

## **Press release of the Belgian National Contact Point entrusted with the follow up of the OECD Guidelines for Multinational Enterprises**

The OECD Guidelines for multinational Enterprises are governments recommendations to their enterprises, wherever they operate. These recommendations concern a variety of areas such as disclosure of information, employment and industrial relations, environment, combating bribery, consumer interests, science and technology, competition and taxation. Moreover, the concept of sustainable development has been introduced.

The implementation of the Guidelines relies upon the National Contactpoints, responsible for the follow-up.

In Belgium the National Contactpoint (NCP) is chaired by a representative from the Federal Public Service of Economy and has a three-pillar structure encompassing social partners and representatives from different federal public services as well as regional governments.

The role of the NCP is to contribute to resolving issues raised in specific instances. The NCP will facilitate access to consensus-oriented , non-conflictuous means such as conciliation and mediation.

On November 30 2010, Mr Vincent Van Quickenborne, Minister for Entreprises, asked the Belgian National Contact Point (NCP) to urgently examen if Brink's in Belgium observed the OECD Guidelines, especially chapter IV "Employment and Industrial Relations". He also asked it to examen chapters II and III, namely "General Policies" and "Disclosure".

The National Contact Point met on December 8, 15 and 20 2010, and on January 10 and 19 2011.

The NCP took notice of the elements provided by the employees' representatives, the provisional directors of Brink's Belgium, the lawyers of the Brink's group,, the social mediator and the Inspector from the Directorate general social laws enforcement.

In the light of these elements, the NCP examined whether the following OECD Guidelines set forth in the following chapters were observed:

Chapter II: General Policies 3, 5, 6 and 7

Chapter III: Disclosure 1 and 4

Chapter IV: Employment and Industrial Relations 1a, 2c, 6, 7 and 8.

The NCP came to the following conclusions:

For several years in a row and repeatedly Brink's Belgium financial reports have shown negative results. The Brink's group continued to support financially the Belgium subsidiary in spite of its negative results since 2004, and committed in writing to supporting it until June 2011. This commitment is subject to legal dispute.

In 2009 and 2010, Brink's Belgium economic situation worsened, among others because of the loss of a very important customer. Brink's Belgium's attempts to find a solution were not effective, leading it to belatedly propose, at the end of October, a range of far-reaching restructuring measures, on which employees' representatives were asked to provide a response by November 5, 2010. (Issue of the reasonable period of negotiation IV,6).

Regarding the economic and financial disclosure, the NCP noted that Brink's Belgium did not submit its annual accounts for 2009 within the statutory period. The annual accounts were eventually submitted by the provisional directors on December 20 2010. (III, 1 and III, 4)

The communication of the economic and financial information to the employees' representatives was more than insufficient in 2009. In 2010, very little information was provided.

Moreover, regarding the disclosure of social information shortcomings against the Belgian social legislation were noted. .

As for principles regarding « Employment and Industrial Relations », the NCP noted the following:

The poor disclosure of economic and financial information is one of the factors that hampered a constructive social dialogue with the employees' representatives. (IV 2b, 3)

The NCP notes that the local board had little bargaining power (IV, 8) – notably during the social mediation phase- and by which it could not find a solution acceptable to all parties. (IV, 6)

Finally, concerning the measures recommended on October 27 2010, notably the sale of part of Brink's Belgium, it was noted that the employees' representatives were not informed within a reasonable period (IV, 6 and IV, 8).

The NCP makes therefore the following recommendations:

It is recommended that the Brink's group actively promote the respect of the OECD Guidelines for Multinational Enterprises and ensure that all its companies strictly abide by them.

The Brink's group is invited to comply with the OECD Guidelines, and especially with the guidelines requiring that enterprises disclose their economic and financial information in a timely and transparent manner, and the guidelines related to a constructive social dialogue. With regard to the latter, the NCP is of the opinion that, even in a difficult economic situation, focus should be put on socially responsible entrepreneurship and sound consultation between social partners.

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The NCP reminds the Brink's group that a company planning to make changes in its operations which would have major effects upon the livelihood of its employees, in particular in the case of the closure of an entity involving collective lay-offs or dismissals, must provide reasonable notice of such changes to the representatives of their employees and, when appropriate, to the relevant governmental authorities, and co-operate with the employee representatives and appropriate governmental authorities so as to mitigate to the maximum extent practicable adverse effects.

The NCP pleads for a constructive dialogue on these issues in the framework of the still ongoing conflict.

The Belgian National Contact Point informed the National Contact Point of the United States

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