



NCP Brazil
Ministry of Finance

FINAL STATEMENT
Unibanco / CONTRAF-CUT
Complaint NCP N° 05/2007

On 7 March 2007, this National Contact Point received a notification sent by the National Confederation of Financial Sector Workers (CONTRAF) - headquartered in Brasilia, Brazil – and the Unified Workers' Central (CUT) – based in São Paulo, Brazil, against Interbanco, a company based in Asunción, Paraguay, controlled by a Brazilian parent holding company called Unibanco Group, headquartered in São Paulo, Brazil.

In compliance with article 2, paragraph c of the Resolution NCP No. 01/2007, this claim was received by the NCP Brazil, having considered that Paraguay is not an adhering country to the OECD Guidelines for Multinational Enterprises, and Unibanco holds 99.96 % of shares of Interbanco Paraguay.

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

1. Dismissal of Sirley Marisol Rojas Candia, a union leader of Interbanco-Paraguay, who enjoyed job stability according to “*Articulo 16 del Contrato Colectivo de Condiciones de Trabajo*”;
2. The abovementioned person also worked for Interbanco for nine years and five months, so she was about to obtain permanent employment stability, considering that, according to the labor laws of Paraguay, every worker is stable after ten years of service and cannot be fired if not for due cause. Unibanco, to prevent the union leader to acquire the ultimate guarantee of employment, dismissed her seven months before stability;
3. At the time, the person was pregnant. The pregnancy was communicated to Interbanco while she was still with her job guaranteed by a judicial decision. The Human Resources Department, although had registered the entry of the communication, had warned Ms. Rojas that they had orders not to accept the medical certificate. So, Interbanco had erased the medical certificate which bore the stamp and signature of receipt.

According to the complainants, these practices violate paragraph 2 of the Chapter II, “General Policies”, and *caput* and items 1.a and 1.d of the Chapter IV, “Employment and Industrial Relations” of the OECD Guidelines for Multinational Enterprises.

On 4 December 2007, through the Letter No. 911-SAIN/MF, the NCP informed the direction of the Unibanco about the notification and requested information regarding the participation of Unibanco in the shareholder control of Interbanco. On 18 March 2008, Mr. Sergio Fajerman, Superintendent for Labor Relations of Unibanco, said the capital of Interbanco was composed as follows: Unibanco - União de Bancos Brasileiros - 24,454.983 shares (99.996%); STARS - Studies, Representation and Management Ltd



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- 763 shares (0.003%); and Mario Miranda Ribeiro - individual minority shareholder - 254 shares (0.001%).

From a preliminary analysis, and in accordance with Resolution PCN No. 01/2007, the NCP decided to accept the Complaint No. 01/2007 - and informed the parties and the OECD. On 17 April 2008, the NCP requested the considerations of Unibanco in relation to the notification.

On 4 June 2008, Unibanco answered the claims about the stability of employee Sirley Rojas. According to Unibanco: 1) in accordance with the laws of Paraguay, the stability granted to employees with union functions is valid only for two terms and Sirley Rojas was already in her third term; 2) the stability by seniority is invalid because the employee had not completed ten years in the company and; 3) the stability for her pregnancy was not applied because the company did not know the condition of her pregnancy in the moment of the termination of contract. Unibanco also informed that the legal labor suit that Sirley Rojas had filed against Interbanco S.A. had not been dismissed by the Court of Appeals of Paraguay.

On 22 August 2012, the NCP Brazil received, through the email address of the Bank Workers Union of São Paulo, Osasco and Region, the request to close the complaint. According to the Advisor to the Secretary General of the Bank Workers, Mr. Nelson Canesin, the case was resolved through direct negotiations between the parties.

Due to all the above, the NCP decided to terminate the NCP Complaint No. 05/2007.

Brasília, 14 September 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