



**NCP Brazil  
Ministry of Finance**

**FINAL STATEMENT**

**Santander S.A. Bank/Bank Workers Union of São Paulo, Osasco and Region  
Complaint NCP No. 4/2012**

On 4 April 2010, the Brazilian National Contact Point (NCP) received a notification sent by the trade union Bank Workers Union of São Paulo, Osasco and Region – headquartered in São Paulo, Brazil – against Banco Santander S/A, a Spanish multinational enterprise.

According to the complainant, Banco Santander would have dismissed about 400 employees without previous discussions with the labor union. Moreover, the bank would have prevented workers to perform a work stoppage in protest against the bank's policy of layoffs using a legal tool called prohibitory injunction to do so. In the same context, the police would have been called to arrest two union leaders.

Therefore, according to the notification, the conduct of Banco Santander in labor relations with its employees violate the *caput* and items 6 and 9 of Chapter II (General Policies) and items 2 (a, b and c), 3, 6, 7 and 8 of Chapter V (Employment and Industrial Relations) of the OECD Guidelines for Multinational Enterprises. After analyzing the issue and the additional information provided subsequently, the Brazilian NCP decided for the acceptance of the Complaint No. 04/2012 for examination. Then, the NCP has informed the parties, the OECD and the NCP of Spain, and requested the manifestation of the enterprise.

On 8 April 2013, the Brazilian NCP received Santander's reply rejecting the arguments presented on the notification and requiring its filing. Then, the NCP coordination requested further information from the parties. On 12 April 2013, the company responded to the request reaffirming that more than twelve months had passed between the occurrence of the event (3 February 2009) and presentation to the NCP (4 August 2010), and, for this reason, the specific instance should be filled. Moreover, on 30 April 2013, the complainant stated that after the date of presentation of the notification until February 2013, 5,456 layoffs were performed by Banco Santander.



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After the review of the all the information, the rapporteur has recommended 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, as observed under Part I of Art. 3, Resolution No. 01/2012. Moreover, the debate on the use of prohibitory interdict is already a subject in the NCP agenda, between the same parties under the specific instance No. 02/2010, including negotiations to dial mediation between the parties.

Due to all above, the rapporteur recommended the NCP to file the specific instance. The NCP, in a meeting held on 9 April 2013, adopted the recommendation of the rapporteur and filed the specific instance NCP No. 4/2012.

Brasília, 4 October, 2013.

**National Contact Point of Brazil**

***OECD Guidelines for Multinational Enterprises***

Interministerial Ordinance No. 37 of February 19, 2013