



**NCP Brazil**  
**Ministry of Finance**

**FINAL STATEMENT**  
**ABN AMRO Real/ CONTRAF-CUT**  
*Complaint NCP No. 07/2007*

On 19 April 2007, this National Contact Point (NCP) received a notification sent by the National Confederation of Financial Sector Workers (CONTRAF) – headquartered in Brasilia, Brazil – and Unified Workers' Central (CUT) – based in São Paulo, Brazil – against ABN AMRO, a transnational corporation headquartered in Amsterdam, Netherlands.

According to the complainants, the following conducts of the ABN AMRO would be in disagreement with the OECD Guidelines for Multinational Enterprises:

1. Refusal of the bank's direction to discuss the demands of the workers with their representatives;
2. Absence of conclusive answers or achievements related to the agreements in the negotiations;
3. Failure to provide information necessary for the negotiations between the bank and the workers, after ABN became the controlling shareholder of the banks Real Paraiban, Bandepe and Sudameris;
4. Absence of conclusive answers to 14 requests for negotiation, since January 2002, on several themes (employment, outsourcing, wages and health care, among others);
5. Failure to provide basic information for the Profit Sharing Plan (in Portuguese, PPR), implemented unilaterally by the company, that would be violating the national Law 10.101/2000;
6. Failure to comply with the labor arrangement, and non-certification of working conditions; and
7. Failure to provide information about changes in the health plan and benefits of the Sudameris Bank to the workers' representatives, within an appropriate period of notice.

Thus, according to complainants, ABN AMRO would have violated the *caput* and items 1.a, 1.d, 2.a, 2.b, 2.c, 3, 4t, 4.b and 6 of Title IV, "Employment and Industrial Relations", of the OECD Guidelines for Multinational Enterprises.

From a preliminary analysis, in accordance with Resolution PCN No. 01/2007, the NCP decided for the acceptance of the Complaint No. 07/2007 – and informed the parties, the NCP host country of the company and the OECD. On 3 March 2008, the NCP requested the considerations of ABN AMRO in relation to the notification.

On 12 June 2008, ABN AMRO answered the claims and requested the closing of the complaint. According to the enterprise: ABN AMRO is not a multinational company and the OECD Guidelines do not apply to their activities; the facts on which



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the complaint was based had occurred more than 12 months before the notification to the NCP; and there was no clear focus or valid supporting documents for the complaint.

ABN AMRO also contested each of the arguments of the complainants. Briefly, the company argued that: ABN AMRO never refused to discuss any topic of interest of his employees; many discussions resulted in conclusive answers and effective working arrangements; there was no shortage of information on issues relevant to the control of banks Real, Paraiban, Bandepe and Sudameris that could result in damage to the negotiations; the Law 10.101/2000, about PRP, had never been violated by the company; there were only seven notices of violation, all contested; and the global process of integration of the banks had been carefully studied to avoid excessive differences related to the health plans and benefits.

From the analysis of the information provided by the company, on 22 September 2008, the NCP Brazil sent letters requesting additional information on both parties. The NCP received no response from the company or the claimant.

On 22 August 2012, the NCP Brazil received, through the email address of Bank Workers Union of São Paulo, Osasco and Region, the request to close the complaint. According to the Advisor to the Secretary General, Mr. Nelson Canesin, the complaint should be closed because the legal entity "ABN AMRO" was abolished on 1 November 2011, due to its incorporation by Banco Santander. He also declared that the ABN AMRO bank was sold to Santander without the problem being solved.

Due to all the above, the NCP decided to close the Complaint NCP No. 07/2007.

Brasília, September 14, 2012.

Translation to English made on 2 September, 2013.

**National Contact Point of Brazil**  
***OECD Guidelines for Multinational Enterprises***  
Ordinance No. 92, Ministry of Finance, 12/05/2003