



NCP Brazil
Ministry of Finance

FINAL STATEMENT
C&A/CUT
Complaint NCP N° 04/2007

On 6 March 2007, this National Contact Point received a notification sent by the Unified Workers' Central (CUT) – based in São Paulo, Brazil – against C&A Modas Ltda, a transnational corporation headquartered in Amsterdam, Netherlands.

According to the complainants, C&A would have refused to discuss the Profit Sharing Plan (in Portuguese, PPL) with the workers' representatives. This action would be in disagreement with the following items of the OECD Guidelines for Multinational Enterprises: Chapter I, "Concepts and Principles", article 7; Chapter II, "General Policies", *caput*; and Chapter IV, "Employment and Industrial Relations", items 1.a, 2.a, 2.b, 2.c, 3 and 8.

From a preliminary analysis, in accordance with Resolution PCN No. 01/2007, the NCP decided for the acceptance of the Complaint No. 04/2007 – and informed the parties, the NCP of the company's host country and the OECD. On January 25, 2008, the NCP requested the considerations of C&A regarding the notification.

On 29 February 2008, C&A answered the claims and requested the closing of the complaint. C&A argued that agreements related to a PPL had been negotiated in all locations in which there are employees. The agreements would be concluded with the representatives of employees (employee committee), with invitation to local unions, as required by law.

From the analysis of the information provided by the company, on 14 August 2008, the NCP Brazil sent letters requesting additional information to both parties. The NCP received no response from the company or the claimant.

On 16 October 2012, the NCP received through the email address of CUT, the request to close the complaint. According to the Assessor José Drummond, the complaint should be closed because of a commitment recently made by C&A to open negotiations related to a national agreement on PPL, and build a permanent social dialogue with employees and their representatives.

Due to all the above, the NCP decides to terminate the NCP Complaint No. 07/2007.

Brasília, 17 May, 2013.

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