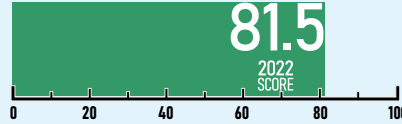


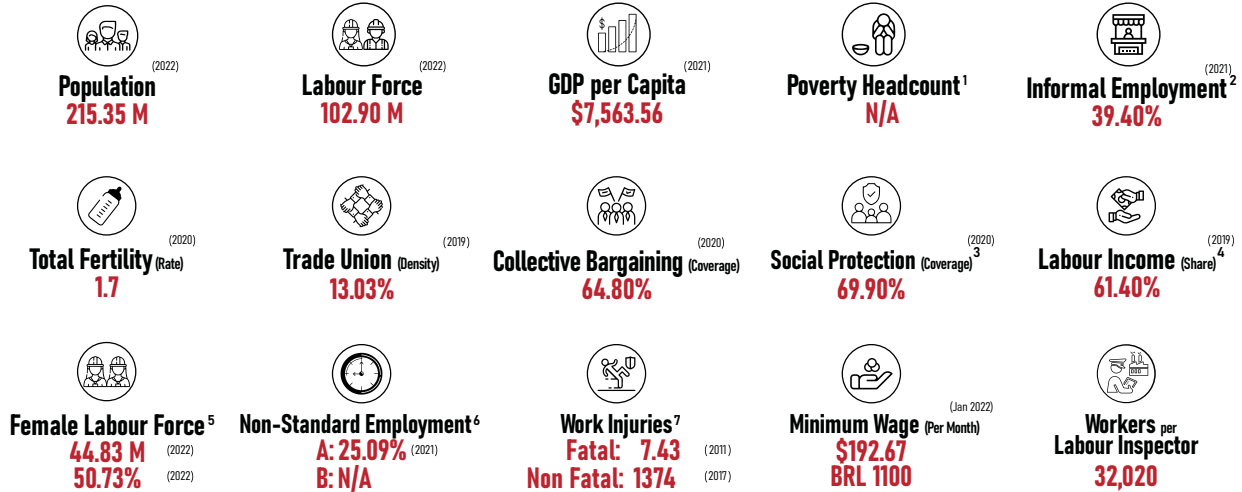


Brazil



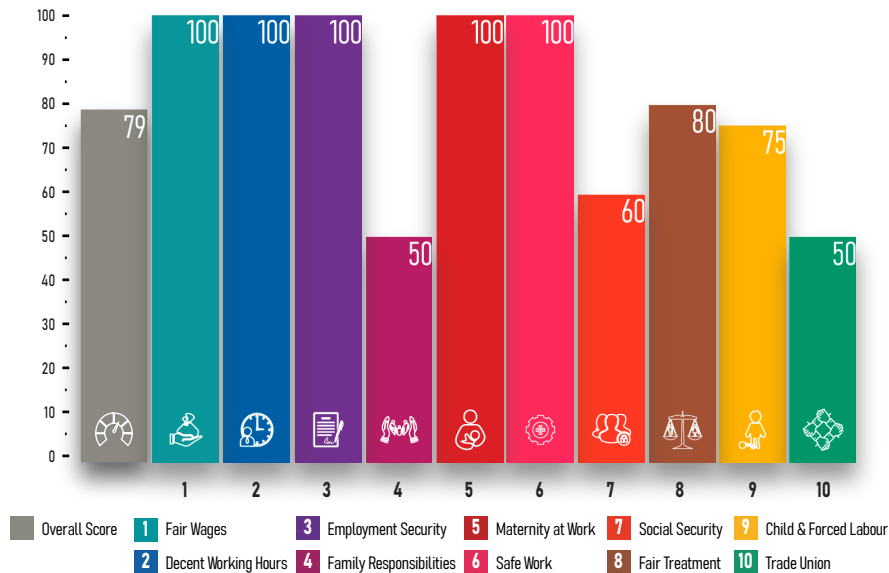
77 2020 SCORE
Latin America and The Caribbean
Upper-middle income
Approaching Decent Work
LRI RATING

Contextual Indicators



Sources: World Bank
International Labour Organization
WageIndicator Minimum Wages and Living Wages Database
M = Million

Legislative Performance Indicators



Introduction

The Labour Rights Index 2022 (LRI 2022) is a de-jure index covering 135 economies and structured around the working lifespan of a worker. In total, 46 questions or evaluation criteria are scored across 10 indicators. The overall score is calculated by taking the average of each indicator, with 100 being the highest possible score. The Index uses a rating system, ranging from "Total Lack of Decent Work" to "Decent Work". The Labour Rights Index aims at an active contribution to the Sustainable Development Goals, by providing necessary (complementary) insights into de jure provisions on issues covered in particular by SDG8 (Decent Jobs), SDG 5 (Gender Equality), SDG 10 (Reduced Inequalities) and SDG 16 (Strong Institutions). The Index is based on national labour legislation, applicable on 1 January 2022. The Index does not take into account COVID-19 related labour market measures in its scoring.

Brazil's overall score is 79 out of 100. The overall score for Brazil is higher than the regional average observed across Latin America and The Caribbean (71). Within the Latin America and The Caribbean region, the highest score is observed for Paraguay (82.5).

¹ Proportion of population living below the national poverty line (%), as measured under SDG 1.2.1

² Share of informal employment in total employment (%), as measured under SDG 8.3.1

³ Proportion of the country population covered by social protection floors, as measured under SDG 1.3.1

⁴ Labour income (income of employees + partly income of the self-employed) as a percentage of GDP, as measured under SDG 10.4.1

⁵ The female labour force is shown in absolute number along with the female labour force participation rate

⁶ Non-Standard Employment has been defined as Part-Time Employment (A) and Temporary Employment (B)

⁷ Rate of fatal and non-fatal injuries per 100,000 workers, as measured under SDG 8.8.1

The country rating is based on the overall score of 0-100, with the following coding:

(90.5-100) Decent Work | (80.5-90) Approaching Decent Work | (70.5-80) Reasonable Access to Decent Work | (60.5-70) Limited Access to Decent Work | (50.5-60) Basic Access to Decent Work | (0-50) Total Lack of Decent Work

LABOUR RIGHTS INDEX 2022

	Question ⁹	Answer	Legal Basis	Trend ¹²
1. Fair Wages	Does the law prescribe minimum wage rates in the country?	Yes	§76, 82, 120 & 192-193 of the Consolidated Labour Laws (No. 5452 of 1943)	●
	Does the law require regular payment of wages?	Yes	§459 & 463-467 of the Consolidated Labour Laws (No. 5452 of 1943)	●
	Does the law require overtime compensation be at least 125% of the regular hourly rate?	Yes	§7(XIV) of the Constitution of Brazil, 1988; §58-65 of the Consolidated Labour Laws (Law No. 5.452 of 1943)	●
	Does the law require additional compensation for working on a weekly rest day?	Yes	§70 of the Consolidated Labour Laws (No. 5452 of 1943); §8-9 of the Law No. 605 of 1949	●
2. Decent Working Hours	Does the law require additional compensation for night work?	Yes	§7(X) of the Constitution of Brazil, 1988; §73 of the Consolidated Labour Laws (No. 5452 of 1943)	●
	Does the law stipulate general working hours as 48 hours or lower?	Yes	§7(XIV) of the Constitution of Brazil, 1988; §58-65 of the Consolidated Labour Laws (No. 5452 of 1943)	●
	Does the law restrict maximum working hours including overtime to 56 hours per week?	Yes	§7(XIV) of the Constitution of Brazil, 1988; §58-65 of the Consolidated Labour Laws (Law No. 5.452 of 1943)	●
	Does the law require a weekly rest of at least 24 hours?	Yes	§7(XV) of the Constitution of Brazil, 1988; §66-70 of the Consolidated Labour Laws (No. 5452 of 1943)	●
	Does the law require paid public holidays?	Yes	§2 of the Law No. 9.903 of 1995; Law No. 662 of 1949	●
3. Employment Security	Does the law require at least three working weeks of paid annual leave?	Yes	§7(XVII) of the Constitution of Brazil, 1988; §129-142 of the Consolidated Labour Laws (No. 5452 of 1943)	●
	Does the law require written employment contracts or at least written employment particulars?	Yes	§13, 41 & 442-456 of the Consolidated Labour Laws (No. 5452 of 1943)	●
	Does the law restrict the hiring of fixed-term contract workers?	Yes	§442-B, 443-451 of the Consolidated Labour Laws (No. 5452 of 1943)	●
	Does the law limit the length of probation period including renewals to a maximum of 3 months?	Yes	§445 & 451 of the Consolidated Labour Laws (No. 5452 of 1943)	●
	Does the law require a 30-day notice before contract termination?	Yes	§487 of the Consolidated Labour Laws (No. 5452 of 1943); Law No. 12.506 of 2011	●
4. Family Responsibilities	Does the law require severance pay at the rate of at least 2 weeks of wages for every year of service?	Yes	§477-500 of the Consolidated Labour Laws (No. 5452 of 1943); §18 of the Law No. 8.036 of 1990	●
	Does the law require parental leave for parents?	No	Law No. 12.873 of October 24, 2013	●
	Does the law require at least one week of paid paternity leave for fathers?	Yes	§7(XIX) of the Constitution of Brazil, 1988; Law No. 11.770 of 2008	●
	Does the law require flexible work arrangements for workers with family responsibilities?	No	No applicable legal provisions could be located	●
5. Maternity at Work	Does the law require paid nursing breaks?	Yes	§389 & 396 of the Consolidated Labour Laws (No. 5452 of 1943)	●
	Does the law prohibit inquiring about pregnancy during recruitment?	Yes	§2 of the Law No. 9.029 of 1995	●
	Does the law require paid maternity leave of at least 14 weeks?	Yes	§392 & 473 of the Consolidated Labour Laws (No. 5452 of 1943); Law No. 11.770 of 2008	●
	Does the law require cash maternity benefit be at least 67% of a worker's former wage?	Yes	§393 of the Consolidated Labour Laws (No. 5452 of 1943); §93(1-5), 100-101 & 195 of the Decree No. 3.048 of 1999	●
	Does the law require maternity benefit be paid through contributory social insurance or universal benefits system?	Yes	§393 of the Consolidated Labour Laws (No. 5452 of 1943); §93(1-5), 100-101 & 195 of the Decree No. 3.048 of 1999	●
6. Safe Work	Does the law protect workers from dismissals during or on account of pregnancy?	Yes	§373(A) & 391 of the Consolidated Labour Laws (No. 5452 of 1943)	●
	Does the law require provision of free personal protective equipment to workers from employer?	Yes	§158, 166-167 & 389 of the Consolidated Labour Laws (No. 5452 of 1943)	●
	Does the law require the employer to train workers on health and safety issues?	Yes	§157-158 of the Consolidated Labour Laws (No. 5452 of 1943)	●
	Does the law restrict work that is prejudicial to the health of the mother or the child?	Yes	§392(4)(II) & 394(A) of the Consolidated Labour Laws (Law No. 5.452 of 1943 & Law No. 13.287, of 2016)	●
	Does the law provide for employment injury benefit?	Yes	Decreto n° 3048, de 6 de Maio de 1999; Law No. 7.855 of October 24, 1989; Decree -Law No. 229 of 1967	●
	Does the law provide for an old age pension?	Yes	§39, 51-64 & 188 of the Decreto n° 3048, de 6 de Maio de 1999; ISSA Country Profile for Brazil	●
	Does the law provide for a dependants/survivors' pension?	Yes	§39 & 105-115 of the Decreto n° 3048, de 6 de Maio de 1999; ISSA Country Profile for Brazil	●
7. Social Security	Does the law provide for unemployment benefit?	No	Lei n° 7.998, de 11 Janeiro de 1990; ISSA Country Profile for Brazil	●
	Does the law require paid sick leave for the first 6 months of sickness?	No	§59-63 of the Law No. 8.213 of 1991; ISSA Country Profile for Brazil	●
	Does the law provide for invalidity benefit?	Yes	§29, 32, 39 & 43-50, Decreto n° 3048, de 6 de Maio de 1999; ISSA Country Profile for Brazil	●
	Does the law require equal remuneration for work of equal value?	No	§7(XXX) of the Constitution of Brazil, 1988; §5 & 461-462 of the Consolidated Labour Laws (No. 5452 of 1943)	●
	Does the law prohibit sexual harassment in employment?	Yes	§483(1)(b & d) of the Consolidated Labour Laws (No. 5452 of 1943); §932 of the Civil Code; §216 of the Criminal Code	●
8. Fair Treatment	Does the law prohibit discrimination in employment matters? ¹⁰	Yes	§5, 373(A) & 461-462 of the Consolidated Labour Laws (No. 5452 of 1943); §1 & 2 of the Law No. 9.029 of the 1995	●
	Does the law allow women to do the same jobs as men?	Yes	§198, 381 & 390 of the Consolidated Labour Laws (No. 5452 of 1943)	●
	Does the law guarantee basic labour protections for gig economy workers?	Yes	Decreto n° 3048, de 6 de Maio de 1999; ISSA Country Profile for Brazil	●
	Does the law prohibit employment of children?	Yes	§402-414, Consolidated Labour Laws 1943; §60-69, Child & Adolescent Law 8.069 of 1990	●
9. Child and Forced Labour	Does the law set employment entry age equal to or higher than the compulsory schooling age?	No	§4 of the National Education Law, 1996	●
	Does the law prohibit the employment of children in hazardous work under the age of 18 years?	Yes	§2 of the Hazardous Work List (Decree No. 6.481 of 2008)	●
	Does the law prohibit forced labour?	Yes	§149 & 149-A of the Penal Code, 1940	●
10. Trade Union	Does the law allow workers to form and join unions of their own choice?	No	§8, Constitution of Brazil, 1988; §511-516, Consolidated Labour Laws (No. 5452 of 1943)	●
	Does the law allow workers to bargain collectively with employers through their representative unions?	Yes	§8(IV), Constitution of Brazil, 1988; §442-B, 611- 625, Consolidated Labour Laws (No. 5452 of 1943); CEACR C98 Obs. 2020	●
	Does the law provide for the right to strike?	No	§9 & 37(VII) of the Constitution of Brazil, 1988; §10 of the Law No. 7.783 of 1989	●
	Does the law prohibit employers from terminating employment contracts of striking workers?	Yes	§9 & 37(VII) of the Constitution of Brazil, 1988; §7 of Law No. 7.783 of 1989	●

Covid 19 and Labour Market in Brazil*

Total Covid Cases	33.40 Million
Total Covid Deaths	675,871
Partial Vaccinated	88.0%
Fully Vaccinated	80.0%

Wage Subsidies	✓
Social Security Contributions (deferrals/waivers)	✓
Paid Sick Leave	✓
Add. Unemployment Benefits	✓

Protection from Dismissals	✗
Telework/flexible work	✓
Improved Health Access	✗
Training (activation measures)	✓

⁹ The Index has 10 indicators and 46 evaluation criteria or questions.

¹⁰ The prohibited grounds for discrimination are "race, colour, sex, religion, political opinion, national extraction or social origin, age, disability and trade union membership". A score of 1 is assigned only if a country has prohibited discrimination on at least 7 of the above 10 grounds.

¹¹ A country's score on LRI's Trade Union indicator must also be read together SDG indicator 8.8.2 which measures the level of national compliance with labour rights (freedom of association and collective bargaining) based on ILO textual sources and national legislation. It has a range from 0 to 10, with 0 being the best possible score (indicating higher levels of compliance with FACB rights) and 10 the worst (indicating lower levels of compliance with FACB rights). No score is available for the Brazil on SDG 8.8.2

The Index uses Observations/Direct Requests from ILO CEACR and the US Department of State's Country Reports on Human Rights Practices (US DOS CRHRP) to measure a country's compliance on the Trade Union indicator.

¹² In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2020), the legislative table indicates improvement or worsening of labour rights in country through the following colours.

- Score increase
- Score decrease
- Score adjustment
- No change