

OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES
BRAZIL NCP
REPORT TO THE OECD
2014

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

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

2. Structure of the NCP

Monopartite Interagency Bipartite Tripartite Quadripartite Independent Expert Body

The NCP Brazil is a government multiagency forum, composed by representatives of 11 institutions: the Ministry of Finance, coordinator of the group, Ministry of Foreign Affairs; 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. The present structure of the NCP Brazil was established on 19 February 2013.

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

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

The interagency structure, with the presence of all ministries responsible for the different themes covered by the Guidelines, ensures the adequate expertise when conducting the activities of implementation and promotion, in particular as it relates to specific instances. Participation by different Government institutions, which are legally bound to nominate a representative to the NCP, increases ownership and awareness about the Guidelines within the Government.

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 at an ad hoc basis, 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.pcn.fazenda.gov.br>

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

The Guidelines are available in Portuguese in print.

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

Yes No

The NCP secretariat is continuously updating 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

The Annual Report is available in English, and in Portuguese since 2013.
<http://www.pcn.fazenda.gov.br/documentos/relatorios-anuais-1> (For English)
<http://www.pcn.fazenda.gov.br/documentos/relatorios-anuais> (for Portuguese)

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 regularly to the GFSR meetings and discussions related to CSR issues 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

On August 2013, the Brazilian NCP participated of two meetings of the Brazilian Exports Financing and Guarantee Committee, a body that establishes the parameters and conditions for the granting of financial assistance to exports and for the provision of insurance by the Union. Through these presentations, the NCP aimed to promote the OECD Guidelines for public and private institutions that are members of the Committee and also to seek their cooperation with the dissemination of the OCDE Guidelines in their contact with companies.

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.

At the beginning of 2014, the Brazilian NCP made suggestions for the Ethos Institute (a Brazilian NGO acting on CSR issues) to add reference to the OECD Guidelines at their monitoring platform questionnaire of the Business Pact for Integrity and Against Corruption. This would help to raise awareness of the OECD Guidelines through a reliable channel among a broad public. The request is pending of final decision.

20. Does the NCP have a promotional plan on the Guidelines? Yes No

The NCP makes continuous efforts to promote the Guidelines in many 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 to propose cooperation. Also, the NCP is engaged in a project of contacting State-controlled Brazilian MNEs to raise their awareness of the Guidelines and the role of the NCP.

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

Yes No

Title	World Forum on Human Rights
Date	11 Dec 2013
Place	International Convention Center of Brazil (CICB), Brasilia
Further details	The NCP organized a two-hour panel on "Business and Human Rights: a CSR Approach", with the active participation of businesses, UNDP Brazil and a representative of the UK government.
Title	Workshop on Awareness Raising on the OECD Guidelines for MNEs
Date	27 Jan 2014
Place	National Confederation of Industry, São Paulo

Further details	A three-hour event, co-organized by the NCPs of Brasil, Norway and UK, directed to the business sector.
Title	Workshop on the OECD Guidelines for MNEs - Implementation by the Financial Sector
Date	28 Jan 2014
Place	Central Bank of Brazil, São Paulo
Further details	A six-hour event, co-organized by the NCPs of Brazil, Norway and UK, directed to the implementation of the OECD Guidelines by the financial sector, through learning from each other and lessons from the field.

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	Seminar on the Brazilian Certification Program in Social Responsibility
Date	11 Jun 2013
Place	São Paulo
Further details	Opportunity to mention the OECD Guidelines and the NCP role in the broad context of CSR issues in Brazil.

Title	CUT (one of the national trade union confederations) Project on the Promotion of Labor Rights 
Date	12 Jun 2013
Place	São Paulo
Further details	Presentation of the OECD Guidelines and the NCP activities to trade union members.

Title	International Conference on Corporate Social Responsibility
Date	20 Jun 2013
Place	Rio de Janeiro
Further details	Presentation of the OECD Guidelines and the role of the NCP to a broad audience.

Title	International Conference of the Ethos Institute (a Brazilian NGO acting on CSR issues)
Date	4 Sep 2013
Place	São Paulo

Further details	Presentation of the OECD Guidelines and the role of the NCP in the context of grievance and dialogue mechanisms
Title	Sustainability as a Competitive Advantage: a dialogue between Brazil and the Netherlands
Date	10 Oct 2013
Place	São Paulo
Further details	On this occasion, a member of the NCP presented the role and experiences of Brazilian government on CSR issues.
Title	Seminar on the Dialogue Mercosur and European Union
Date	12 Nov 2013
Place	São Paulo
Further details	The NCP promoted the OECD Guidelines and participated in a debate about possible restrictions and competitive advantages of building a low carbon economy in the context of the free trade agreement which is being negotiated between the European Union and Mercosur. The event was organized by the Ethos Institute.

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

The NCP has sought partnerships with embassies located in Brazil in order to promote events to publish/spread the Guidelines in the country. On the other hand, the Brazilian embassies abroad have not been contacted with that purpose yet.

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

Academy

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

The Brazilian NPC has jointly organized with the NCPs of Norway and UK a workshop with the objective of discussing the issues presently debated at the WPRBC regarding the implementation of the OECD Guidelines by the financial sector. The event was held at the Brazilian Central Bank in São Paulo on 28 January 2014, with broad participation of financial business and organizations. A summary report of the workshop was sent to the WPRBC Secretariat.

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

The Brazilian NCP organized, jointly with the NCPs of Norway and UK, two events of awareness raising of the OECD Guidelines for the business sector in general and for the financial sector in particular on 27 and 28 January 2014, in São Paulo.

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

Yes, but not before the second half of 2016.

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

In 2015.

E. Specific instances

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

- are they available online? Yes No

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

- in which language/s ? Portuguese and English

- 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	Manufacturing in Bangladesh
Leading NCP	Brazil
Supporting NCP	Germany
Description	Specific instance notified by an individual regarding the activities of the German multinational enterprise C&A operating in Brazil. Specific instance transferred to the Brazilian NCP from the German NCP in October 2013.
Theme/s	<input type="text" value="II. General Policies"/> <input type="text" value="IV. Human Rights"/>
Date specific instance received	17 Oct 2013
Host country/ies	Bangladesh
Source	<input type="checkbox"/> Trade Union <input type="checkbox"/> NGO <input checked="" type="checkbox"/> Individuals <input type="checkbox"/> Business <input type="checkbox"/> Other interested parties

Industry sector	Manufacturing	
Status	In progress	
Summary	<p>The German NCP received a request for a review from an individual alleging that three German multinational enterprises had breached the general policies, and human rights provisions of the Guidelines in Bangladesh. The request was based on the companies' alleged responsibility for the 2012 factory fire in the Tazreen factory.</p> <p>On 17 October 2013, with the approval of the notifier, the specific instance related to C&A, one of the German multinational enterprises in question, was transferred to the Brazilian NCP. The specific instance is now under analysis by the rapporteur.</p>	
Initial assessment	Assistance to parties	Conclusion of the procedures
From date: 17 Oct 2013	From date:	From date:
To date:	To date:	To date:

Title	Mining and quarrying in Brazil	
Leading NCP	Brazil	
Supporting NCP	None	
Description	Specific instance notified by a local residents association regarding the activities of Kinross, a Canadian multinational enterprise, operating in Brazil.	
Theme/s	II. General Policies	
	IV. Human Rights	
	VI. Environment	
Date specific instance received	18 Jun 2013	
Host country/ies	Brazil	
Source	<input type="checkbox"/> Trade Union <input type="checkbox"/> NGO <input type="checkbox"/> Individuals <input type="checkbox"/> Business <input checked="" type="checkbox"/> Other interested parties	
Industry sector	Mining and quarrying	
Status	In progress	
Summary	<p>On 18 June 2013, the Brazilian NCP received a request for review from local residents associations of the city of Paracatu (State of Minas Gerais, Brazil), alleging that the Canadian multinational enterprise Kinross had breached the general policies, human rights, and environment provisions of the OECD Guidelines in Brazil. The specific instance is now under analysis by the rapporteur.</p>	
Initial assessment	Assistance to parties	Conclusion of the procedures
From date: 18 Jun 2013	From date:	From date:

To date:	To date:	To date:

Title	Manufacturing in Brazil		
Leading NCP	Brazil		
Supporting NCP	None		
Description	Specific instance notified by the Trade Union of the Chemical Workers of the region of ABC (State of São Paulo, Brazil) regarding the activities of the French multinational Mappel in Brazil.		
Theme/s	I. Concepts and Principles		
	II. General Policies		
	V. Employment and Industrial Relations		
Date specific instance received	16 Oct 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	Manufacturing		
Status	In progress		
Summary	On 16 October 2013, the Brazilian NCP received a request from the ABC Chemical Workers' Union (State of São Paulo, Brazil) alleging that the French multinational Mappel had breached concepts and principles, general policies, and employment and industrial relations recommendations of the Guidelines in Brazil. The specific instance is under analysis by the rapporteur.		
Initial assessment	Assistance to parties	Conclusion of the procedures	
From date: 16 Oct 2013	From date:	From date:	
To date:	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	Manufacturing in Brazil
Status	In progress

Summary	<p>On 25 November 2010, the Brazilian NCP received a request for review by the trade union confederation Unified Workers' Central Union (CUT) on behalf of the Food Industries Workers Union of Mogi Mirim (STIAAMM) alleging that Unilever had breached the employment and industrial relations provisions of the Guidelines in Brazil.</p> <p>On 14 September 2012, the Brazilian NCP accepted this specific instance for further analysis. On 4 July 2013, the NCP received a mail from Unilever presenting its position regarding the allegations. After having analyzed the document, the NCP requested further information to CUT, which was received on 28 February 2014. Now this information is under analysis by the rapporteur.</p>
Link	

Title	Financial and insurance activities in Brazil
Status	Concluded
Summary	<p>On 4 August 2010, the Brazilian NCP received a request for review by the trade union Bank Workers Union of São Paulo, Osasco and adjacent Region alleging that Banco Santander had breached the concepts and principles, and employment and industrial relations provisions of the Guidelines in Brazil.</p> <p>On 4 October 2013, the Brazilian NCP concluded the specific instance. After the review of all the information, the rapporteur recommended for the NCP not to accept the claim due to the passing of more than 12 months period between the notice of the fact and the receipt of the notification, a requirement established under Part I of Art. 3, Resolution No. 01/2012. Moreover, the debate on the issue in question is already in the NCP agenda, under other specific instance between the same parties, including negotiations to conduct mediation between the parties.</p>
Link	http://mneguidelines.oecd.org/database/ncp/Santander-S.A.%20Bank-2012.pdf

Title	Financial and insurance activities in Brazil
Status	In progress
Summary	<p>On 12 March 2013, the Brazilian NCP received a request by the trade union Bank Workers Union of São Paulo, Osasco and adjacent Region alleging that Banco do Brasil had breached the environmental and employment and industrial relations provisions of the Guidelines in Brazil.</p> <p>On 8 April 2013, the NCP accepted this specific instance for further analysis. On 8 May 2013, the NCP received a mail from Banco do Brasil presenting its position regarding the allegations. After have analyzed the document, the NCP request further information by the Bank Workers Union of São Paulo, Osasco and adjacent Region, which was not received by the NCP until 16 April 2014.</p>
Link	

Title	Telemarketing in Brazil
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Status	In progress
Summary	<p>On 28 February 2012, the Brazilian NCP received a request for review by the trade unions Bank Workers Union of São Paulo, Osasco and adjacent Region and Unified Workers' Central Union (CUT) alleging that Atento had breached the concepts and principles provisions of the Guidelines in Brazil.</p> <p>On 14 September 2012, the Brazilian NCP accepted this specific instance for further analysis. On 11 April 2013, the NCP received a mail from Atento presenting its position regarding the allegations. After having analyzed the document, the NCP requested further information to the Bank Workers Union of São Paulo, Osasco and adjacent Region, which was not received by the NCP until 16 April 2014.</p>
Link	

Title	Financial and insurance activities in Brazil
Status	In progress
Summary	<p>On 2 August 2010, the Brazilian NCP received a request for review by the trade unions Bank Workers Union of São Paulo, Osasco and adjacent Region and Unified Workers' Central Union (CUT) alleging that Fidelity National BPO Brasil had breached the employment and industrial relations provisions of the Guidelines in Brazil.</p> <p>After having analyzed the allegation, on 9 August 2013, the NCP requested further information to the Bank Workers Union of São Paulo, Osasco and adjacent Region, which was not received until 16 April 2014.</p>
Link	

Title	Financial and insurance activities in Brazil
Status	In progress
Summary	<p>On 22 September 2009, the Brazilian NCP received a request for review by the trade unions Bank Workers Union of São Paulo, Osasco and adjacent Region; National Confederation of Financial Sector Workers (CONTRAF); Unified Workers' Central Union (CUT); and Credit Workers' Federation (FETEC) alleging that Itaú Unibanco had breached the employment and industrial relations provisions of the Guidelines in Brazil.</p> <p>On 26 June 2010, the Brazilian NCP accepted this specific instance for further analysis. On 19 July 2010, the NCP received a mail from Itaú Unibanco presenting its position regarding the allegations. Since December 2012, the NCP has been offering assistance to the parties in order to find a solution to the instance.</p>
Link	

Title	Financial and insurance activities in Brazil
Status	In progress
	On 22 September 2009, the Brazilian NCP received a request for review by the trade unions Bank Workers Union of São Paulo, Osasco and adjacent Region; National Confederation of

Summary	Financial Sector Workers (CONTRAF); Unified Workers' Central Union (CUT); and Credit Workers' Federation (FETEC) alleging that Banco Santander had breached the employment and industrial relations provisions of the Guidelines in Brazil. On 26 June 2010, the Brazilian NCP accepted this specific instance for further analysis. On 8 August 2010, the NCP received a mail from Banco Santander presenting its position regarding the allegations. Since December 2012, the NCP has been offering assistance to the parties in order to find a solution to the instance..
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.

Regarding promotional activities, the Brazilian NCP started a project based on a proactive agenda with the objective of better engaging the state-owned multinational enterprises with the OECD Guidelines. The initiative was based on the assumption that the promotion of the OECD Guidelines is a government responsibility, so the abovementioned enterprises should act as examples. In this first phase, the Brazilian NCP has contacted Banco do Brasil, the Brazilian Development Bank (BNDES), Caixa Econômica Federal, Eletrobrás, Itaipu and Petrobras. The reaction of the all those MNEs was very positive.

On another front, the Brazilian NCP and APEX Brasil (Brazilian Agency for Exports Promotion and Investments) have agreed on a project to bring knowledge of the OECD Guidelines to companies that require APEX assistance, before they start their internationalization process, including small and middle-sized enterprises. A partnership is also being developed with the Exports Financing and Guarantee Committee (COFIG), whose members have committed to collaborate to the promotion of the Guidelines and also create hyperlinks on their websites to the NCP website and/or to the OECD Guidelines.

Moreover, the NCP website was redesigned in order to become more efficient and clear on providing information. The new address is: www.pcn.fazenda.gov.br.

Regarding its role as a mechanism for solving specific instances, the Brazilian NCP received three new specific instances during this cycle (June 2013 - May 2014), which is more than during the previous cycle. We attribute this increase to the fact that the OECD Guidelines and the role of the NCP are becoming better known in Brazil.

Additionally, the NCP has moved closer in its relationship with the GRI Focal Point in Brazil and the Brazilian Network of the UN Global Compact, with the intent of identifying common strategies for the promotion of their instruments.

36. Based on your recent activities, what issues might deserve particular attention during the 2014-2015 implementation cycle of the OECD Guidelines?

The WPRBC should focus on concluding those projects of the proactive agenda that have been initiated, as the implementation of the OECD Guidelines for the financial sector and the textile sector.

In its turn, the Brazilian NCP intends to: 1) continue its project regarding the state-owned multinational enterprises; 2) strengthen the strategic partnership with GRI, UN Global Compact and also follow more closely the work of the Brazilian Technical Standards Association (ABNT) regarding the ISO's discussions related to CSR issues; 3) strengthen its performance on dealing with specific instances.

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