

# REPORT OF NATIONAL CONTACT POINTS TO THE INVESTMENT COMMITTEE

## Common Framework for Annual Reporting by National Contact Points for the period 1 July 2011-30 June 2012

### BRAZILIAN NCP

#### A. INSTITUTIONAL ARRANGEMENTS

1. The following template aims at collecting relevant information about the structure and organization of National Contact Points. It reflects the updated Section A of the Procedural Guidance and related Commentary, concerning the composition of the NCP and the possible existence of an advisory body and an oversight body.

Please complete with relevant information and contact details. Please indicate in particular any institutional changes made, or contemplated, as a result of the update. As regards the composition of the NCP, please also indicate whether the NCP is chaired by a senior government official or high level/ well known expert on responsible business conduct.

Governmental Location of the NCP	NCP structure*	Composition of the NCP	Advisory body	Oversight body	Contact details
Ministry of Finance of Brazil	Interagency: composed of representatives of nine Ministries and the Central Bank, under the coordination of the Secretariat for International Affairs of the Ministry of Finance	<b>Interministerial body composed of 9 ministries and the Central Bank</b> - Ministry of Finance - Ministry of Foreign Affairs - Ministry of Labour and Employment - Ministry of Planning, Budget and Management - Ministry of Justice - Ministry of the Environment - Ministry of Science and Technology - Ministry of Development, Industry and Trade - Ministry of Agriculture - Brazilian Central Bank			<b>Brazilian National Contact Point Coordination – Secretariat for International Affairs, Ministry of Finance</b>  Address: Esplanada dos Ministérios, Bloco P, sala 223 70079-900 – Brasília/DF – Brazil  Tel: +55 (61) 3412-1910 Fax: +55 (61) 3412-1722 E-mail: pcn.ocde@fazenda.gov.br Website: <a href="http://www.fazenda.gov.br/sain/pcn/index.asp">http://www.fazenda.gov.br/sain/pcn/index.asp</a>

2. What is the rationale behind the choice of the NCP organizational structure and for possible future changes to this existing structure?

The fact that the NCP in Brazil has a widespread representation among government entities enables the Group to count with specialized feedback in all relevant areas covered by the Guidelines. At the same time, this structure increases awareness on corporate social responsibility issues among a wider array of Governmental bodies.

A proposal regarding the restructuring of the Brazilian NCP is underway. The proposal would include the removal of the Ministry of Agriculture from the Inter-ministerial Group and the

**inclusion of the Office of the Comptroller General and the Secretariat for Human Rights.**

3. Please indicate, if possible by providing examples, how the structure and organization of the NCP “provide an effective basis for dealing with the broad range of issues covered by the Guidelines and enable the NCP to operate in an impartial manner while maintaining an adequate level of accountability to the adhering government” (Procedural Guidance, I.A.1)

**The Brazilian NCP composition seeks to cover the broad range of the Guidelines themes, allowing technical Ministries to analyze issues related to their respective chapter. When a complaint arrives, the Inter-ministerial Group decides within its members who would be leading the examination, according to the main issue under question. The procedures for examining inobservance allegations ensures that all parties involved have an opportunity to present their views.**

4. “NCPs will develop and maintain relations with representatives of the business community, worker organizations and other interested parties that are able to contribute to the effective functioning of the Guidelines.” (Procedural Guidance, I. A.3).

Please provide details of activities (meetings or exchanges of information...) held with stakeholders during the reporting period (in case stakeholders are not in the NCP formal structure).

**The updating of the NCP’s procedures, including the procedures to deal with specific instances, following the Guidelines Review was discussed with stakeholders. Stakeholders were invited to comment on the proposals and send their suggestions in writing, which were incorporated, to a large extent, in the final text.**

5. Does the NCP coordinate with related government activities on responsible business conduct? Please elaborate, as appropriate. (e.g. implementation of the UN Guiding Principles for Business and Human Rights).

**The NCP itself, by its composition, establishes a broad network on CSR within the Brazilian government., allowing for exchange of information and communication of CSR activities.**

6. “Adhering countries shall make available necessary human and financial resources to their National Contact Points so that they can effectively fulfill their responsibilities, taking into account internal budgetary priorities and practices.” (Council Decision, I.4).

Has this new provision led to changes to the human resources and budget arrangements for the NCP? Are changes contemplated for the future? Please elaborate as appropriate.

**No change is envisaged at this point.**

## B. INFORMATION AND PROMOTION

Section B of the Procedural Guidance requires NCPs to raise awareness of the Guidelines and their implementation procedures with stakeholders, partner organizations and interested public, and to actively promote their use. Cooperation between NCPs, stakeholder institutional networks and partner organizations can play an important role in enhancing the effectiveness of information and promotional activities on the Guidelines.

7. “The National Contact Points will 1. make the Guidelines known and available by appropriate

<i>means, including through online information, and in national languages. (...) 2. raise awareness of the Guidelines and their implementation procedures (...). (Procedural Guidance, I.B.1-2)</i>	
a.	Does the NCP have a dedicated website or dedicated webpages? Please provide the exact link.
	<b>Yes. <a href="http://www.fazenda.gov.br/sain/pcn/index.asp">http://www.fazenda.gov.br/sain/pcn/index.asp</a></b>
b.	Have the 2011 Guidelines been translated into the national language/s? Any other? Are they available online? Are they made available by other appropriate means? (Printed version of the translated texts, brochures, etc. If so, please elaborate)
	<b>Yes, the Guidelines are translated in Portuguese. They are available at the NCP website: <a href="http://www.fazenda.gov.br/sain/pcn/PCN/diretrizes.asp">http://www.fazenda.gov.br/sain/pcn/PCN/diretrizes.asp</a></b>
c.	Has your NCP Annual Report to the OECD been made available online? If yes, in which language?
	<b>No. This possibility is under consideration in the context of the reorganization of the NCP webpage underway.</b>
d.	Has your NCP Annual Report to the OECD been disseminated by means other than the web? If yes, which ones and in which language?
	<b>No.</b>
e.	Is the NCP required to report within the Government on a regular basis its activities? For example to Parliament?
	<b>The Brazilian NCP, as a permanent body based in the Ministry of Finance, reports its activities in the Annual Report of the Secretariat for International Affairs of the Ministry of Finance.</b>
f.	Does the NCP conduct surveys or collect data documenting enterprises' awareness and use of the Guidelines, such as references in corporate codes of conduct? Please provide relevant details.
	<b>No.</b>

<p>8. <i>“NCPs will raise awareness of the Guidelines and their implementation procedures, including through co-operation, as appropriate, with the business community, worker organisations, other nongovernmental organisations, and the interested public.” (Procedural Guidance, I.B.2).</i></p> <p><i>“NCPs will co-operate with a wide variety of organizations and individuals, including, as appropriate, the business community, worker organisations, other non-governmental organisations, and other interested parties. Such organisations have a strong stake in the promotion of the Guidelines and their institutional networks provide opportunities for promotion that, if used for this purpose, will greatly enhance the efforts of NCPs in this regard.” (Procedural Guidance, Commentary, I.16)</i></p> <p><i>“Prospective investors (inward and outward) should be informed about the Guidelines as appropriate.” (Procedural Guidance, I.B.1)</i></p>	
a.	How does the NCP promote the Guidelines and their implementation procedures? Does the NCP have a promotional plan on the Guidelines? If yes, please elaborate.
	<p><b>The Brazilian NCP promotes the Guidelines and its procedures by the dedicated website and participating in related events, mostly organized by stakeholders.</b></p> <p><b>Our plan is to organize one annual Guidelines event every year aiming at the promotion of the guidelines and the dialogue with the stakeholders.</b></p>
b.	Did the NCP organise or participate in meetings/seminars/conferences to promote the Guidelines and

	their implementation procedures? Please elaborate with reference to the reporting period.
	<b>In February 2012, the Brazilian NCP participated of a Seminar organized by CUT (Central Única dos Trabalhadores, one of the Brazilian national workers unions confederations). The NCP Coordinator made a presentation about the Guidelines and its 2011 revision, about the NCP Inter-ministerial Group and its current restructuring (composition, institutionalization, procedures) and a brief presentation about the OECD meetings on the Guidelines and the OCDE partners (TUAC, BIAC, OECD Watch).</b>
c.	How has the NCP made use of available institutional networks or representatives of the business community, worker organisations, non-governmental organisations and the interested public to raise awareness and promote the Guidelines and their implementation procedures?
	<b>The Brazilian NCP engaged with the business community, worker organisations and non-governmental organisations with the purpose of making a consultation on the new procedures for the examination of specific instances.</b> <b>In February, the NCP participated of a Seminar organized by a national workers union organization. In June, the NCP will participate in a Conference organized by a national non-governmental organisation. Both events have the objective to disseminate the Guidelines and the NCP work.</b>
d.	How does the NCP promote the Guidelines within Government? Please elaborate.
	<b>Each body of the Inter-ministerial Group of the NCP is responsible to promote the respective chapter of the OCDE Guidelines within its activities.</b>
e.	How is co-operation with state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programs,...) organized, in matters concerning information and promotion of the Guidelines and their implementation?  The NCP is also invited to update (in tracked change mode) Annex 1, which describes the links that have been established between the Guidelines and the Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programs.
	<b>The NCP is currently not actively engaged with such state entities.</b>
f.	What use has been made of embassies, notably in emerging markets and other non-adhering countries for raising awareness and promoting the Guidelines?
	<b>The OECD Liaison Office of the Brazilian Embassy in Paris has a supporting role regarding the Guidelines and its implementation. The OECD Liaison Office is responsible, within the Brazilian Embassy in France, for the follow-up and coordination of all activities related to the cooperation between Brazil and OECD. However, Brazil has not promoted the Guidelines through its diplomatic network in the period under consideration.</b>
g.	Does the NCP relate to OECD partner organizations and/or other leading corporate responsibility instruments, such as the ILO/ILO Conventions/ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks, the UN High Commissioner on Human Rights, the Global Reporting Initiative? Please elaborate as appropriate.
	<b>The Brazilian NCP has a close relationship with the GRI and the Secretary for International Affairs of the Ministry of Finance, under whose wuthority the Brazilian NCP operates, is presently a member of the GRI Governmental Advisory Group. The coordination of Brazilian participation in the ILO Conventions, the ILO Tripartite Declaration and the UN Global Compact is the Ministry of External Relations, who is a member of the NCP.</b>
h.	Have enquiries been received on the Guidelines and their implementation procedures from: (a) other NCPs; (b) the business community, labour organisations, other non-governmental organisations, or

	the public; or (c) governments of non-adhering countries? Please elaborate on the nature and content of these enquiries where appropriate and on how they were handled.
	<b>In August 2011, the Brazilian NCP received an inquiry from a French human rights researcher regarding complaints and the NCP's procedures to deal with them. The student sent a set of questions that were answered by the NCP Coordinator by e-mail.</b>

## C. IMPLEMENTATION IN SPECIFIC INSTANCES

Section C of the revised Procedural Guidance requires NCPs to handle specific instances in a way that is “impartial, predictable, equitable and compatible with the Guidelines” (in addition to the “core criteria of visibility, accessibility, transparency and accountability” listed in the chapeau of the present questionnaire). The revised Procedural Guidance also includes new provisions on the stages of the specific instance process and indicative timeframes, NCPs cooperation, parallel proceedings and the publication of the results of the procedures.

### General Information on NCP Procedures

9. “NCPs should provide information on the procedures that parties should follow when raising or responding to a specific instance. It should include advice on the information that is necessary to raise a specific instance, the requirements for parties participating in specific instances, including confidentiality, and the processes and indicative timeframes that will be followed”. (Procedural Guidance, Commentary, I.15)

a. Has the NCP developed procedures for handling complaints? If yes, in which language/s? Are they available online? If no, how are they made available to the public?

**In 2007, the Brazilian NCP established the procedures for handling complaints. They are available in the NCP website, only in Portuguese at <http://www.fazenda.gov.br/sain/pcn/PCN/resolucoes.asp>.**

b. Have the NCP procedures for handling complaints been modified as a result of the revised Procedural Guidance? If not, is this being envisaged? In next year's implementation phase of the Guidelines?

**In 2011, the NCP decided to update the 2007 procedures for handling complaints, regarding the timeframe, disclosure and publicity. At the NCP website there is a link for the new version of the procedures that will be released soon.**

### Specific Instances during the Reporting Period

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This section is devoted to the activities of NCPs in relation to specific instances that were raised, considered or concluded during the June 2011-2012 reporting cycle.

The following questions have been developed with a view to the revised Procedural Guidance, Section C and related Commentary I, 22-41. Please ensure that the information submitted is suitable for public dissemination.

10. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary), the following template for each specific instance received, under consideration or concluded in the reporting period.		
<i>Sector and Country</i>	<b>Banking sector in Brazil</b>	
<i>Date complaint received</i>	<b>22/09/2009</b>	
<i>Complainant/s</i>	<b>Trade Unions</b>	
<i>Name of Complainant/s</i>	<b>Sindicato dos Bancários e Financeiros de São Paulo, Osasco e Região, Federação dos Trabalhadores em Empresas de Crédito do Estado de São Paulo (FETEC/SP-CUT), Confederação Nacional dos Trabalhadores do Ramo Financeiro (CONTRAF/CUT) and Central Única dos Trabalhadores (CUT)</b>	
<i>Industry sector<sup>1</sup></i>	<b>J - Financial intermediation</b>	
<i>Name of Enterprise/s</i>	<b>The name will remain confidential until a later stage in the process.</b>	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	<b>Chapter I (Concepts and Principles), 7; Chapter IV (Employment and Industrial Relations), 8 (regarding de 2000 Guidelines)</b>	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i> <b>From 22/09/2009 to 22/06/2010</b>  *From specific instance received to it being accepted or rejected.  <i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i>	<i>Assistance to Parties*</i> <b>From 22/06/2010 to nowadays</b>  *From specific instance accepted to conclusion of the procedures –	<i>Conclusion of the procedures*</i> <b>Not concluded</b>  * From Conclusion of the procedures to NCP Final Statement issued.  <i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i>

11. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<sup>1</sup> Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance? How was the information on the specific instances gathered? Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</p>
	<b>The complainants complain that the company used legal loopholes to prevent the presence of union leaders at the bank agencies.</b>
b.	<p>Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
	<b>Yes. The multinational bank requested judicially a prohibitory interdict in order to prevent the access of the union leaders at the bank's agencies.</b>
c.	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.</p>
	<b>The specific instance was accepted by the Brazilian NCP.</b>
d.	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p>
	<b>Yes. A report was released at the date of acceptance of the specific instance. It was sent to the parties involved and made public at the NCP website.</b>

<i>B. Assistance to the parties</i>	
a.	<p>If conciliation or mediation was provided, were these services provided without costs to the parties?</p>
	<b>There was no conciliation or mediation as of yet.</b>
b.	<p>In what form has the NCP provided its good offices?</p>
	<b>The NCP made exchange of information among the parties.</b>

<i>C. Conclusion of the procedures</i>	
a.	<p>Did the parties reach agreement on the issues raised? Please elaborate as appropriate.</p>
	<b>No agreement has been reached yet.</b>
b.	<p>If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?</p>

c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance ? Please elaborate as appropriate
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
e.	How was the statement made publicly available? Through a press release, publication on the website,..?
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.)
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
	<b>No. The specific instance concerns only Brazil's jurisdiction.</b>
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
	<b>The Brazilian NCP sent a communication to the Spanish NCP in order to inform them about the complaint.</b>
c.	Was a leader NCP identified?
	<b>Only the Brazilian NCP was involved.</b>
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?

<i>E. Timeframe</i>	
a.	What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?

	<b>The proceedings are still going on.</b>
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<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
	<b>No.</b>
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	<b>No.</b>
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	<b>Not applicable.</b>
d.	Would the NCP care to contribute additional information about the specific instances considered?

**Specific Instances during the Reporting Period**

This section is devoted to the activities of NCPs in relation to specific instances that were raised, considered or concluded during the June 2011-2012 reporting cycle.

The following questions have been developed with a view to the revised Procedural Guidance, Section C and related Commentary I, 22-41. Please ensure that the information submitted is suitable for public dissemination.

12. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) ,the following template for each specific instance received, under consideration or concluded in the reporting period.		
<i>Sector and Country</i>	<b>Chemical Sector in Brazil</b>	
<i>Date complaint received</i>	<b>19/04/2010</b>	
<i>Complainant/s</i>	<b>Trade Unions</b>	
<i>Name of Complainant/s</i>	<b>Sindicatos componentes da Rede Sindical BASF and Central Única dos Trabalhadores (CUT)</b>	
<i>Industry sector<sup>2</sup></i>	<b>D - Manufacturing</b>	
<i>Name of Enterprise/s</i>	<b>BASF Construction Chemicals</b>	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	<b>Chapter IV (Employment and Industrial Relations), 7 and 8</b>	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i> <b>From 17/04/2010 to 22/06/2010</b>  *From specific instance received to it being accepted or rejected.  <i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i>	<i>Assistance to Parties*</i> <b>From 22/06/2010 to 28/08/2011</b>  *From specific instance accepted to conclusion of the procedures –	<i>Conclusion of the procedures*</i> <b>From 28/08/2011 to 12/04/2012</b>  * From Conclusion of the procedures to NCP Final Statement issued.  <i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i>

<sup>2</sup> Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

13. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance?            How was the information on the specific instances gathered?            Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</p>
	<b>The complainants complain that the company avoided dialogue between the workers union and the company in the case of a dismissal of an employee and used legal loopholes to prevent the presence of union leaders at the enterprise.</b>
b.	<p>Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
	<b>Yes. The multinational company judicially requested a prohibitory interdict in order to prevent the access of the union leader at the enterprise.</b>
c.	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.</p>
	<b>The specific instance was accepted.</b>
d.	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p>
	<b>Yes. A report was released at the date of acceptance of the specific instance. It was sent to the concerned parties and made public at the NCP website.</b>

<i>B. Assistance to the parties</i>	
a.	<p>If conciliation or mediation was provided, were these services provided without costs to the parties?</p>
	<b>There was no conciliation or mediation.</b>
b.	<p>In what form has the NCP provided its good offices?</p>
	<b>The NCP made exchange of information among the parties.</b>

<i>C. Conclusion of the procedures</i>	
a.	<p>Did the parties reach agreement on the issues raised? Please elaborate as appropriate.</p>
	<b>Yes. The parties, by themselves, reached an agreement on the issue.</b>

b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?
	<b>The NCP made public a statement about the conclusion of the proceedings describing the results and the agreement.</b>
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance ? Please elaborate as appropriate
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
	<b>Since an agreement was reached, there was no need for recommendations.</b>
e.	How was the statement made publicly available? Through a press release, publication on the website,..?
	<b>The statement is available in Portuguese only at the NCP website.</b>
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.)
	<b>No.</b>
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.
	<b>No.</b>

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
	<b>No. The specific instance concerned the Brazilian jurisdiction.</b>
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
	<b>The German NCP was informed about the complaint.</b>
c.	Was a leader NCP identified?
	<b>Not applicable.</b>
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?

<i>E. Timeframe</i>	
a.	What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?
	<p><b>The procedure had a length of 2 years.</b></p> <p><b>Initial Assessment – about 2 months (From 17/04/2010 to 22/06/2010)</b></p> <p><b>Assistance to Parties– about 14 months (From 22/06/2010 to 28/08/2011)</b></p> <p><b>Conclusion of the procedures – about 8 months (From 28/08/2011 to 12/04/2012)</b></p>

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
	<b>No.</b>
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	<b>No.</b>
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	<b>No. However, the parent company liaised with the German NCP in order explain the facts.</b>
d.	Would the NCP care to contribute additional information about the specific instances considered?

#### D. OTHER IMPLEMENTATION ISSUES

14. Proactive Agenda - <i>In accordance with the Investment Committee 's proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders (...)</i> ((Procedural Guidance, Commentary, I.18).	
a.	Has the NCP held or planned activities in accordance with the Investment Committee proactive agenda? (seminars and/or conferences on specific Guidelines issues, informative publications or guides.)?
	<b>Please see answer to 8a. above</b>
b.	What proactive agenda issues deserve particular attention in your country?
	<b>In the covered period the main issue discussed with stakeholders was the revision of the procedures for inobservance allegations (complaints).</b>

15. Peer Learning - <i>In addition to contributing to the Committee ' s work to enhance the effectiveness of the Guidelines, NCPs are encouraged to engage in peer learning/ reviews activities. Such peer learning</i>	
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can be carried out through meetings at the OECD or through direct co-operation between NCPs. (Procedural Guidance, Commentary, I.19).

a.	Did the NCP participate in peer learning activities with other NCPs ? Please elaborate.
	<b>No.</b>
b.	Would the NCP be prepared to engage in a “voluntary peer review? Within the next twelve months? Later on?
	<b>It would be more convenient to have the new revised guidelines in place and fully operating before considering participation in any such exercise. Given that the Brazilian NCP is undergoing a reformulation and that the procedures for dealing with specific instances were recently updated, it would be convenient to proceed with an exercise of this kind within a period of more than twelve months.</b>

16. Do you wish to 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?	
	<b>Given the concentration of efforts on the negotiation of the revised guidelines and the consequent reformulation of NCP composition and the procedures for dealing with specific instances, the examination of a number of inobservance allegations had to be postponed.</b>

17. Future work. What issues might deserve particular attention during the 2012-2013 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.	
	<b>The Brazilian NCP has just started implementing its new revised procedures for inobservance allegations regarding the revised Guidelines and will apply it to a number of allegations during the 2012-13 cycle.</b>

**E. WEAK GOVERNANCE ZONES AND CONFLICT-AFFECTED AND HIGH RISK AREAS**

*N.B. If the NCP does not have exclusive responsibility in regard to the Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas or the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, it is invited to consult relevant state agencies concerning the following questions.*

<b>Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas<sup>3</sup></b>
On 25 May, 2011 the OECD Council meeting at Ministerial level adopted a Recommendation on Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas (hereafter the “Guidance”) [C(2011)49]. According to this Recommendation, adhering governments to the Declaration on International Investment and Multinational Enterprises are expected to

<sup>3</sup> <http://www.oecd.org/dataoecd/62/30/46740847.pdf>

actively promote the observance of the “ <i>Guidance</i> ” approved by the Investment Committee and the Development Assistance Committee in December 2010.	
1	How has the <i>Guidance</i> been disseminated and its observance actively promoted among companies operating in or from your country and sourcing minerals from conflict-affected or high-risk areas? Which government agency has been actively been involved? What means have been used?
	<b>In Brazil, the bodies involved with the Guidance are the Ministry of Foreign Affairs and the Ministry of Mines and Energy.</b>
2	What measures have been taken to actively support the integration into corporate management systems of the Five-Step Framework for Risk-Based Due Diligence recommended by the <i>Guidance</i> ?
3	What measures have been taken to promote the active use of the <i>Guidance</i> by other stakeholders professional associations, financial institutions, and civil society organisations?

**OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones<sup>4</sup>**

On 8 June 2006, the OECD Council adopted the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones [C(2006)127] and recommended the widest possible dissemination of the Tool by adhering governments and its active use by multinational enterprises and other concerned parties.

4.	Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones continued to be disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders? Please elaborate.
5.	Do you have information about the use of this instrument by investors in Weak Governance Zones?

**Specific Instances during the Reporting Period**

This section is devoted to the activities of NCPs in relation to specific instances that were raised, considered or concluded during the June 2011-2012 reporting cycle.

The following questions have been developed with a view to the revised Procedural Guidance, Section C and related Commentary I, 22-41. Please ensure that the information submitted is suitable for public dissemination.

18. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary), the following template for each specific instance received, under consideration or concluded in the reporting period.

<sup>4</sup> <http://www.oecd.org/dataoecd/26/21/36885821.pdf>

<i>Sector and Country</i>	<b>Banking sector in Brazil</b>	
<i>Date complaint received</i>	<b>22/09/2009</b>	
<i>Complainant/s</i>	<b>Trade Unions</b>	
<i>Name of Complainant/s</i>	<b>Sindicato dos Bancários e Financiários de São Paulo, Osasco e Região, Federação dos Trabalhadores em Empresas de Crédito do Estado de São Paulo (FETEC/SP-CUT), Confederação Nacional dos Trabalhadores do Ramo Financeiro (CONTRAF/CUT) and Central Única dos Trabalhadores (CUT)</b>	
<i>Industry sector<sup>5</sup></i>	<b>J - Financial intermediation</b>	
<i>Name of Enterprise/s</i>	<b>The name will remain confidential until a later stage in the process.</b>	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	<b>Chapter IV (Employment and Industrial Relations), 7 and 8 (regarding de 2000 Guidelines)</b>	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i> <b>From 22/09/2009 to 22/06/2010</b>  *From specific instance received to it being accepted or rejected.  <i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i>	<i>Assistance to Parties*</i> <b>From 22/06/2010 to nowadays</b>  *From specific instance accepted to conclusion of the procedures –	<i>Conclusion of the procedures*</i> <b>Not concluded</b>  * From Conclusion of the procedures to NCP Final Statement issued.  <i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i>

19. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<i>A. Initial Assessment</i>	
a.	What practical issues arose during the initial assessment of the specific instance?  How was the information on the specific instances gathered?

<sup>5</sup> Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

	Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?
	<b>The complainants complain that the company sent a communication to each of its branches instructing them to order all the employees to “come to work as usual” during the time of the strikes.</b>
b.	Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?
	<b>There is no parallel proceedings.</b>
c.	At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.
	<b>The specific instance was accepted by the Brazilian NCP.</b>
d.	Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.
	<b>Yes. A report was released at the date of acceptance of the specific instance. It was sent to the complainants and made public at the NCP website.</b>

<i>B. Assistance to the parties</i>	
a.	If conciliation or mediation was provided, were these services provided without costs to the parties?
	<b>There was no conciliation or mediation until the moment of answering this questionnaire.</b>
b.	In what form has the NCP provided its good offices?
	<b>The NCP made exchange of information among the parties.</b>

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
	<b>No agreement was reached so far.</b>
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance ? Please elaborate as appropriate
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it contain

	provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
e.	How was the statement made publicly available? Through a press release, publication on the website,..?
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.)
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
	<b>No. The specific instance concerns only Brazil's jurisdiction.</b>
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
	<b>Only the Brazilian NCP was involved because the multinational bank was a Brazilian bank.</b>
c.	Was a leader NCP identified?
	<b>Only the Brazilian NCP was involved.</b>
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?

<i>E. Timeframe</i>	
a.	What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?
	<b>The proceedings are still going on.</b>

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?

	<b>No.</b>
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	<b>No.</b>
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	<b>Not applicable.</b>
d.	Would the NCP care to contribute additional information about the specific instances considered?