

**DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS  
INVESTMENT COMMITTEE**

**Annual Meeting of the National Contact Points for the OECD Guidelines for  
Multinational Enterprises**

**BRAZIL**

**NATIONAL CONTACT POINT FOR THE MNE GUIDELINES**

**2013 REPORT TO THE OECD**

*The document is available in PDF format only.*

Marie-France Houde, Senior Economist, e-mail: [marie-france.houde@oecd.org](mailto:marie-france.houde@oecd.org); Tel.: +33 (0) 1 45 24 91 26  
Alberta Fumo, MNE Guidelines, e-mail: [alberta.fumo@oecd.org](mailto:alberta.fumo@oecd.org); Tel.: +33 (0) 1 45 24 1875

**JT03340804**

Complete document available on OLIS in its original format

*This document and any map included herein are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.*





OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES  
**BRAZIL NCP**  
REPORT TO THE OECD  
**2013**

National Contact Points must report annually to the OECD Investment Committee on the nature and results of their activities to further the effectiveness of the Guidelines for Multinational Enterprises, including implementation activities in specific instances.

A Common Reporting Framework, based on the Implementation Procedures of the Guidelines, assists NCPs prepare these reports. This information is the basis for the Chair's Annual Report to the OECD Council.

## Common Reporting Framework

### Table of Contents

- A. Institutional arrangements
- B. Information and promotion
- C. Proactive Agenda
- D. Co-operation and peer learning
- E. Specific instances
- F. Useful experiences and future work
- NCP contact information

## Common framework for annual reporting by National Contact Points

The role of National Contact Points is to further the effectiveness of the Guidelines by undertaking promotional activities, handling enquiries and contributing to the resolution of issues that arise relating to the implementation of the Guidelines in specific instances. NCPs will operate in accordance with core criteria of visibility, accessibility, transparency and accountability.

### A. Institutional arrangements

#### 1. Governmental location of the NCP

Institutionally, the NCP Brazil is a government multiagency body, whose coordination and secretariat services are provided for officials of the Secretariat for International Affairs/Ministry of Finance. The NCP Brazil is located physically at the main building of the Ministry of Finance, in Brasília.

#### 2. Structure of the NCP

Monopartite  Interagency  Bipartite  Tripartite  Quadripartite  Independent Expert Body

The NCP Brazil is a group formed officially since 19 February 2013 as a government multiagency forum, composed by representatives of 11 institutions: the Ministry of Finance, coordinator of the group, Ministry of Foreign Relations, Ministry of Planning, Budget and Management, Ministry of Labor and Employment, Ministry of Justice, Ministry of Environment, Ministry of Sciences and Technology, Ministry of Development, Industry and Foreign Trade, Central Bank of Brazil, National Secretariat for Human Rights and Office of the Comptroller General.

3. Does the NCP have an advisory body?  Yes  No

4. Does the NCP have an oversight body?  Yes  No

5. Was the NCP structure modified in the reporting period?  Yes  No

The Brazilian NCP started a process of reviewing its structure in 2011, which resulted in the publication of the Interministerial Ordinance no. 37/2013. Since then, the Government institutions mentioned above were included in a formal interministerial structure, which is coordinated by the Secretariat for International Affairs of the Ministry of Finance of Brazil.

#### 6. How does this structure enable the NCP to operate effectively?

By making it legally binding to participating Government institutions to nominate a representative to take part in the NCP activities, it is expected to increase ownership of members and awareness about the Guidelines within the Government. Also, the agencies were invited to take part in the NCP according to their expertise in relation to the themes covered by the Guidelines.

7. Does the NCP have an allocated budget?  Yes  No

8. Does the NCP have dedicated staff?  Yes  No

**9. Are changes in the structure or resources available to the NCP contemplated in the near future?**

Yes  No

**10. Does the NCP report within the Government on its activities?**

Yes  No

## **B. Information and promotion**

**11. Does the NCP have a dedicated website or dedicated webpages?**

Yes  No

<http://www.fazenda.gov.br/pcn>

**12. Are the 2011 Guidelines available online?**

Yes  No

The Guidelines are available in Portuguese and English.

**13. Are the 2011 Guidelines available in print?**

Yes  No

In 2013, Brazilian NCP printed 500 copies of the OECD Guidelines (Portuguese version).

**14. Did you develop other products to raise awareness of the Guidelines?**

Yes  No

Also available at the Brazilian NCP website (<http://www.fazenda.gov.br/pcn>) an Introductory Guide for the OECD Guidelines, written originally in English by VNO and BDA and translated into Portuguese by the Brazilian NCP. Also, the NCP translated a short explanatory note, a fact sheet, about the Guidelines, that is usually distributed by email or in printed copies when the NCP makes presentations.

**15. Is your Annual Report available online?**

Yes  No

[http://www.fazenda.gov.br/sain/pcn/PCN/relatorios\\_anuais%20.asp](http://www.fazenda.gov.br/sain/pcn/PCN/relatorios_anuais%20.asp)

**16. Is your Annual Report available in print?**

Yes  No

**17. Does the NCP coordinate with other government activities on responsible business conduct?**

Yes  No

The NCP Brazil is actively engaged in the activities of the Government Forum for Social Responsibility. The NCP has been invited frequently to many meetings and discussions related to CSR within the government.

**18. Does the NCP, together with appropriate state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programs ..), inform prospective investors about the Guidelines and their implementation?**

Yes  No

**19. If the NCP conducted surveys or collected data documenting enterprises' awareness and use of the Guidelines, such as references in corporate codes of conduct, provide details.**

**20. Does the NCP have a promotional plan on the Guidelines?**

Yes  No

The NCP makes continuous efforts to promote the Guidelines in any meetings, conferences and fora related to CSR issues. In addition, the NCP is committed to identify institutions relevant to CSR issues and to approach them for cooperation. Also, the NCP has as the objective of contacting State controlled Brazilian MNEs to raise their awareness about the Guidelines and the role of the NCP, as well as promoting the Guidelines among the São Paulo based MNEs, by the end of this year.

**21. Did the NCP organise any event to promote the Guidelines and their implementation procedures?**

Yes  No

<b>Title</b>	Brazil-Netherlands Workshop on Corporate Social Responsibility
<b>Date</b>	5 Dec 2012
<b>Place</b>	Superior Labor Court (TST), Brasília, Brazil
<b>Further details</b>	Joint initiative with the Governmental Forum for Social Responsibility, and the NCP Netherlands.
<b>Title</b>	CSR in Brazil and in the Netherlands: the role of the NCPs for the OECD Guidelines for MNEs
<b>Date</b>	6 Dec 2012
<b>Place</b>	Ministry of Finance, Brasília, Brazil
<b>Further details</b>	Joint initiative with the NCP Netherlands.
<b>Title</b>	International Workshop on Responsible Business Conduct in Brazil
<b>Date</b>	28 Jan 2013
<b>Place</b>	Secretariat for Human Rights, Brasília, Brazil
<b>Further details</b>	"Corporate Social Responsibility in Brazil and in the Netherlands: the role of the National Contact Points for the OECD Guidelines for Multinational Enterprises" Joint initiative with the NCPs Norway and UK, with collaboration of the NCP Netherlands.

**22. Did the NCP participate in any event organised by stakeholders or other entities to promote the Guidelines and their implementation procedures?**

Yes     No

<b>Title</b>	Ethos Institute Intl. Conference - Business and the New Economy: what changes with Rio+20?
<b>Date</b>	11 Jun 2012
<b>Place</b>	Transamerica Hotel, São Paulo, Brazil
<b>Further details</b>	This event was held in preparation for the United Nations Conference on Sustainable Development, Rio +20. NCPs Brazil and Netherlands presented a session called "The new OECD Guidelines for Multinational Enterprises: Brazilian and Dutch experiences".
<b>Title</b>	Promoting Responsible Corporate Conduct: The OECD Guidelines for Multinational Enterprises
<b>Date</b>	16 Jun 2012
<b>Place</b>	T-5, Rio Centro, Rio de Janeiro, Brazil
<b>Further details</b>	This event was promoted by the OECD Watch in the margins of the United Nations Conference on Sustainable Development, Rio +20.
<b>Title</b>	Meeting of the Forum of the Employers Confederations - Executive Branch
<b>Date</b>	3 Dec 2012
<b>Place</b>	National Confederation of Financial Institutions, Brasília, Brazil
<b>Further details</b>	Presentation about the OECD Guidelines and the functioning of the Brazilian NCP to the main national business confederations, with emphasis on the voluntary commitment of the business community to the OECD Guidelines.
<b>Title</b>	Meeting of the Governmental Forum for Social Responsibility
<b>Date</b>	27 Sep 2012
<b>Place</b>	National Trade Confederation, Brasília, Brazil
<b>Further details</b>	Presentation about the OECD Guidelines and the functioning of the Brazilian NCP, with emphasis on the new Due Diligence procedures after update in 2011.
<b>Title</b>	Meeting of the National Labour Relations Board
<b>Date</b>	24 Jan 2013
<b>Place</b>	Ministry of Labour and Employment



<b>Further details</b>	Presentation about the OECD Guidelines and the functioning of the Brazilian NCP for representatives of the business and labour communities, with emphasis on the procedures of dispute resolution within the NCP and on the Brazilian NCP specific instances.
<b>Title</b>	Workshop on CSR in the EU and Latin America: the role of OECD Guidelines for MNEs
<b>Date</b>	4 Oct 2012
<b>Place</b>	Santiago, Chile
<b>Further details</b>	The event was organized by the European Commission and the EU Representation in Chile.
<b>Title</b>	Working Group on Integrity and against Corruption
<b>Date</b>	30 Jan 2013
<b>Place</b>	São Paulo, Brazil
<b>Further details</b>	NCP Brazil made a presentation about the Guidelines and its tasks and became a permanent observer of the WG.

**23. What use has been made of embassies, notably in emerging markets and other non-adhering countries, for raising awareness and promoting the Guidelines?**

**24. Does the NCP have a direct relationship with OECD partner organisations and/or other leading responsible business conduct instruments:**

- |   |   |  |
|---|---|--|
| <b>ILO?</b>   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>UN Global Compact and its local networks?</b>                              | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <b>UN Office of the High Commissioner on Human Rights?</b>                    | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>National Institution for the Protection and Promotion of Human Rights?</b> | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>Global Reporting Initiative?</b>   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <b>ISO26000?</b>  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <b>Other</b>  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |

Government Forum for Social Responsibility, Ethos Institute, Pro-Ethics Company Registry of the Office of the Comptroller General.

**25. Does the NCP or another government agency promote the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones?**

Yes  No

**26. Does the NCP or another government agency promote the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas?**

Yes  No

**27. Were enquiries received on the Guidelines and their implementation procedures**

<b>From other NCPs?</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>From the business community?</b>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<b>From labour organisations?</b>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<b>From non-governmental organisations?</b>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<b>From governments of non-adhering countries?</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>Other</b>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Academia.

## C. Proactive agenda

*In accordance with the Investment Committee's proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders in order to: a) consider new developments and emerging practices concerning responsible business conduct; b) support the positive contributions enterprises can make to identify and respond to risks of adverse impacts associated with particular products, regions, sectors or industries*

**28. Did the NCP identify new emerging challenges for enterprises, or engage in any related activities?**

Yes  No

## D. Co-operation and peer learning

*In addition to contributing to the Committee's work to enhance the effectiveness of the Guidelines, NCPs will engage in joint peer learning activities. In particular, they are encouraged to engage in horizontal, thematic peer reviews and voluntary NCP peer evaluations. Such peer learning can be carried out through meetings at the OECD or through direct co-operation between NCPs.*

**29. Did the NCP engage in direct co-operation with other NCPs?**

Yes  No

In December 2012, Brazilian NCP invited the chair of the Dutch NCP to visit Brasília. In that opportunity, the visitor took part in two events: one for Brazilian NCP members, and another with the Governmental Forum for Social Responsibility. In January 2013, Brazilian, Norwegian and UK

NCPs, in collaboration with the Dutch NCP, organized an international workshop focused on CSR in Brasília.

30. Is the NCP interested in volunteering for a peer evaluation?  Yes  No

31. Is the NCP interested in being part of the team conducting a voluntary peer evaluation?  Yes  No

### E. Specific instances

32. Did the NCP develop procedures for handling specific instances?  Yes  No

- are they available online?  Yes  No

<http://www.fazenda.gov.br/sain/pcn/PCN/resolucoes.asp>

- in which language/s ? Portuguese.

- do procedures take into account the 2011 Procedural Guidance?  Yes  No

33. How many new specific instances did the NCP receive in the reporting period?

<b>Title</b>	Initial Assessment by Bankers Trade Union of Sao Paulo, Osasco and Region against Banco do Brasil in Brazil
<b>Leading NCP</b>	Brazil
<b>Supporting NCP</b>	
<b>Description</b>	On 12 March 2013, Brazilian NCP received a notification by Sindicato dos Bancários de São Paulo, Osasco e Região, alleging that Banco do Brasil would be acting in violation of the OECD Guidelines in three aspects: a) establishment, unilaterally, of a plan of functions for its employees, with new roles and levels of responsibility; b) use of instruments (Interdito Proibitório) to prevent the presence of the union leaders at the bank; c) transfer, without prior notice or discussion, of around 2,000 (two thousand) employees to the west of the city of São Paulo, on land that would have contaminated soil.
<b>Theme/s</b>	V. Employment and Industrial Relations VI. Environment
<b>Date specific instance received</b>	12 Mar 2013
<b>Host country/ies</b>	Brazil

<b>Source</b>	<input checked="" type="checkbox"/> Trade Union <input type="checkbox"/> NGO <input type="checkbox"/> Individuals <input type="checkbox"/> Business <input type="checkbox"/> Other interested parties		
<b>Industry sector</b>	Financial and insurance activities		
<b>Status</b>	In progress		
<b>Summary</b>	The notification regards the item 6 of the Chapter V and the item 3 of the Chapter VI. On 8 April, the Brazilian NCP notified Banco do Brasil about the acceptance of this specific instance. On 8 May we received the company response, now under the rapporteur's analysis.		
<b>Initial assessment</b>	<b>Assistance to parties</b>	<b>Conclusion of the procedures</b>	
From date: 12 Mar 2013	From date:	From date:	
To date: 8 Apr 2013	To date:	To date:	

**34. Do you have any updates on specific instances that were reported and not concluded in the previous reporting period?**

Yes  No

<b>Title</b>	Initial Assessment by National Confederation of Financial Sector Workers (CONTRAF) & Unified Workers' Central (CUT) against ABN AMRO in Brazil
<b>Status</b>	Concluded
<b>Summary</b>	On 14 September 2012, the Brazilian NCP decided to conclude this specific instance procedures based on request by the Bankers Trade Union of Sao Paulo, Osasco and Region, on 22 August 2012. According to the trade union, since the legal person "ABN AMRO" was extinguished on 1st November 2011, from its incorporation by Banco Santander, there is no reason why the claim is maintained.
<b>Link</b>	<a href="http://www.fazenda.gov.br/sain/pcn/PCN/relatorio_07_2007l.pdf">http://www.fazenda.gov.br/sain/pcn/PCN/relatorio_07_2007l.pdf</a>

<b>Title</b>	Initial Assessment by Unified Workers' Central (CUT) against C&A Modas Ltda. in Brazil
<b>Status</b>	Concluded
<b>Summary</b>	On October 2012, the Brazilian NCP decided to conclude this specific instance procedures based on request by CUT. According to the complainant, an agreement to restart direct negotiations between the parties was established.
<b>Link</b>	

<b>Title</b>	Initial Assessment by National Confederation of Financial Sector Workers (CONTRAF) & Unified Workers' Central (CUT) against Unibanco in Paraguay
<b>Status</b>	Concluded

<b>Summary</b>	On 22 August 2012, the Bankers Trade Union of Sao Paulo, Osasco and Region requested the closure of the case, explaining that the dispute was resolved through direct negotiations between the parties. A final statement in English will be sent soon.
<b>Link</b>	<a href="http://www.fazenda.gov.br/sain/pcn/PCN/Relat%C3%B3rio%20de%20Encerramento%20de%20Reclama%C3%A7%C3%A3o%20-%20Unibanco.pdf">http://www.fazenda.gov.br/sain/pcn/PCN/Relat%C3%B3rio%20de%20Encerramento%20de%20Reclama%C3%A7%C3%A3o%20-%20Unibanco.pdf</a>

<b>Title</b>	Initial Assessment by Bankers Trade Union of Sao Paulo, Osasco and Region; Unified Workers' Central (CUT); National Confederation of Financial Sector Workers (CONTRAF) & Bankers' Federation of CUT Sao Paulo (FETEC) against Itaú Unibanco S.A. in Brazil, 2010
<b>Status</b>	Concluded
<b>Summary</b>	On 5 February 2013, a mediation meeting was realized with the parties, aiming at trying to establish policies to reduce turnover and reallocate workers dismissed. In the absence of agreement between the parties on any of the points discussed, the specific instance was closed. After review by the parties, on 25 April 2013, the NCP has published the final version of the Final Statement, in Portuguese. A final statement in English will be sent soon.
<b>Link</b>	<a href="http://www.fazenda.gov.br/sain/pcn/PCN/Declara%C3%A7%C3%A3o%20de%20Encerramento%20-%20Alega%C3%A7%C3%A3o%20n%C2%BA1%202012.pdf">http://www.fazenda.gov.br/sain/pcn/PCN/Declara%C3%A7%C3%A3o%20de%20Encerramento%20-%20Alega%C3%A7%C3%A3o%20n%C2%BA1%202012.pdf</a>

<b>Title</b>	Initial Assessment by Bankers Trade Union of Sao Paulo, Osasco and Region; Unified Workers' Central (CUT); National Confederation of Financial Sector Workers (CONTRAF) & Bankers' Federation of CUT Sao Paulo (FETEC) against Itaú Unibanco S.A. in Brazil, 2009
<b>Status</b>	In progress
<b>Summary</b>	There were three mediation meetings under the Brazilian NCP, when plan of mutual voluntary commitments was suggested aiming at the establishment of good practices during wage negotiations. The two parties manifested their positions about the suggestion and, in May 2013, they will meet outside the NCP structure to discuss it.
<b>Link</b>	

<b>Title</b>	Initial Assessment by Bankers Trade Union of Sao Paulo, Osasco and Region; Unified Workers' Central (CUT); National Confederation of Financial Sector Workers (CONTRAF) & Bankers' Federation of CUT Sao Paulo (FETEC) against Banco Santander S.A. in Brazil, 2009
<b>Status</b>	In progress
<b>Summary</b>	The NCP rapporteur of this specific instance decided to invite the parties for a mediation meeting. The details are being arranged.
<b>Link</b>	

<b>Title</b>	Initial Assessment by Bankers Trade Union of Sao Paulo, Osasco and Region against Banco Santander S.A. in Brazil, 2010
<b>Status</b>	In progress

<b>Summary</b>	On 16 December 2012, the Brazilian NCP accepted this specific instance for further consideration, and invited the bank to manifest its position. After receiving the bank response, the Brazilian NCP requested additional information for both parties, which is now under analysis by the rapporteur.
<b>Link</b>	

<b>Title</b>	Food Industries Workers Union of Mogi Mirim Area (STIAAMM) & Unified Workers' Central (CUT) against Unilever in Brazil
<b>Status</b>	In progress
<b>Summary</b>	On 14 September 2012, the Brazilian NCP accepted this specific instance for further consideration. Since then, the NCP is making efforts to contact the enterprise, without success until now.
<b>Link</b>	

<b>Title</b>	Initial Assessment by Bankers Trade Union of Sao Paulo, Osasco and Region & Unified Workers' Central (CUT) against Atento S.A. in Brazil
<b>Status</b>	In progress
<b>Summary</b>	On 14 September 2012, the Brazilian NCP accepted this specific instance for further consideration. After trying to contact the enterprise in many ways, on 11 April 2013, the NCP received its response, which is now under analysis by the rapporteur.
<b>Link</b>	

## **F. Useful experiences and future work**

### **35. Provide any other information on the nature and results of NCP activities during this implementation cycle of the updated Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP.**

During the period of this report, the Brazilian NCP experienced important improvements on its functioning. In September 2012, the Resolution PCN no. 1/2012 was published. This instrument sets for procedures for dealing with the specific instances, taking into account the Procedural Guidance for the National Contact Points presented in the 2011 update of the Guidelines. In April 2013, the Interministry Ordinance no. 37/2013 was published, which makes the NCP a formal interagency structure now including the Secretariat for Human Rights, considering the insertion of the new Human Rights chapter in the Guidelines. In 2012/2013 cycle, the Brazilian NCP also resumed the examination of several cases and intensified outreach activities, particularly in partnership with its stakeholders and other NCPs.

**36. Based on your recent activities, what issues might deserve particular attention during the 2013-2014 implementation cycle of the OECD Guidelines?**

## **NCP CONTACT INFORMATION**

<b>Contact</b>	Marcos Guimarães, Hevellyn Albres
<b>Address</b>	Ministry of Finance, Esplanada dos Ministérios, Block P, room 219, Brasília-DF, 70048-900.
<b>Country</b>	BRAZIL
<b>Website</b>	<a href="http://www.fazenda.gov.br/pcn">www.fazenda.gov.br/pcn</a>
<b>Email</b>	<a href="mailto:pcn.ocde@fazenda.gov.br">pcn.ocde@fazenda.gov.br</a> ; <a href="mailto:marcos.m.guimaraes@fazenda.gov.br">marcos.m.guimaraes@fazenda.gov.br</a> ; <a href="mailto:hevellyn.albres@fazenda.gov.br">hevellyn.albres@fazenda.gov.br</a>
<b>Telephone</b>	(+5561) 3412 1969, (+5561) 3412 1910
<b>Fax</b>	(+5561) 3412 1863