the HEINEKEN Speak-Up process (in case of suspected misconduct).

Before HEINEKEN, Rutger worked as EU Public Affairs Manager and Labour Relations Manager for the Postal & Express Company TNT. As EU Public Affairs Manager, he lived for 4 years in Brussels. He gained his first experience in the area of Labour Relations and Public Affairs as Secretary International Social Affairs for the Dutch Employers' Federation (AWVN).

He studied law and specialised in Labour and Civil law.

Dr. Maartje Van Putten

Member Independent Complaints Mechanism Netherlands based FMO (Financierings Maatschappij Ontwikkelingslanden) and Germany based DEG (Deutsche Investitions und Entwicklungsgesellschaft)

Specialized in independent Complaints Mechanisms for the financial sector in particular. PhD study (McGill University Canada/Tilburg University) on Accountability Mechanisms and publication 'Policing the Banks, accountability Mechanisms for the financial sector' publication 2008 McGill Queens University Press.

John Namegabe Bugabo.

Electro-mechanic Technician, cradc-africa/ Centre de Recherche et de Developpement Communautaire.

Born in 1966, in WALUNGU village in DRC. Married and have 5 children, 3 girls 2 boys. Specialist in energy science, hydroelectricity and water treatment. Now, human rights defender in business and labor.

Dr. Joseph Wilde-Ramsing, Ph.D.

Senior Researcher and Coordinator, Centre for Research on Multinational Corporations (SOMO) and OECD Watch

Joseph holds degrees in political science and Spanish from universities in the USA and a doctorate degree in energy governance from Twente University (Netherlands). At SOMO since 2005, Joseph researches the impacts of corporations in the energy, extractives and public services sectors. With OECD Watch he advocates for effective corporate accountability rules and mechanisms and works with communities and victims of corporate abuse to hold corporations accountable and seek remedy.

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