



Brazilian National Contact Point – NCP
Portaria Interministerial nº 37, de 19/02/2013

FINAL STATEMENT

Fidelity National BPO Brazil / Bank Workers Union of São Paulo, Osasco and Region
NCP Complaint N° 01/2015

On August 2nd, 2010, the Brazilian NCP received a notification sent by the trade union Bank Workers Union of São Paulo, Osasco and Region – headquartered in São Paulo, Brazil (Complainant) against Fidelity National BPO Brazil (the Company), multinational enterprise with its headquarters in the United States.

According to the Complainant, the following conducts would not be in accordance with OECD Guidelines for Multinational Enterprises:

- a) The firing, on July 21st, 2010, of the Vice-President of the Internal Commission of Accident Prevention (CIPA) and of the union leader of the National Confederation of the Financial Sector Workers (CONTRAF); and
- b) the rupture of negotiations with the representing Union of the category, approaching another trade union entity, which never had a relationship with its employees, and issuance of communications to inform workers which the Union that would represent them.

According to the Complainant, the mentioned conducts violated paragraphs 6 and 9 of Chapter II, General Policies, and Paragraphs 2, 3, 6, 7 and 8 of Chapter V, Employment and Labor Relations, of the guidelines:

II. General Policies

6. Support and uphold good corporate governance principles and develop and apply good corporate governance practices, including throughout enterprise groups.

9. Refrain from discriminatory or disciplinary action against workers who make bona fide reports to management or, as appropriate, to the competent public authorities, on practices that contravene the law, the Guidelines or the enterprise's policies..

V. Employment and Industrial Relations

2. a) Provide such facilities to workers' representatives as may be necessary to assist in the development of effective collective agreements.

b) Provide information to workers' representatives which is needed for meaningful negotiations on conditions of employment.

c) Provide information to workers and their representatives which enables them to obtain a true and fair view of the performance of the entity or, where appropriate, the enterprise as a whole.

3. Promote consultation and co-operation between employers and workers and their representatives on matters of mutual concern..

6. In considering changes in their operations which would have major employment effects, in particular in the case of the closure of an entity involving collective lay-offs or dismissals, provide reasonable notice of such changes to representatives of the workers in their employment and their organizations, and, where appropriate, to the relevant governmental authorities, and co-operate with the worker representatives and appropriate governmental authorities so as to mitigate to the maximum extent practicable adverse effects. In light of the specific circumstances of each case, it would be appropriate if management were able to give such notice prior to the final decision being taken. Other means may also be employed to provide meaningful co-operation to mitigate the effects of such decisions.

7. In the context of bona fide negotiations with workers' representatives on conditions of employment, or while workers are exercising a right to organize, not threaten to transfer the whole or part of an operating unit from the country concerned nor transfer workers from the enterprises' component entities in other countries in order to influence unfairly those negotiations or to hinder the exercise of a right to organize.

8. Enable authorized representatives of the workers in their employment to negotiate on collective bargaining or labor-management relations issues and allow the parties to consult on matters of mutual concern with representatives of management who are authorized to take decisions on these matters.

During preliminary analysis, in accordance with NCP resolution n° 01/2012, this National Contact Point concluded that there was direct relation, even if only potentially, between the Complainant and the object of the notification; the notification had elements that contained thematic relevance with the topics covered by the Guidelines; had a well enough delimited focus; holds detailed verifiable facts and evidence through objective criteria; and that the merit of the notification, although the Justice process of constant Work, had not been acquired the authority of a final decision.

Due to the exposed, on February 27th, 2015, the NCP decided to accept the notification – hereinafter referred to as NCP Complaint of non-compliance n° 01/2015- and to communicate the acceptance to the Company, the OECD and the NCP of the United States.

After taking notice of the Complaint, Fidelity sent, on April 9th, 2015, their reply. In their response they informed that they had ended their activities on April 2011, having

closed their subsidiaries and had only stayed active to answer possible employment issues. Being so, Fidelity requested that the Complaint be filed due to the loss of its object.

In these terms, except for the information that the matters of this Claim are the subject of demand within the Judiciary, it is stressed that there was not, within this NCP, the possibility of discussion on Fidelity's position with respect to the OECD Guidelines, given the news of closure of their business activities.

Due to all the above, the NCP decided to terminate the NCP Complaint n° 01/2015.

Brasília, July 23rd, 2015.