



National Contact Point of Brazil

FINAL STATEMENT

Pertech - Complaint PCN N° 03/2007

On December 12, 2005, the National Contact Point (NCP) received the Complaint No. 03/2007 sent by the Unified Workers' Central (CUT), against the company Pertech of Brazil Ltda., a corporation headquartered in the United States. CUT is a trade union based in Sao Paulo, Brazil.

According to the complainant, the multinational company would have fired on 1st of November 2005 the union delegate Antonio Bezerra da Silva without just cause. The delegate would acquire job stability in January 2006, according to his role as a representative of Pertech's employees. This action would be in disagreement with the Chapter II "General Policies", articles 4 and 7, of the OECD Guidelines for Multinational Enterprises.

In 2007, after further clarification by claimant, the NCP accepted the complaint. After that, the parties were called to present their positioning in relation to the case and provide the necessary explanations for further analysis on the issue.

On 20 February 2008, Pertech sent a letter declaring that the company had not breached any labor law. This fact was endorsed by the First Federal Judge of the 6th Labor Court in Sao Bernardo do Campo, SP. The final judgment of that court had declared that the company acted in accordance with the law regarding the dismissal of that employee, having paid to him correctly and timely all the legal severance dues, including the remaining period at the job which he was entitled because of the job stability.

Taking this into account, the NCP considered that it was inappropriate to perform any action in relation to a matter already judged by a court of law and decided to close the case in 2008.

Translation to English made on 23 April 2013.

National Contact Point

Ministry of Finance

Ministry of External Affairs

Ministry of Planning, Budget and Public Administration

Ministry of Labor and Employment

Ministry of Justice

Ministry of the Environment

Ministry of Science and Technology

Ministry of Development, Industry and Foreign Trade

Ministry of Agriculture, Livestock and Supply

Central Bank of Brazil