Committee: ILO

Country: Brasil- Employers’ Representative

Agenda Item: Achieving the Decent Work Agenda Through Reinforcement of Collective Agreements

We as Brazil have worked a lot to achieve decent work for all and economic growth. When doing employment contracts a written agreement is not legally required, but is common. Basic terms and conditions of employment are recorded in the employee's booklet and in other mandatory documents upon hiring.

The eSocial system allows the company to electronically perform all procedures related to hiring. The Digital Employee’s Booklet now replaces the physical employee’s booklet (CTPS) so that, at the time of hiring, the employee only needs to inform the employer of their Individual Taxpayers' Registry number.

Companies are required to provide information related to final court decisions and settlements rendered by or made before the Labor Courts, in addition to settlements made within Previous Settlement Commissions (CCPs) and Inter-Union Centers (NINTERs), via the eSocial system. The following information must be entered on the system: registry, contract, employment relationship, the basis for FGTS (Guarantee Fund for Length of Service), and social security contributions.

Written employment health and safety policies such as an Occupational Health Medical Control Program (PCMSO) and an Environmental Risk Prevention Program (PPRA) are legally required.

Companies that are legally required to have a CIPA (Internal Commission to Prevent Health Issues and Accidents) must also provide trainings on the prevention of sexual and moral assaults in the workplace, every 12 month.

The employment relationship with foreign employees must be submitted for the Secretary of Labor's approval.

On July 2017, Brazil’s Senate approved the country’s most extensive labor reform since the emergent 1943’s Consolidation of Labor Law. The aforementioned reform provoked heated debates and its approval faced resistance. Unions, for instance, convened two general strikes: the first, on April 2017, garnered a significant amount of participation, while the latter, on June, ended with participation falling significantly below expectations. Despite the widespread rejection of Temer’s mandate and the content of the law, on June, unions were surprisingly unable to agree on a common strategy regarding a proposal on labor reform.The labor reform provides a legal environment that reappraises collective negotiation deregulates the labor market, and modifies the trade union funding system, thus representing a significant and substantial novelty in the Brazilian labor relations system. Brazil has never signed the eighty-seventh International Labor Organization convention about Freedom of Association and Protection of the Right to Organize Convention. Due to the unicidade, competition among labor organisations – as well as the entry of new groups – is drastically limited.

The entire process for the approval of law 13,467 was extremely quick and has never been discussed with trade unions or institutional actors. Employers’ associations were very important in shaping the reform: at least one-third of the approved amendments were decided by lobbyists from the main Brazilian employers’ associations. Rights ensured to workers by the Brazilian Constitution, such as the minimum wage, Christmas bonus salary, remunerated weekly rest and annual vacation, have been preserved, although the set of legislative devices introduced by the Reform weighs in favour of employers’ associations rather than workers. The labor reform introduces the main legal instruments of labor flexibility: amendments, which include the permission to hire freelance workers, the introduction of remote work, reform of the legislative provisions pertaining to part-time workz, flexibility of holidays, higher flexibility in labor relations at the firm level, and dismissal.

The reform altered the system of collective negotiation and established the prevalence of negotiated terms over the labor legislation. Law 13,467 grants more autonomy to employees in negotiations with employers and more importance to the union-negotiated collective conventions and bargaining agreements, which prevail over the law when regulating working hours, work breaks, careers and salary plans, incentive awards and profit sharing, among others.

Economic growth should be a positive force for the whole planet.This is why we must make sure that financial progress creates decent and fulfilling jobs while not harming the environment. We must protect labour rights and once and for all put a stop to modern slavery and child labour. If we promote job creation with expanded access to banking and financial services, we can make sure that everybody gets the benefits of entrepreneurship and innovation.

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