

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

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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

The NCP reports annually or whenever requested to the Secretariat for International Affairs, Ministry of Finance.

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

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

Title	Brazil-Netherlands Workshop on Corporate Social Responsibility
Date	5 Dec 2012
Place	Superior Labor Court (TST), Brasília, Brazil
Further details	Joint initiative with the Governmental Forum for Social Responsibility, and the NCP Netherlands.
Title	Corporate Social Responsibility in Brazil and in the Netherlands: the role of the National Contact+
Date	6 Dec 2012
Place	Ministry of Finance, Brasília, Brazil
Further details	Joint initiative with the NCP Netherlands.
Title	International Workshop on Responsible Business Conduct in Brazil
Date	28 Jan 2013
Place	Secretariat for Human Rights, Brasília, Brazil
Further details	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

Title	Ethos Institute International Conference - Business and the New Economy: what changes with R+
Date	11 Jun 2012
Place	Transamerica Hotel, São Paulo, Brazil
Further details	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".
Title	Promoting Responsible Corporate Conduct: The OECD Guidelines for Multinational Enterprises
Date	16 Jun 2012
Place	T-5, Rio Centro, Rio de Janeiro, Brazil
Further details	This event was promoted by the OECD Watch in the margins of the United Nations Conference on Sustainable Development, Rio +20.
Title	Meeting of the Forum of the Employers Confederations - Executive Branch
Date	3 Dec 2012
Place	National Confederation of Financial Institutions, Brasília, Brazil
Further details	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.
Title	Meeting of the Governmental Forum for Social Responsibility
Date	27 Sep 2012
Place	National Trade Confederation, Brasília, Brazil
Further details	Presentation about the OECD Guidelines and the functioning of the Brazilian NCP, with emphasis on the new Due Diligence procedures after update in 2011.
Title	Meeting of the National Labour Relations Board
Date	24 Jan 2013
Place	Ministry of Labour and Employment

Further details	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.
Title	Workshop on Corporate Social Responsibility in the EU and Latin America: the role of OECD 
Date	4 Oct 2012
Place	Santiago, Chile
Further details	The event was organized by the European Commission and the EU Representation in Chile.
Title	Working Group on Integrity and against Corruption
Date	30 Jan 2013
Place	São Paulo, Brazil
Further details	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:

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

From other NCPs?

Yes No

From the business community?

Yes No

From labour organisations?

Yes No

From non-governmental organisations?

Yes No

From governments of non-adhering countries?

Yes No

Other

Yes 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?

Title	Initial Assessment by Bankers Trade Union of Sao Paulo, Osasco and Region against Banco do Brasil in Brazil
Leading NCP	Brazil
Supporting NCP	
Description	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.
Theme/s	V. Employment and Industrial Relations VI. Environment
Date specific instance received	12 Mar 2013
Host country/ies	Brazil

Source	<input checked="" type="checkbox"/> Trade Union <input type="checkbox"/> NGO <input type="checkbox"/> Individuals <input type="checkbox"/> Business <input type="checkbox"/> Other interested parties		
Industry sector	Financial and insurance activities		
Status	In progress		
Summary	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.		
Initial assessment	Assistance to parties	Conclusion of the procedures	
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

Title	Initial Assessment by National Confederation of Financial Sector Workers (CONTRAF) & Unified Workers' Central (CUT) against ABN AMRO in Brazil
Status	Concluded
Summary	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.
Link	http://www.fazenda.gov.br/sain/pcn/PCN/relatorio_07_2007l.pdf

Title	Initial Assessment by Unified Workers' Central (CUT) against C&A Modas Ltda. in Brazil
Status	Concluded
Summary	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.
Link	

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

Summary	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.
Link	http://www.fazenda.gov.br/sain/pcn/PCN/Relat%C3%B3rio%20de%20Encerramento%20de%20Reclama%C3%A7%C3%A3o%20-%20Unibanco.pdf

Title	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
Status	Concluded
Summary	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.
Link	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

Title	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
Status	In progress
Summary	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.
Link	

Title	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
Status	In progress
Summary	The NCP rapporteur of this specific instance decided to invite the parties for a mediation meeting. The details are being arranged.
Link	

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

Summary	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.
Link	

Title	Food Industries Workers Union of Mogi Mirim Area (STIAAMM) & Unified Workers' Central (CUT) against Unilever in Brazil
Status	In progress
Summary	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.
Link	

Title	Initial Assessment by Bankers Trade Union of Sao Paulo, Osasco and Region & Unified Workers' Central (CUT) against Atento S.A. in Brazil
Status	In progress
Summary	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.
Link	

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?

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