Presidency of the Republic
Office of the Chief of Staff
Legal Affairs Subsection

Decree-Law No. 5452, OF MAY 1, 1943,

approves the Consolidation of Labor Laws.

Compiled Text

In effect

(Refer to Decree-Law No. 127, of 1967)

THE PRESIDENT OF THE REPUBLIC, by virtue of the authority vested in him by the Constitution,

DECREES:

Article 1. The Consolidation of Labor Laws and the amendments pursuant to the legislation in effect are hereby approved, through this Decree-Law.

Sole Paragraph. The legal transitional or emergency provisions shall remain valid, as well as those that do not apply to the national territory.

Article 2. This Decree-Law shall enter into force on November 10, 1943.

Rio de Janeiro, May 1, 1943, the 122nd Anniversary of the Independence of Brazil and the 55th Anniversary of the Republic.

GETÚLIO VARGAS

Alexandre Marcondes Filho

This text does not replace the one published in the Official Gazette of August 9, 1943, rectified by Decree-Law No. 6353, of 1944 and rectified by Decree-Law No. 9797, of 1946.

CONSOLIDATION OF LABOR LAWS

TITLE I

INTRODUCTION

Article 1. This Consolidation sets forth rules which shall govern individual and collective employment relationships specified herein.

Article 2. Employer means the individual or corporation who or which by assuming the financial risks of an economic activity, hires, pays and manages the rendering of the services.

Paragraph1. Exclusively for the purposes of employment relationships, self-employed professionals, members of philanthropic organizations, sports associations or other nonprofit institutions which hire workers as employees shall be equally considered employers.

Paragraph 2. Whenever one or more enterprises, despite having their own corporate status, are under the management, control or administration of another enterprise, or whenever they, despite maintaining their autonomy, are part of an economic group, they shall be jointly and severally liable to the obligations arising from the employment relationship. (Wording by Law No. 13467, of 2017) (In effect)

Paragraph 3. The mere identity of members shall not characterize an economic group, being necessary, for the formation of the group, evidence of integrated interest, effective shared interests and the joint performance of the member companies. (Included by Law No. 13467, of 2017) (In effect)

Article 3. Employee means any person who renders services other than casual services to an employer under the supervision of the employer and in return for salary.

Sole Paragraph. No distinction shall be made on account of the nature of the employment or the employee's situation nor between intellectual, technical and manual work.

Article 4. Except as otherwise provided, effective work means the period during which the employee is available to the employer, waiting for or carrying out orders.

Paragraph 1. The periods in which the employee is away from work, rendering military service and due to work-related accident leave shall be calculated, in the counting of length of service, for the purpose of indemnity and stability. (Wording by Law No. 13467, of 2017) (In effect)

Paragraph 2. As it is not considered time available to the employer, the period that exceeds the normal working day shall not be counted as overtime, even if it exceeds the five-minute limit

provided for in Paragraph 1 of Article 58 of this Consolidation, when the employee, by their own choice, seeks personal protection, in case of insecurity on public roads or bad weather conditions, as well as enters or stays in the company's premises to perform private activities, amongst others: (Included by Law No. 13467, of 2017) (In effect)

I – religious practices; (Included by Law No. 13467, of 2017) (In effect)

II – rest; (Included by Law No. 13467, of 2017) (In effect)

III – leisure; (Included by Law No. 13467, of 2017) (In effect)

IV – studies; (Included by Law No. 13467, of 2017) (In effect)

V – meal periods; (Included by Law No. 13467, of 2017) (In effect)

VI - social relationship activities; (Included by Law No. 13467, of 2017) (In effect)

VII – personal hygiene; (Included by Law No. 13467, of 2017) (In effect)

VIII – change of clothes or uniform, when there is no obligation to make the change in the company. (Included by Law No. 13467, of 2017) (In effect)

Article 5. Equal wages shall be paid for equal work without distinction of gender.

Article 6. No distinction shall be made between the work carried out at the employer's premises, the work carried out at the employee's home and that carried out at a distance, provided the conditions of the employment relationship are fulfilled (Wording by Law No. 12551, of 2011)

Sole Paragraph. The telematic and computerized means of command, control and supervision are equivalent, for the purposes of legal subordination, to the personal and direct means of command, control and supervision of the work of others. (Included by Law No. 12551, of 2011)

Article 7. Except as otherwise provided, in a particular case, the provisions of this Consolidation shall not apply to the following persons: (Wording by Decree-Law No. 8079, of October 11, 1945)

a) domestic employees, that is to say, in general, persons who render services of a nonprofit nature for an individual or a family in their household;

b) agricultural employees, that is to say, persons who perform work directly connected with agriculture and livestock and are not employed in work which, on account of the manner in which it is performed or the purpose of the processes, can be classified as industrial or commercial;

c) Federal, State or Municipal public servants or others employed in the various Secretariats thereof; (Wording by Decree-Law No. 8079, of October 11, 1945)

d) employees of autonomous administrative bodies provided that they are covered by an employment protection regime which guarantees them a situation similar to that of a public servant. (Wording by Decree-Law No. 8079, of October 11, 1945)

e) employees of enterprises that belong to the Federal Government, when they are managed by the States, except for those whose ownership or management result from temporary circumstances.

f) management and advisory activities in parties' bodies, institutes and foundations, as defined in internal party organization rules. (Included by Law No. 13.877, of 2019)

Article 8. In default of statutory or contract provisions, administrative authorities and Labor Courts shall decide in each case, on the basis of case law, analogy, equity or other principles and general rules of Law, in particular Labor Law, and further, in accordance with customary practice and comparative Law, but always in such a manner that class or private interests do not, in any case, prevail over public interest.

Paragraph 1. Common Law shall be a subsidiary source of Labor Law. (Wording by Law No. 13467, of 2017) (In effect)

Paragraph 2. Summaries and other case law statements issued by the Superior Labor Court and by the Regional Labor Courts may not restrict legally provided rights or create obligations not provided for by Law. (Included by Law No. 13467, of 2017) (In effect)

Paragraph 3. In the review of the collective bargaining or collective bargaining agreement, the Labor Court shall exclusively review compliance with essential elements of the legal business, regarding the provisions of Article 104 of Law No. 10.406, of January 10, 2002 (Civil Code), and shall guide its performance by the principle of minimum intervention in the autonomy of the collective will. (Included by Law No. 13467, of 2017) (In effect)

Article 9. Any act committed for the purpose of interfering, rendering nugatory or evading the enforcement of the provisions set forth in this Consolidation shall be automatically null and void.

Article 10. Alterations in the legal status of the enterprise shall not affect the rights acquired by its employees.

Article 10-A. The withdrawing partner shall respond in a subsidiary manner for the company's labor obligations related to the period in which they appeared as a partner, only in lawsuits filed up to 2 (two) years after the contract alteration is registered, subject to the following order of preference: (Included by Law No. 13467, of 2017) (In effect)

I – the debtor company; (Included by Law No. 13467, of 2017) (In effect)

II – the current partners; and (Included by Law No. 13467, of 2017) (In effect)

III – the withdrawing partners. (Included by Law No. 13467, of 2017) (In effect)

Sole Paragraph. The withdrawing partner shall respond jointly with the others when there is proven fraud in the corporate structure resulting from the contract alteration. (Included by Law No. 13467, of 2017) (In effect)

Article 11. The claim for credits resulting from employment relationships expires in five years for urban and rural employees, up to the limit of two years after termination of the employment contract. (Wording by Law No. 13467, of 2017) (In effect)

I – (Revoked); (Wording by Law No. 13467, of 2017) (In effect)

II – (Revoked). (Wording by Law No. 13467, of 2017) (In effect)

Paragraph 1. The provisions of this Article do not apply to claims aiming to obtain annotations in the Social Security ID Card as proof before the Security Security Administration. (Included by Law No. 9.658, of May 6, 1998)

Paragraph 2. In the case of a claim involving a request for successive installments resulting from alteration or non-compliance with the agreement, the limitation is total, except when the right to the installment is also ensured by Law. (Included by Law No. 13467, of 2017) (In effect)

Paragraph 3. Interruption of limitation will only occur upon filing a labor claim, even if the court is not competent, and it is dismissed without resolution of the merits, providing effects only in relation to identical requests. (Included by Law No. 13467, of 2017) (In effect)

Article 11-A. Intervening limitation occurs in labor proceedings within 2 (two) years. (Included by Law No. 13467, of 2017) (In effect)

Paragraph 1. The intervening limitation period begins when the judgment creditor fails to comply with a court order in the course of enforcement. (Included by Law No. 13467, of 2017) (In effect)

Paragraph 2. The declaration of the intervening limitation can be requested or declared *sua sponte* at any level of jurisdiction. (Included by Law No. 13467, of 2017) (In effect)

Article 12. A special law shall be enacted to set forth provisions relating to Social Security.

TITLE II

GENERAL GUIDELINES FOR LABOR PROTECTION

CHAPTER I

PROFESSIONAL IDENTIFICATION

SECTION I

PROFESSIONAL LABOR AND SOCIAL SECURITY ID CARD

(Wording by Decree-Law No. 926, of October 10, 1969)

Article 13. The Labor and Social Security ID Card (CTPS) shall be mandatory for any person accepting any employment, including employment of rural nature, even if temporary, and for self-employed persons rendering professional paid services. (Wording by Decree-Law No. 926, of October 10, 1969)

Paragraph 1. This Article shall also apply to: (Wording by Decree-Law No. 926, of October 10, 1969)

I - the owner of a property, whether rural or not, who works on their own account or in a family company (the latter expression understood as members of the same family performing work which is essential to their own subsistence, and which is carried out under mutual dependency and collaboration; (Wording by Decree-Law No. 926, of October 10, 1969)

II. persons who farm, as a family company and without employees, an acreage not exceeding the rural standard acreage or any other limitation as to acreage fixed for each region by the Ministry of Labor and Social Security. (Wording by Decree-Law No. 926, of October 10, 1969)

Paragraph 2. The Labor and Social Security ID Card shall comply with the samples adopted by the Ministry of Economy. (Wording by Law No. 13874, of 2019)

Paragraph 3 (Revoked). (Wording by Law No. 13874, of 2019)

Paragraph 4 (Revoked). (Wording by Law No. 13874, of 2019)

SECTION II

ISSUANCE OF THE LABOR AND SOCIAL SECURITY ID CARD

(Wording by Decree-Law No. 926, of October 10, 1969)

Article 14. The CTPS shall be issued by the Ministry of Economy, preferably in digital form. (Wording by Law No. 13874, of 2019)

Sole Paragraph. Exceptionally, the CTPS may be issued in physical form, provided that it takes place: (Wording by Law No. 13874, of 2019)

I – in the decentralized units of the Ministry of Economy that are qualified for they issuance; (Included by Law No. 13874, of 2019)

II – by agreement, by federal, state and municipal bodies of the direct or indirect administration; (Included by Law No. 13874, of 2019)

III – by agreement with notary and registration services, at no cost to the administration, guaranteeing the conditions for information security. (Included by Law No. 13874, of 2019)

Article 15. The procedures for issuing the CTPS to interested parties shall be established by the Ministry of Economy in its own regulation, privileging their issuance in electronic format. (Wording by Law No. 13874, of 2019)

Article 16. The CTPS shall have the employee's unique registration number in the Individual Taxpayer Identification Number (CPF). (Wording by Law No. 13874, of 2019)

I – (Revoked); (Wording by Law No. 13874, of 2019)

II – (Revoked); (Wording by Law No. 13874, of 2019)

III – (Revoked); (Wording by Law No. 13874, of 2019)

IV – (Revoked). (Wording by Law No. 13874, of 2019)

Sole Paragraph. (Revoked). (Wording by Law No. 13874, of 2019)

a) (Revoked); (Wording by Law No. 13874, of 2019)

b) (Revoked). (Wording by Law No. 13874, of 2019)

Article 17. (Revoked by Law No. 13874, of 2019)

Paragraph 1. (Revoked by Law No. 13874, of 2019)

Paragraph 2. (Revoked by Law No. 13874, of 2019)

Article18. Revoked by Law No. 7855 of October 24, 1989.

Article 19. Revoked by Law No. 7855 of October 24, 1989.

Article 20. (Revoked by Law No. 13874, of 2019)

Article 21. (Revoked by Decree-Law No. 926, of October 10, 1969) (Revoked by Law No. 13874, of 2019)

Paragraph 1. (Revoked by Decree-Law No. 926, of October 10, 1969)

Paragraph 2. (Revoked by Decree-Law No. 926, of October 10, 1969)

Article 22. (Revoked by Decree-Law No. 926, of October 10, 1969)

Article 23. (Revoked by Decree-Law No. 926, of October 10, 1969)

Article 24. (Revoked by Decree-Law No. 926, of October 10, 1969)

SECTION III

DELIVERY OF LABOR AND SOCIAL SECURITY ID CARDS

Article 25. (Revoked by Law No. 13874, of 2019)

Article 26. (Revoked by Law No. 13874, of 2019)

Article 27. (Revoked by Law No. 7855, of October 24, 1989)

Article 28. (Revoked by Law No. 7855, of October 24, 1989)

SECTION IV

ANNOTATIONS

Article 29. The employer shall have a period of five 5 working days to make any annotations in the CTPS in relation to the employees they hire, the hiring date, remuneration and the special conditions, if any, being given the option to adopt the manual, mechanical or electronic regime, according to instructions to be issued by the Ministry of Economy. (Wording by Law No. 13874, of 2019)

Paragraph 1. The annotations concerning remuneration shall specify the salary, regardless of the form of payment, being it in cash or in assets, as well as the tip estimate.

Paragraph 2. Annotations in the Labor and Social Security ID Card shall be made: (Wording by Law No. 7855, of October 24, 1989)

a) on the base date; (Wording by Law No. 7855, of October 24, 1989)

b) at any time, at the employee's request; (Wording stated by Law No. 7855, of October 24, 1989)

c) In the event of contract termination; or (Wording by Law No. 7855, of October 24, 1989)

d) upon the need for proof before the Social Security Administration. (Wording by Law No. 7855, of 24.10.1989)

Paragraph 3. The employer's failure to comply with the provisions of this Article shall result in a violation notice by the Labor Labor Court's Inspector, who shall report *sua sponte* the lack of annotations to the competent body, in order to initiate the annotation process. (Wording by Law No. 7855, of October 24, 1989)

Paragraph 4. The employer is forbidden to make disrespectful annotations regarding the employee's conduct in their Labor and Social Security ID Card. (Included by Law No. 10270, of August 29, 2001)

Paragraph 5. Failure to comply with the provisions of Paragraph 4 of this Article shall subject the employer to the payment of a fine provided for in Article 52 of this Chapter. (Included by Law No. 10270, of August 29, 2001)

Paragraph 6. The communication by the employee of the CPF identification number to the employer is equivalent to the submission of CTPS in digital media, exempting the employer from issuing a proof of receipt. (Included by Law No. 13874, of 2019)

Paragraph 7. The electronic registers generated by the employer in the computerized regimes of CTPS in digital media are equivalent to the annotations referred to in this Law. (Included by Law No. 13874, of 2019)

Paragraph 8. The employee shall have access to the information of their CTPS within forty-eight (48) hours from its annotation. (Included by Law No. 13874, of 2019)

Article 30. (Revoked by Law No. 13874, of 2019)

Article 31. (Revoked by Law No. 13874, of 2019)

Article 32. (Revoked by Law No. 13874, of 2019)

Sole Paragraph. (Revoked by Law No. 13874, of 2019)

Article 33. (Revoked by Law No. 13874, of 2019)

Article 34. (Revoked by Law No. 13874, of 2019)

Article 35. (Revoked by Law No. 6.533, of 24.5.1978)

SECTION V

CLAIMS DUE TO FAILURE OR REFUSAL TO MAKE ANNOTATIONS

Article 36. Whenever the enterprise refuses to make the annotations provided for in Article 29 or to return a Labor and Social Security ID Card that the employee has handed over, the employee may appear either in person or through an intermediary of their union before the regional office or competent authority for the purpose of filing a complaint. (Wording by Decree-Law No. 229, of February 28, 1967)

Article 37. In the cases covered by Article 36, arrangements shall be made to investigate the matter, after the complaint has been duly filed; the provisions of Paragraph 2 of Article 29 shall be observed, whenever appropriate, and a summons shall subsequently be served on the employer by registered letter, if they persist in their refusal, summoning them to appear on a particular day and at a particular time to either provide explanations, make the annotations in the Labor and Social Security ID Card or return it. (Wording by Decree-Law No. 229, of February 28, 1967)

Sole Paragraph. If the employer fails to appear, a note shall be made of their absence; they shall be considered in default and to have admitted the accusation made against them, and the annotation shall be made *sua sponte* by the authority dealing with the complaint. (Wording by Decree-Law No. 229, of February 28, 1967)

Article 38. If the employer appears and refuses to make the annotations demanded, a document shall be written registering their attendance and including the following, amongst others, the place, day and time of the document and the name and address of the employer, who shall be granted a time limit of 48 (forty-eight) hours, from the date of the document, for submitting their defense.

Sole Paragraph. On the expiration of the time limit fixed for defense, the file shall be submitted to the administrative authority of the first instance in order for the necessary procedures to be taken to complete the annotations or for judgment to be rendered if the case it is considered to be sufficiently clear.

Article 39. If it is found that the employer's allegations cast doubt on the existence of the employment relationship or if it is impossible to ascertain by administrative methods whether such a relationship exists, the case shall be referred to the Labor Courts, in which case any proceedings arising from the violation notice shall be suspended. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 1. If no agreement can be reached, the Conciliation and Arbitration Boards shall give instructions to the clerk to make the necessary annotations once the matter has reached an unappealable sentence and to notify the competent authority so that the appropriate fine can be imposed. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 2. The same procedure shall be followed in labor suits of all kinds if it is found that the necessary annotations have been omitted from a Labor and Social Security ID Card; in that case, the judge shall give instructions regarding any annotations not being disputed. (Wording by Decree-Law No. 229, of February 28, 1967)

SECTION VI

VALUE OF ANNOTATIONS AS EVIDENCE

Article 40. The regularly issued and annotated CTPS will serve as evidence: (Wording by Law No. 13874, of 2019)

Paragraph 1. In the event of disagreement in the Labor Courts between the company and the employee on grounds of salary, vacation or length of service; (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 2. (Revoked); (Wording by Law No. 13874, of 2019)

Paragraph 3. For calculation of indemnity for work-related accidents or professional illnesses. (Wording by Decree-Law No. 229, of February 28, 1967)

SECTION VII

EMPLOYEE REGISTERS

Article 41. In all activities, it shall be mandatory for the employer to keep a register of their employees, possibly adopting ID cards, files or an electronic regime for the purpose, in accordance with instructions to be issued by the Minister of Labor. (Wording by Law No. 7855, of October 24, 1989)

Sole Paragraph. The civil or occupational identification of each employee and also all details relating to employment start, duration and effective date of employment, holidays, accidents and other circumstances affecting the protection of the employee shall be entered in the mentioned register. (Wording by Law No. 7855, of October 24, 1989)

Article 42. (Revoked by Law No. 10243, of June 19, 2001)

Article 43. Revoked by Law No. 7855 of October 24, 1989.

Article 44. Revoked by Law No. 7855 of October 24, 1989.

Article 45. Revoked Decree-Law No. 229 of February 28, 1967.

Article 46. Revoked by Decree-Law No. 229 of February 28, 1967.

Article 47. The employer who does not register the employee under the terms of Article 41 of this Consolidation shall be subject to a fine in the amount of three thousand reais (R$ 3,000.00) per unregistered employee, plus an equal amount for each recurrence. (Wording by Law No. 13467, of 2017) (In effect)

Paragraph 1. Specifically regarding the violation referred to in the head provision of this Article, the final amount of the fine applied shall be eight hundred reais (R$ 800.00) per unregistered employee, in the case of a micro or small business. (Included by Law No. 13467, of 2017) (In effect)

Paragraph 2. The violation referred to in the head provision of this Article is an exception to the double visit criterion. (Included by Law No. 13467, of 2017) (In effect)

Article 47-A. In the event that the information referred to in the Sole Paragraph of Article 41 of this Consolidation is not informed, the employer shall be subject to a fine of six hundred reais (R$ 600.00) per harmed employee. (Included by Law No. 13467, of 2017) (In effect)

Article 48. The fines provided for in this Section shall be imposed by the regional authorities of the Ministry of Labor.

SECTION VIII

PENALTIES

Article 49. For the purposes of issuance, replacement or annotation of a Labor and Social Security ID Card shall, the following shall be considered forgery and shall be punished with the penalties provided for in Article 299 of the Penal Code: (Wording by Decree-Law No. 229, of February 28, 1967)

I - To prepare any document which is false, either fully or in part, or alter a document which is true: (Included by Decree-Law No. 229, of February 28, 1967)

II - To make a false statement with regard to their own or any other person's identity, parentage, birthplace, address, occupation, civil status or dependents; (Included by Decree-Law No. 229, of February 28, 1967)

III - To use a document that has been falsified in any way; (Included by Decree-Law No. 229, of February 28, 1967)

IV - To forge a Labor and Social Security ID Card by altering it or preparing it themselves, or sell, use or possess such an ID card that has been forged in such a way. (Included by Decree-Law No. 229, of February 28, 1967)

V - To make any annotation in a Labor and Social Security ID Card or employees' register with intent to deceive, recognize or affirm an untrue employment start date in any suit or elsewhere. (Included by Decree-Law No. 229, of February 28, 1967)

Article 50. If a statement made for the purpose of issuing a Labor and Social Security ID Card or an annotation in a Labor and Social Security ID Card is found to be false, the fact shall be reported to the authority that issued the ID card for the purpose of the necessary legal action.

Article 51. Any person, whether engaged in commerce or not, who sells or offers for sale any kind of Labor and Social Security ID Card identical with or similar to the officially adopted shall incur a fine equal to 3 (three) times the regional minimum wage. (Included by Decree-Law No. 229, of February 28, 1967)

Article 52. The loss or destruction of the Labor and Social Security ID Card due to the company’s fault will subject the company to a fine equal to half of the regional minimum wage. (Wording by Decree-Law No. 926, of October 10, 1969)

Article 53. (Revoked by Law No. 13874, of 2019)

Article 54. (Revoked by Law No. 13874, of 2019)

Article 55 – The company that violates Article 13 and its paragraphs shall incur a fine equal to 1 (one) regional minimum wage. (Writing stated by Decree-Law No. 229, of February 28, 1967)

Article 56. (Revoked by Law No. 13874, of 2019)

CHAPTER III

WORK DURATION

SECTION I

PRELIMINARY PROVISION

Article 57. The provisions of this Chapter shall apply to all activities, except for those which are expressly excluded; and special provisions relating strictly to professional peculiarities set forth in Chapter I of Title III shall also be exceptions.

SECTION II

DAILY WORKING HOURS

Article 58. The regular working hours of persons engaged in private employment of any kind shall not exceed 8 (eight) hours a day, unless another limit is expressly fixed.

Paragraph 1. Variations in the time clock not exceeding five minutes shall not be discounted or counted as extraordinary working hours, observing the maximum limit of ten daily minutes. (Paragraph included by Law No. 10243, of June 19, 2001)

Paragraph 2. The time spent with commuting, walking or by any other means of transport, including that provided by the employer, shall not be counted in the working day, as it is not considered time at work, at the employer's disposal. (Wording by Law No. 13467, of 2017) (In effect)

Paragraph 3. (Revoked by Law No. 13467, of 2017)

Article 58-A. Part-time work is considered to be one whose shift does not exceed thirty hours a week, without the possibility of additional weekly hours, or even one whose shift does not exceed twenty-six hours a week, with the possibility of adding up to six additional hours per week. (Wording by Law No. 13467, of 2017) (In effect)

Paragraph 1. The salary to be paid to employees on a part-time basis shall be proportional to their working hours, in relation to employees who work full-time in the same positions. (Included by Provisional Presidential Decree No. 2164-41, of 2001)

Paragraph 2. For current employees, the adoption of the part-time regime shall be done through an option agreed upon with the company, as provided for in an instrument resulting from collective bargaining. (Included by Provisional Presidential Decree No. 2164-41, of 2001)

Paragraph 3. Hours additional to the normal working hours shall be paid with an increase of 50% (fifty percent) over the normal hourly wage. (Included by Law No. 13467, of 2017) (In effect)

Paragraph 4. In the event that the part-time employment contract is established for a shift shorter than twenty-six hours per week, the hours exceeding that amount shall be considered

overtime for the purposes of the payment stipulated in Paragraph 3, and are also limited to six overtime additional hours per week. (Included by Law No. 13467, of 2017) (In effect)

Paragraph 5. Overtime may be compensated directly until the week immediately following that of overtime work, and overtime pay shall be made on the payroll of the following month, if it is not compensated. (Included by Law No. 13467, of 2017) (In effect)

Paragraph 6. The employee hired on a part-time basis is allowed to convert one third of the vacation period to which they are entitled into a cash payment. (Included by Law No. 13467, of 2017) (In effect)

Paragraph 7. Part-time holidays are governed by the provisions of Article 130 of this Consolidation. (Included by Law No. 13467, of 2017) (In effect)

Article 59. The daily working hours may be increased by overtime, not exceeding two, by individual agreement, collective agreement or collective bargaining agreement. (Wording by Law No. 13467, of 2017) (In effect)

Paragraph 1. Overtime pay shall be at least 50% (fifty percent) higher than normal hourly wages. (Wording by Law No. 13467, of 2017) (In effect)

Paragraph 2. Salary increase may be waived if, by virtue of an agreement or collective bargaining agreement, the excess hours in one day are compensated by the corresponding decrease in another day, in a way that they do not exceed, in the maximum period of one year, the sum of the expected working hours, nor is the maximum limit of ten hours per day exceeded. (Wording by Provisional Presidential Decree No. 2164-41, of 2001)

Paragraph 3. In the event of termination of the employment contract without full compensation for overtime, as provided for in Paragraphs 2 and 5 of this Article, the employee shall be entitled to the payment of unpaid overtime, calculated over the amount of the remuneration on the date of termination.

Paragraph 4. (Revoked by Law No. 13467, of 2017)

Paragraph 5. The banking hours referred to in Paragraph 2 of this Article may be agreed upon by individual written agreement, provided that the compensation occurs within a maximum six-month period. (Included by Law No. 13467, of 2017) (In effect)

Paragraph 6. The workday compensation regime established by individual, tacit or written agreement, for compensation in the same month, is lawful. (Included by Law No. 13467, of 2017) (In effect)

Article 59-A. Except for the provisions of Article 59 of this Consolidation, the parties are allowed, by individual written agreement, collective agreement or collective bargaining agreement, to establish working hours of twelve hours followed by thirty-six uninterrupted hours of rest, observing or paying the rest and meal periods. (Included by Law No. 13467, of 2017) (In effect)

Sole Paragraph. The monthly remuneration agreed upon regarding the schedule provided for in the head provision of this Article covers the payments due for the weekly paid rest and for the rest on holidays, and the holidays and night work excesses, if any, referred to in Article 70 and Paragraph 5 of Article 73 of this Consolidation. (Included by Law No. 13467, of 2017) (In effect)

Article 59-B. Failure to meet the legal requirements for workday compensation, even when established by means of a tacit agreement, does not imply repetition of payment for hours exceeding the normal daily workday, if the maximum weekly duration is not exceeded, and only the respective additional payment is due. (Included by Law No. 13467, of 2017) (In effect)

Sole Paragraph. Usual overtime does not detract from the work hours compensation agreement and the banking hours. (Included by Law No. 13467, of 2017) (In effect)

Article 60. Regarding unhealthy occupations, which means those specified in the lists mentioned in the Chapter entitled "Industrial Hygiene and Safety" or any which may hereinafter be added to them by order of the Minister of Labor, Industry and Commerce, exceeding working hours shall not be permitted except under a permit issued in advance by the competent authorities with respect to industrial hygiene, which for this purpose shall make the necessary inspection on the spot and review the methods and processes of work, either directly or through Federal, State or Municipal health authorities, with which they shall enter into an agreement for this purpose.

Sole Paragraph. Twelve-hour workdays for thirty-six uninterrupted hours of rest are an exception to this requirement. (Included by Law No. 13467, of 2017) (In effect)

Article 61. In the event of urgent necessity, working hours may exceed the statutory limits or the limits fixed by agreement, in order to meet cases of force majeure or to carry out or complete work which cannot be postponed or in case failure to carry them out might result in loss.

Paragraph 1. Working overtime, in the cases of this Article, may be required regardless of collective labor or collective bargaining agreement.(Wording by Law No. 13467, of 2017) (In effect)

Paragraph 2. in the cases of overtime worked for reasons of force majeure, the remuneration for overtime shall not be less than that paid for normal working hours. In other cases of overtime provided for in this Article, the remuneration shall not be less than 25% (twenty-five percent)

higher than the normal wage, and working hours shall not exceed 12 (twelve) hours a day unless another limit is expressly fixed by Law.

Paragraph 3. In the event of interruption of work due to accidental cause or force majeure impeding work, working hours may be exceeded to the extent necessary, but not more than 2 (two) hours, during the number of days necessary to make up for lost time, provided that they shall not exceed 10 (ten) hours per day, and the period shall not last more than 45 (forty-five) days per year; being this compensation subject to prior authorization by a competent authority.

Article 62. The following shall not be included in the regime provided for in this Chapter: (Wording by Law No. 8966, of December 27, 1994)

I - Employees who perform work outside the company which is incompatible with a fixed time list; this shall be explicitly mentioned in the Labor and Social Security ID Card and in the register of employees; (Included by Law No. 8966, of December 27, 1994)

II - Managers; the term manager means a person who performs managerial duties who are equivalent, for the purpose of this Article to directors and heads of a Secretariat or of a subsidiary. (Included by Law No. 8966, of December 27, 1994)

III – teleworking employees. (Included by Law No. 13467, of 2017) (In effect)

Sole Paragraph. The working regime provided for in this Chapter shall apply to the employees mentioned in sub-paragraph II of this Article, when the salary of the manager, including the bonus, is less than the amount of the respective effective wage increased by 40% (forty percent). (Wording by Law No. 8966, of December 27, 1994, effective December 28, 1994)

Article 63. Distinction shall not be made between employees and persons with an interest in the company, and share in profits and commissions shall not exclude the person hired in the regime provided for in this Chapter.

Article 64. In the case of the employee paid by the month, the normal hourly wage shall be obtained by dividing the monthly wage corresponding to the duration of the work, as specified in Article 58, by 30 (thirty) times the number of daily working hours.

Sole Paragraph. If the employee has worked for less than 30 (thirty) days, the number of days actually worked per month shall be substituted for the purposes of the calculation of the hourly wage.

Article 65. In the case of the employee paid for each day, the normal hourly wage shall be obtained by dividing the daily wage for working hours specified in Article 58 by the number of hours of actual work.

SECTION III

REST PERIODS

Article 66. A rest period of not less than 11 (eleven) consecutive hours shall be granted between 2 (two) day's work.

Article 67. Every employee shall be granted a weekly rest period of 24 (twenty-four) consecutive hours, which shall be given fully or partly on Sunday, except for reasons of public interest or reasons arising from urgent necessity.

Sole Paragraph. In the case of services when Sunday work is necessary, except for theater companies, a roster shall be prepared on a monthly basis in accordance with a working schedule, which shall be subject to inspection.

Article 68. Work on Sunday, whether for the whole or part of the day, in accordance with Article 67, shall be always subject to a previously issued permit by the competent authority in labor matters.

Sole Paragraph. This permit shall be permanent in the case of work which on account of its nature or for reasons of public interest shall be carried out on Sundays; the Minister of Labor, Industry and Commerce, shall issue instructions to specify the kind of work in reference. In other cases a temporary permit shall be granted for a specified period, which shall not exceed 60 (sixty) days on each occasion.

Article 69. Regarding legislation related to the activities subject to the regime of this Chapter, the municipalities shall comply with the rulings set forth therein; the legislation created shall not be contrary to the mentioned rules or to the instructions issued for their enforcement by the competent authorities in labor matters.

Article 70. Except as otherwise provided by Articles 68 and 69, work shall be prohibited on the national and religious holidays as provided for in the relevant legislation. (Wording by Decree-Law No. 229, of February 28, 1967)

Article 71. Every regular shift of more than 6 (six) hours of continuous work shall be interrupted by a mandatory break for rest or a meal; this break shall not be less than 1 (one) hour and, except as otherwise provided by an agreement in writing or a collective agreement, it shall not exceed 2 (two) hours.

Paragraph 1. In the case of a shift of more than 4 (four) hours, but less than 6 (six) hours, a break of 15 (fifteen) minutes shall be mandatory.

Paragraph 2. The breaks for rest shall not be included in working hours.

Paragraph 3. The minimum break of one hour for rest or a meal may be reduced by order of the Minister of Labor, Industry and Commerce, if it is found, after consultation with the National Secretariat of Safety and Health of Labor (DNSHT), that the company satisfies in every respect the requirements for dining organization and if the employees concerned are not required to work overtime. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 4. Non-provision or partial provision of the minimum intraday interval, rest and meal periods, to urban and rural employees, implies the payment, for indemnity purposes, only for the period suppressed, with an increase of 50% (fifty percent) on the amount of the normal hourly wages. (Wording by Law No. 13467, of 2017) (In effect)

Paragraph 5. The interval established in the head provision may be reduced and/or divided, and the one established in Paragraph 1 may be divided, when included between the end of the first hour worked and the beginning of the last hour worked, as long as provided for in a collective labor or collective bargaining agreement, in view of the nature of the service and in view of the special working conditions to which drivers, collectors, field Labor Court's Inspectors and the like in the operation of road vehicles, employed in the collective passenger transport sector are strictly submitted, with remuneration being maintained and shorter rest intervals being granted at the end of each trip. (Wording by Law No. 13103, of 2015) (In effect)

Article 72. In the case of permanent services for mechanical registering (typewriting, accounting or calculating machines), a break of 10 (ten) minutes shall be allowed after each period of 90 (ninety) minutes of consecutive work; the break shall not be deducted from the normal working hours.

SECTION IV

NIGHT SHIFTS

Article 73. Except for the cases when work is organized in weekly or fortnightly shifts, the remuneration for night work shall be higher than that paid for day work; the night work wage shall not be less than 20% (twenty percent) higher than the hourly wage for day work. (Wording by Decree-Law No. 9666, of 1946)

Paragraph 1. One hour of night work shall be equal to 52 (fifty-two)minutes and thirty seconds. (Wording by Decree-Law No. 9666, of 1946)

Paragraph 2. For the purposes of this Article, work performed between the hours of 22 hours on one day and 5 hours on the following day shall considered night work. (Wording by Decree-Law No. 9666, of 1946)

Paragraph 3. The higher wage provided for in this Article shall be fixed, in companies which by reason of the nature of their operations do not normally work during the night, on the basis of the wages paid for similar work during the day. In the case of companies where the nature of their operations involves night work, the increased wage shall be calculated on the basis of the minimum current wage in the area and shall not be paid if the remuneration paid already exceeds the mentioned minimum wage plus 20% (twenty percent). (Wording by Decree-Law No. 9666, of 1946)

Paragraph 4. In the case of mixed working hours, that is to say those including both day work and night work, the provisions of this Article and the Paragraph thereof shall apply to the hours of night work. (Wording by Decree-Law No. 9666, of 1946)

Paragraph 5. The provisions of this Chapter shall apply to cases where night work is extended. (Included by Decree-Law No. 9666, of 1946)

SECTION V

SCHEDULES

Article 74. The working hours shall be annotated in the employee's register. (Wording by Law No. 13874, of 2019)

Paragraph 1 (Revoked). (Wording by Law No. 13874, of 2019)

Paragraph 2. For companies with more than 20 (twenty) employees, it shall be mandatory to register the time they start and finish work, in manual, mechanical or electronic register, according to instructions issued by the Special Secretariat for Social Security and Labor the Ministry of Economy, and previously signing for the rest period. (Wording by Law No. 13874, of 2019)

Paragraph 3. If the work is performed outside the company, the hours of the employees shall be registered in the manual, mechanical or electronic register in their possession, without prejudice to the head provision of this Article. (Wording by Law No. 13874, of 2019)

Paragraph 4. It is permitted to use a working hours registration system, except for the regular working hours, by means of an individual written agreement, Collective Agreement or collective bargaining agreement. (Included by Law No. 13874, of 2019)

SECTION VI

PENALTIES

Article 75 – Violators of the provisions of this Chapter will incur a fine between fifty and five thousand cruzeiros, depending on the nature of the violation, its extent and the violator's intent, applied twice in the event of a repeat violation and opposition to inspection or contempt of authority.

Sole Paragraph. The authority of the 1st instance of the National Secretariat of Labor is competent to impose penalties in the Federal District and, the regional authorities of the Ministry of Labor, Industry and Commerce in the States and in the territory of Acre,

CHAPTER II-A

(Included by Law No. 13467, of 2017) (In effect)

TELEWORKING

Article 75-A. Services performed by teleworking employees shall comply with the provisions of this Chapter. (Included by Law No. 13467, of 2017 (In effect)

Article 75-B. Teleworking is defined as the rendering of services predominantly outside the employer's premises, with the use of information and communication technologies that, by their nature, do not constitute external work. (Included by Law No. 13467, of 2017) (In effect)

Sole Paragraph. Attendance to the employer's premises to perform specific activities that require the employee's presence in the company does not affect the teleworking regime. (Included by Law No. 13467, of 2017) (In effect)

Article 75-C. Teleworking services shall be expressly included in the individual employment contract, which shall specify the activities to be carried out by the employee. (Included by Law No. 13467, of 2017) (In effect)

Paragraph 1. The change between the on-site and teleworking regimes may be carried out, provided that there is a mutual agreement between the parties, registered in a contract amendment. (Included by Law No. 13467, of 2017) (In effect)

Paragraph 2. The teleworking regime may be changed to on-site, as determined by the employer, with a minimum transition period of fifteen days, with a corresponding record in a contract amendment. (Included by Law No. 13467, of 2017) (In effect)

Article 75-D. The provisions relating to the responsibility for the purchase, maintenance or supply of technological equipment and the necessary and adequate infrastructure for the provision of remote work, as well as the reimbursement of expenses borne by the employee, shall be provided for in a written agreement. (Included by Law No. 13467, of 2017) (In effect)

Sole Paragraph. The utilities mentioned in the head provision of this Article do not integrate the employee's remuneration. (Included by Law No. 13467, of 2017) (In effect)

Article 75-E. The employer shall instruct employees, in an express and clear manner, as to the precautions to be taken in order to avoid illnesses and accidents at work. (Included by Law No. 13467, of 2017) (In effect)

Sole Paragraph. The employee shall sign a term of responsibility committing themselves to follow the instructions provided by the employer. (Included by Law No. 13467, of 2017) (In effect)

CHAPTER III

MINIMUM WAGES

SECTION I

DEFINITION

Article 76. Minimum wage means the minimum remuneration payable and paid directly by the employer to the employee (including agricultural employees), regardless of gender, for a normal day's work, which is sufficient to meet their regular needs related to food, housing, clothing, hygiene and transport, at a specified period and in a specific region of the country.

Article 77. (Revoked by Law No. 4589, of November 12,1964)

Article 78. If the salary is paid by specific work done, by completing tasks or stages of tasks, the employee shall be guaranteed a daily wage which shall not in any case be lower than the minimum wage fixed for a normal day's work in the region, zone or sub-zone.

Sole Paragraph. When the monthly minimum wage of the employee working on commission or percentage basis consists of a fixed plus a fluctuating wage, they shall invariably be guaranteed the minimum wage, and It is prohibited to to make any deduction during the following month by way of compensation.

Article 79. (Revoked by Law No. 4589, of November 12, 1964)

Article 80. (Revoked by Law No. 10.097, of 2000)

Sole Paragraph. (Revoked by Law No. 10.097, of 2000)

Article 81. The minimum wage shall be calculated in accordance with the formula mw=a + b + c + d + e, in which a, b, c, d, and e represents respectively the value of the daily expenditure on food, housing, clothing, hygiene and transport which is necessary for the existence of an adult employee.

Paragraph 1. The proportion of the minimum wage representing food shall be at least equal to the total value of the list of food supplies in duly approved list of supplies necessary for the daily nourishment of an adult employee.

Paragraph 2. Certain food supplies may be replaced by similar items from each group specified in the list mentioned in the preceding Paragraph, if the conditions of the region, zone, or sub-zone recommend so, taking into account the nutritive values fixed in the mentioned lists.

Paragraph 3. The Ministry of Labor, Industry and Commerce shall revise periodically the lists mentioned in Paragraph 1 of this Article.

Article 82. If the employer provides any proportion or proportions of the minimum wage in supplies, the pecuniary part of the wage shall be calculated in accordance with the formula PW = MW - P, in which PW represents the pecuniary wage, MW the minimum wage, and P the sum of the values in the region, zone or sub-zone concerned.

Sole Paragraph. The part of the minimum wage paid in money shall not in any case be lower than 30% (thirty percent) of the minimum wage fixed for the region, zone or sub-zone concerned.

Article 83. A homeworker shall be entitled to the minimum wage; homeworker means persons who perform work in their own home or in their home office for an employer who pays for the mentioned work.

SECTION II

REGIONS, ZONES AND SUB-ZONES

Article 84. (Revoked by Law No. 13467, of 2017)

Article 85 (Revoked by Law No. 4589, of November 12, 1964)

Paragraph 1. (Revoked by Law No. 4589, of November 12, 1964)

Paragraph 2. (Revoked by Law No. 4589, of November 12, 1964)

Article 86. (Revoked by Law No. 13467, of 2017)

Paragraph 1. (Revoked by Law No. 13467, of 2017)

Paragraph 2. (Revoked by Law No. 13467, of 2017)

Paragraph 3. (Revoked by Law No. 13467, of 2017)

SECTION III

CONSTITUTION OF THE COMMITTEES

Article 87-Article 100. (Revoked by Law No. 4589, of December 11, 1964)

SECTION IV

POWERS AND DUTIES OF THE MINIMUM WAGE COMMITTEES

Article 101-Article 111. (Revoked by Law No. 4589, of November 12, 1964)

SECTION V

FIXING THE MINIMUM WAGE

Article 112. (Revoked by Law No. 4589, of November 12, 1964)

Article 113. (Revoked by Law No. 4589, of November 12, 1964)

Article 114. (Revoked by Law No. 4589, of November 12, 1964)

Article 115. (Revoked by Law No. 4589, of November 12, 1964)

Article 116. (Revoked by Law No. 4589, of November 12, 1964)

Paragraph 1. (Revoked by Law No. 4589, of November 12, 1964)

Paragraph 2. (Revoked by Law No. 4589, of November 12, 1964)

SECTION VI

GENERAL PROVISIONS

Article 117. Every contract or agreement which provides for remuneration lower than the minimum wage fixed for the region, zone or sub-zone to which the agreement or contract applies shall be null and void, and the employer concerned shall be liable to the penalties set forth in Article 120.

Article 118. Every employee who receives a wage lower than the minimum wage fixed shall be entitled, notwithstanding any contract or agreement to the contrary, to claim the employer the

amount necessary to make their wages up to the minimum wage fixed for the region, zone or sub-zone concerned.

Article 119. The period of limitations for actions reagrding payment of the sum necessary to make up the minimum wage shall be 2 (two) years considered, in the case of each payment of wages, from the date on which it was effected.

Article 120. Anyone who violates any provision regarding the minimum wage shall be liable to a fine of 52 fifty-two) thousand cruzeiros, which is doubled with recidivism.

Article 121. (Revoked by Supplementary Law No. 229, of February 28, 1967)

Article 122. (Revoked by Law No. 4589, of December 11, 1964)

Article 123. (Revoked by Law No. 4589, of December 11, 1964)

Article 124. Enforcement of the provisions of this Chapter shall not in any case serve as a pretext for reduction in wages.

Article 125. (Revoked by Law No. 4589, of December 11, 1964)

Article 126. The Minister of Labor, Industry and Commerce shall issue the necessary instructions for the supervision of enforcement of the minimum wage and may delegate this supervision to any of the administrative bodies of the Ministry, or to the Labor Court's Inspectors of the Institute of Retirement and Funds, in accordance with the legislation in effect.

Article 127. (Revoked by Decree-Law No. 229, of February28, 1967)

Article 128. (Revoked by Decree-Law No. 229, of February28, 1967)

CHAPTER IV

ANNUAL VACATION

(Wording by Decree-Law No. 1535, of April 13, 1977)

SECTION I

RIGHT TO AND DURATION OF VACATION

(Wording by Decree-Law No. 1535, of April 13, 1977)

Article 129. Every employee shall be entitled to a paid annual vacation. (Wording by Decree-Law No. 1535, of April 13, 1977)

Article 130. After every 12 (twelve) months during which an employment contract has been in operation the employee shall be entitled to the following periods of vacation: (Wording by Decree-Law No. 1535, of April 13, 1977)

I - 30 (thirty) calendar days, if the employee has not been absent from work more than 5 (five) times; (Included by Decree-Law No. 1535, of April 13, 1977)

II - 24 (twenty-four) calendar days, if the employee has been absent from work between 6 (six) and 14 (fourteen) times; (Included by Decree-Law No. 1535, of April 13, 1977)

III - 18 (eighteen) calendar days, if the employee has been absent from work between 15 (fifteen) and 23 (twenty-three) times; (Included by Decree-Law No. 1535, of April 13, 1977)

IV - 12 (twelve) calendar days, if the employee has been absent from work between 24 9twenty-four) and 32 (thirty-two) times. (Included by Decree-Law No. 1535, of April 13, 1977)

Paragraph 1. It is prohibited to deduct the employee's absences from work from their period of vacation. (Included by Decree-Law No. 1535, of April 13, 1977)

Paragraph 2. The vacation period shall be considered for all purposes as a period of employment. (Included by Decree-Law No. 1535, of April 13, 1977)

Article 130-A. (Revoked by Law No. 13467, of 2017)

I – VI - (Revoked by Law No. 13467, of 2017)

Sole Paragraph. (Revoked by Law No. 13467, of 2017)

Article 131. The following shall not be treated as absence from work for the purposes of the preceding Article: (Wording by Decree-Law No. 1535, of April 13, 1977)

I - absence in cases covered by Article 473; (Included by Decree-Law No. 1535, of April 13, 1977)

II – during the mandatory leave of the employee due to maternity or abortion, observing the requirements for the maternity leave paid by the Social Security Secretariat (Wording by Law No. 8921, of July 25, 1994)

III - absence on account of a work accident or incapacity for work giving rise to the payment of a sickness benefit by the National Institute of Social Security - INSS, except for cases covered by item IV of Article 133; (Wording by Law No. 8726, of November 5, 1993)

IV - absence authorized by the company; (Included by Decree-Law No. 1535, of April 13, 1977)

V - absence for any period during which the employee is suspended as a preventive measure because of administrative inquiries or pre-trial detention, provided that the case against the person is dismissed or the employee is acquitted; (Included by Decree-Law No. 1535, of April 13, 1977)

VI - absence on days when work was not required, except for cases covered by item III of Article 133.

Article 132. Any period for which a person was employed before appearing for mandatory military service shall be calculated towards their qualifying period for purposes of vacation, provided that the employee informs the company within 90 (ninety) days of the date on which the employee is discharged. (Wording by Decree-Law No. 1535, of April 13, 1977)

Article 133. The employee shall not be entitled to a vacation period, during the qualifying period, if they: (Wording by Decree-Law No. 1535, of April 13, 1977)

I – are dismissed and not reinstated within 60 (sixty) days of their dismissal; (Included by Decree-Law No. 1535, of April 13, 1977)

II – are on leave on full pay for more than 30 9thirty) days; (Included by Decree-Law No. 1535, of April 13, 1977)

III – stop working, but on full pay, for more than 30 (thirty) days on account of the total or partial suspension of work in the company; (Included by Decree-Law No. 1535, of April 13, 1977)

IV – receive work accident or sickness benefit from the National Institute of Social Security for more than 6 (six) months, whether consecutive or not. (Included by Decree-Law No. 1535, of April 13, 1977)

Paragraph 1. Any interruption of work shall be registered in the employee's Labor and Social Security ID Card, (Included by Decree-Law No. 1535, of April 13, 1977)

Paragraph 2. The employee shall begin a new qualifying period upon returning to work after any of the events provided for in this Article. (Wording by Decree-Law No. 1535, of April 13, 1977)

Paragraph 3. For the purposes provided for in item III of this Article, the enterprise shall notify the local branch of the Ministry of Labor, within a minimum period of 15 (fifteen) days prior to the dates of the beginning and the end of a total or partial suspension of work in the company, and, within the same period, notify, under the same terms, the representative trade union of the professional category, as well as post a notice in the respective work stations. (Included by Law No. 9016, of March 30, 1995)

Paragraph 4. (Vetoed) (Included by Law No. 9016, of March 3, 1995).

SECTION II

GRANT AND PERIOD OF VACATION

(Wording by Law No. 1535, of April 13, 1977)

Article 134. Vacation shall be granted by the employer in a single period in the course of the 12 (twelve) months following the date on which the employee becomes entitled to it. (Wording by Law No. 1535, of April 13, 1977)

Paragraph 1. As long as the employee agrees, vacations may be taken in up to three periods, one of which may not be less than fourteen consecutive days and the others may not be less than five consecutive days, each. (Wording by Law No. 13467, of 2017)

Paragraph 2 (Revoked). (Wording by Law No. 13467, of 2017)

Paragraph 3. It is forbidden to start vacation in the two-day period preceding a holiday or paid weekly rest day. (Included by Law No. 13467, of 2017)

Article 135. The employee shall be given at least 30 (thirty) days' notice in writing of the grant of vacation. They shall give a receipt for the notice given to them. (Wording by Law No. 7414, of December 9, 1985)

Paragraph 1. The employee shall not go on vacation without handing in their Labor and Social Security ID Card to the employer so that the appropriate annotation can be made in it. (Wording by Decree-Law No. 1535, of April 13, 1977)

Paragraph 2. The fact that vacation has been granted shall also be registered in the register of employees or on their registration cards. (Wording by Decree-Law No. 1535, of April 13, 1977)

Paragraph 3. In the case of digital CTPS, the annotation shall be made through the systems provided for in Paragraph 7 of Article 29 of this Consolidation, under the terms of the regulation, being the annotations provided for in Paragraphs 1 and 2 of this Article exempt. (Included by Law No. 13874, of 2019)

Article 136. Vacation dates shall be those most convenient to the employer's interests. (Wording by Decree-Law No. 1535, of April 13, 1977)

Paragraph 1. Members of the same family employed in the same company or company shall be entitled to take vacations during the same time if they so desire and if not detrimental to the work. (Wording by Decree-Law No. 1535, of April 13, 1977)

Paragraph 2. A student employee who is under 18 (eighteen) years of age shall be entitled to take their vacation during the school holidays. (Wording by Decree-Law No. 1535, of April 13, 1977)

Article 137. Whenever vacation is granted after the period referred to in Article 134, the employer shall pay twice the corresponding wage of remuneration. (Wording by Decree-Law No. 1535, of April 13, 1977)

Paragraph 1. When the aforementioned period has expired without the employer having granted the vacation, the employee may file a claim requesting that their vacation dates be determined by a court decision. (Included by Decree-Law No. 1535, of April 13, 1977)

Paragraph 2. The decision shall be accompanied by a daily penalty equal to 5% (five percent) of the minimum wage for the region, which shall accrue to the employee until the decision is enforced. (Included by Decree-Law No. 1535, of April 13, 1977)

Paragraph 3. A copy of the final decision shall be transmitted to the local office of the Ministry of Labor, in order for the administrative fine to be imposed. (Included by Decree-Law No. 1535, of April 13, 1977)

Article 138. The employee shall not perform services for another employer while on vacation, unless required to do so under an employment contract legally signed with the latter. (Wording by Decree-Law No. 1535, of April 13, 1977)

SECTION III

COLLECTIVE VACATION

(Wording by Decree-Law No. 1535, of April 13, 1977)

Article 139. Vacation may be granted on a collective basis to all employees working in the enterprise or in specified companies or Secretariats of the enterprise. (Wording by Decree-Law No. 1535, of April 13, 1977)

Paragraph 1. Such vacation may be taken in 2 (two) annual periods, on condition that neither of them is less than ten (ten) calendar days in length. (Wording by Decree-Law No. 1535, of April 13, 1977)

Paragraph 2. For purposes of this Article, the employer shall give at least 15 (fifteen) days' notice to the local office of the Ministry of Labor the dates on which the vacation is to begin and end, indicating which companies or Secretariats are concerned. (Wording by Decree-Law No. 1535, of April 13, 1977)

Paragraph 3. The employer shall send a copy of the notice within the same time limit to the trade unions representing the occupation concerned and shall arrange for a notice to be posted in the workplaces. (Included by Decree-Law No. 1535, of April 13, 1977)

Article 140. The employee hired less than 12 (twelve) months before shall be granted a proportionate period of leave at the appropriate time and shall thereafter begin a new qualifying period. (Wording by Decree-Law No. 1535, of April 13, 1977)

Article 141. (Revoked by Law No. 13874, of 2019)

Paragraph 1. (Revoked by Law No. 13874, of 2019)

Paragraph 2. (Revoked by Law No. 13874, of 2019)

Paragraph 3. (Revoked by Law No. 13874, of 2019)

SECTION IV

REMUNERATION AND VACATION BONUS

(Wording by Decree-Law No. 1535, of April 13, 1977)

Article 142. The employee shall be entitled to receive the remuneration due on the date vacation is granted, while on vacation. (Wording by Decree-Law No. 1535, of April 13, 1977)

Paragraph 1. Whenever the employee is paid on an hourly basis and works a variable number of hours, the average wage for the qualifying period shall be calculated, taking into account the highest salary on the date vacation is granted. (Included by Decree-Law No. 1535, of April 13, 1977)

Paragraph 2. Whenever the employee is paid upon completing tasks, the basis taken shall be the average output for the qualifying period and the price for each task on the date vacation is granted. (Included by Decree-Law No. 1535, of April 13, 1977)

Paragraph 3. Whenever the employee is paid on a percentage, commission or expense-account basis, the basis taken shall be the average earned by them over the 12 (twelve) months

preceding the date on which the vacation was granted. (Included by Decree-Law No. 1535, of April 13, 1977)

Paragraph 4. Any part of the employee's remuneration which is paid through shares in profits shall be calculated in accordance with the annotations made in their Labor and Social Security ID Card. (Included by Decree-Law No. 1535, of April 13, 1977)

Paragraph 5. Any additional payment for overtime, night work or work in unhealthy or dangerous conditions shall be included in the remuneration taken as a basis for calculating the vacation payment. (Included by Decree-Law No. 1535, of April 13, 1977)

Paragraph 6. Whenever the employee takes vacation and does not receive the same additional payment as during their qualifying period or whenever the amount of the additional payment varies, it shall be calculated at the average of 1/2 (one-twelfth) of the wage received over that period, after update of the paid amounts, upon the percentage of the subsequent wage adjustments. (Included by Decree-Law No. 1535, of April 13, 1977)

Article 143. The employee may convert 1/3 (one-third) of their vacation days into cash payment calculated on the basis of their remuneration for the days in reference. (Wording by Decree-Law No. 1535, of April 13, 1977)

Paragraph 1. A request for payment in lieu of vacation shall be made at least 15 (fifteen) days before the end of the qualifying period. (Included by Decree-Law No. 1535, of April 13, 1977)

Paragraph 2. Whenever vacation is granted on a collective basis, the conversion referred to in this Article shall be the subject of a Collective Agreement between the employer and the trade union representing the occupation concerned, which shall be independent of the individual requests for payment. (Included by Decree-Law No. 1535, of April 13, 1977)

Paragraph 3. (Revoked by Law No. 13467, of 2017)

Article 144. The vacation bonus referred to in the preceding Article, as well as the one granted by virtue of a clause in the employment contract, in the company’s regulations, upon collective bargaining or agreement, provided it does not exceed twenty day’s wages, shall not be part of the employee’s remuneration for the purposes of labor legislation. (Wording by Law No. 9.528, of 1998)

Article 145. Vacation payment and, whenever appropriate, the cash in lieu of converted vacation referred to in Article 143 shall be paid not less than 2 (two) days before the beginning of vacation. (Wording by Decree-Law No. 1535, of April 13, 1977)

Sole Paragraph. The employee shall give a receipt for the payment, with an indication of the dates on which their vacation begins and ends. (Included by Decree-Law No. 1535, of April 13, 1977)

SECTION V

EFFECTS OF TERMINATION OF EMPLOYMENT CONTRACT

(Wording by Decree-Law No. 1535, of April 13, 1977)

Article 146. Upon termination of employment contract for any reason, the employee shall be entitled to the remuneration corresponding to the period of vacation to which they had become entitled, which shall be paid at the single or double wage, as the case may be. (Wording by Decree-Law No. 1535, of April 13, 1977)

Sole Paragraph. Upon termination of employment contract after 12 (twelve) months' service, the employee who has not been dismissed for just cause shall be entitled to the remuneration corresponding to any period of vacation not taken, as provided for in Article 130, in the proportion of 1/12 (one-twelfth) for every month of service or fraction of a month exceeding 14 (fourteen) days. (Wording by Decree-Law No. 1535, of April 13, 1977)

Article 147. The employee dismissed without just cause or whose employment contract expires after a specified period shall be entitled, if the 12 (twelve) months' service has not been completed, to the remuneration corresponding to any period of vacation not taken, in accordance with the provisions of the preceding Article. (Wording by Decree-Law No. 1535, of April 13, 1977)

Article 148. Vacation payment, even when it becomes due upon termination of employment contract, shall be considered wages for the purposes of Article 449. (Wording by Decree-Law No. 1535, of April 13, 1977)

SECTION VI

BEGINNING OF THE STATUTE OF LIMITATIONS

(Wording by Decree-Law No. 1535, of April 13, 1977)

Article 149. The period of limitations within which the employee shall claim the grant of vacation or the payment of the corresponding remuneration shall be calculated from the end of the period referred to in Article 134 or from the date of termination of employment contract, as the case may be. (Wording by Decree-Law No. 1535, of April 13, 1977)

SECTION VII

SPECIAL PROVISIONS

(Included by Decree-Law No. 1535, of April 13, 1977)

Article 150. In case a shipowner decides to transfer a crew member to the service of another shipowner, the crew member shall be credited, for the purposes of their rights to vacation, with any period of employment with the former shipowner, and vacation to which they are entitled shall be granted by the shipowner to whom they are currently working for. (Wording by Decree-Law No. 1535, of April 13, 1977)

Paragraph 1. Whenever a vessel calls at a port for a long period, crew members who are resident there may be granted part of their vacation in that port if they so request and the shipowner so agrees. (Included by Decree-Law No. 1535, of April 13, 1977)

Paragraph 2. A vessel is considered to call at a port for a long period if it remains there for more than six (six) days. (Included by Decree-Law No. 1535, of April 13, 1977)

Paragraph 3. To take vacation in the manner provided for in this Article, crew members shall apply for it in writing to the shipowner in the vessel's port of registration or home port, before the trip begins. (Included by Decree-Law No. 1535, of April 13, 1977)

Paragraph 4. Upon finishing their vacation, the crew members report to the shipowner, who shall assign them to one of his vessels or to one of his services ashore, taking into account their personal circumstances and remuneration. (Included by Decree-Law No. 1535, of April 13, 1977)

Paragraph 5. In the case of need by the public interest duly recognized by the competent authority, a shipowner may order a crew member to suspend vacation already started or due to begin, without prejudice to the crew member's right to take the vacation at some later time. (Included by Decree-Law No. 1535, of April 13, 1977)

Paragraph 6. The Maritime Labor Officer may give permission for a crew member to accumulate 2 (two) periods of vacation if a substantiated application to that effect is filed by: (Included by Decree-Law No. 1535, of April 13, 1977)

I - the trade union, if the crew member is a member of the union; (Included by Decree-Law No. 1535, of April 13, 1977)

II - the company, if the crew member is not a member of a union. (Included by Decree-Law No. 1535, of April 13, 1977)

Article 151. If a special employment ID card for crew members is pending, vacation shall be entered by the harbormaster in a crew member's registration ID card, on the page reserved for comments. (Wording by Decree-Law No. 1535, of April 13, 1977)

Article 152. While a crew member is on vacation, their remuneration shall be increased by any additional payment corresponding to the part of the trip in which they are currently engaged. (Wording by Decree-Law No. 1535, of April 13, 1977)

SECTION VIII

PENALTIES

(Included by Decree-Law No. 1535, of April 13, 1977)

Article 153. Non-compliance with this Chapter shall be punishable with a fine equal to 160 BTN per employee in an irregular situation. (Wording by Law No. 7855, of October 24, 1989)

Sole Paragraph. Whenever the offender is guilty of repeating the violation, interfering with or resisting supervision or resorting to deceit or dissimulation with the purpose of circumventing the Law, the fine shall be doubled. (Wording by Law No. 7855, of October 24, 1989)

CHAPTER V

OCCUPATIONAL SAFETY AND EMPLOYMENT MEDICINE

(Wording by Law No. 6514, of December 22, 1977)

SECTION I

GENERAL PROVISIONS

Article 154. In every workplace, compliance with the provisions of this Chapter shall not exempt the enterprise from compliance with other provisions on the subject contained in the building codes or health regulations of the state or municipality in which the enterprise is located, or the provisions deriving from collective bargaining agreements. (Wording by Law No. 6514, of December 22, 1977)

Article 155. It shall be the duty of the competent national occupational safety and employment medicine authority to: (Wording by Law No. 6514, of December 22, 1977)

I - establish rules, within the limits of its competence, for enforcing the provisions of this Chapter, and especially those referred to in Article 200; (Included by Law No. 6514, of December 22, 1977)

II - coordinate, guide and supervise inspection and other activities connected with occupational safety and employment medicine throughout the country, including the National Work Accident Prevention Campaign; (Included by Law No. 6514, of December 22, 1977)

III - act as the final instance authority in the event of an appeal by one of the parties or by an official service against a decision taken by a Regional Labor Office regarding occupational safety and employment medicine. (Included by Law No. 6514, of December 22, 1977)

Article 156. Within the limits of its jurisdiction a Regional Labor Office shall mainly: (Wording by Law No. 6514, of December 22, 1977)

I - promote supervision of compliance with the provisions governing occupational safety and employment medicine; (Included by Law No. 6514, of December 22, 1977)

II - take the necessary measures pursuant to this Chapter to order any work or repairs to be carried out in any workplace, whenever necessary; (Included by Law No. 6514, of December 22, 1977)

III - impose appropriate penalties for any failure to comply with the provisions of this Chapter, as provided for in Article 201. (Included by Law No. 6514, of December 22, 1977)

Article 157. The company shall be required to: (Wording by Law No. 6514, of December 22, 1977)

I - observe and enforce the provisions governing occupational safety and employment medicine; (Included by Law No. 6514, of December 22, 1977)

II - inform its employees, by means of internal instructions, of the precautions to be taken against work accidents and occupational diseases; (Included by Law No. 6514, of December 22, 1977)

III - take such measures as are ordered by the competent regional authority; (Included by Law No. 6514, of December 22, 1977)

IV. - facilitate supervision by the competent authority. (Included by Law No. 6514, of December 22, 1977)

Article 158. The employee shall be required to: (Wording by Law No. 6514, of December 22, 1977)

I - observe the rules governing occupational safety and employment medicine, including the instructions referred to in item II of the preceding Article; (Wording by Law No. 6514, of December 22, 1977)

II - cooperate with the enterprise in enforcing the provisions of this Chapter. (Wording by Law No. 6514, of December 22, 1977)

Sole Paragraph. The employee shall be at fault if they refuse, without a valid reason to: (Included by Law No. 6514, of December 22, 1977)

a) comply with the instructions issued by the employer under item II of the preceding Article; (Included by Law No. 6514, of December 22, 1977)

b) use the personal protective equipment provided by the enterprise. (Included by Law No. 6514, of December 22, 1977)

Article 159. Duties relevant to the supervision or guidance of enterprises in their compliance with the provisions of this Chapter may be delegated to other federal, state or municipal authorities on the basis of an agreement approved by the Minister of Labor. (Wording by Law No. 6514, of December 22, 1977)

SECTION II

PRIOR INSPECTION, SUPERVISION AND PROHIBITION OF WORK

(Wording by Law No. 6514, of December 22, 1977)

Article 160. No company may be brought into operation until its premises have been inspected and approved by the competent regional occupational safety and employment medicine authority. (Wording by Law No. 6514, of December 22, 1977)

Paragraph 1. A further inspection shall be carried out whenever any substantial change is made to such premises, including the equipment; the enterprise shall be required to give prompt notice of any such change to the Regional Labor Office. (Included by Law No. 6514, of December 22, 1977)

Paragraph 2. The enterprise may apply before the Regional Labor Office for prior approval of its building projects and related premises. (Included by Law No. 6514, of December 22, 1977)

Appeal or interdiction

Article 161. A Regional Labor Officer, upon receiving a technical report from the competent service showing that there is serious and imminent danger for any employee, may prohibit the use of a company, sector, machine or piece of equipment or suspend the performance of work at the

same time indicating in their decision, which shall be made as quickly as the circumstances require, which measures have to be adopted to prevent a work accident. (Wording by Law No. 6514, of December 22, 1977)

Paragraph 1. The federal, state and municipal authorities shall provide immediate support for any measures ordered by a Regional Labor Officer. (Included by Law No. 6514, of December 22, 1977)

Paragraph 2. A request for the prohibition or suspension of work may be made by the competent service of the Regional Labor Office, by a labor inspection official or by a trade union authority. (Included by Law No. 6514, of December 22, 1977)

Paragraph 3. The party concerned may appeal within 10 (ten) days against the decision taken by the Regional Labor Officer to the competent national occupational safety and employment medicine authority, which shall have power to decide whether the appeal should operate as supersedeas. (Included by Law No. 6514, of December 22, 1977)

Paragraph 4. In addition to being liable to the appropriate penalties, a person shall be found guilty of insubordination if, after a decision has been taken to prohibit or suspend work, they order or permit the operation of the company or any of its sectors, the use of any machine or piece of equipment or continuity of work, resulting in damage to third parties. (Included by Law No. 6514, of December 22, 1977)

Paragraph 5. Regardless of any appeal, a Regional Labor Officer may cancel a prohibition after receiving a technical report from the competent service. (Included by Law No. 6514, of December 22, 1977)

Paragraph 6. For the time when work is interrupted as a result of a prohibition or suspension, the employees shall receive their wages as if they were actually working. (Included by Law No. 6514, of December 22, 1977)

SECTION III

OCCUPATIONAL SAFETY AND EMPLOYMENT MEDICINE AUTHORITIES IN ENTERPRISES

Article 162. Enterprises shall be required, in accordance with provisions of the Ministry of Labor, to maintain specialized occupational safety and employment medicine services. (Wording by Law No. 6514, of December 22, 1977)

Sole Paragraph. The provisions referred to in this Article shall specify: (Wording by Law No. 6514, of December 22, 1977)

a) how enterprises are to be classified according to the number of their employees and the nature of the risk involved in their activities; (Included by Law No. 6514, of December 22, 1977)

b) the minimum number of specialized staff to be employed in each enterprise, depending on the group in which it has been classified, as provided for in the preceding item; (Included by Law No. 6514, of December 22, 1977)

c) the skills required by the specialized staff in reference, and their conditions of employment; (Included by Law No. 6514, of December 22, 1977)

d) the other features and duties of the specialized occupational safety and employment medicine services maintained in enterprises. (Included by Law No. 6514, of December 22, 1977)

Article 163. A work accident prevention committee shall be set up in accordance with instructions issued by Ministry of Labor in every company or workplace covered by such instructions. (Wording by Law No. 6514, of December 22, 1977)

Sole Paragraph. Regulations shall be established by the Ministry of Labor specifying the powers, duties, membership and operation of work accident prevention committees. (Wording by Law No. 6514, of December 22, 1977)

Article 164. Each work accident prevention committee shall consist of representatives of the enterprise and the employees, in accordance with criteria to be set forth in the regulations referred to in the Sole Paragraph of the preceding Article. (Wording by Law No. 6514, of December 22, 1977)

Paragraph 1. The employer's representatives and substitutes shall be appointed by the employers themselves. (Wording by Law No. 6514, of December 22, 1977)

Paragraph 2. The employer's representatives and substitutes shall be elected through a secret ballot held exclusively amongst the employees concerned, regardless of their trade union membership. (Wording by Law No. 6514, of December 22, 1977)

Paragraph 3. The elected members of a work accident prevention committee shall hold office for 1 (one) year and may be re-elected. (Included by Law No. 6514, of December 22, 1977)

Paragraph 4. The provisions of the preceding Paragraph shall not apply to a deputy member who, during their term of office, attended less than half of the committee meetings. (Included by Law No. 6514, of December 22, 1977)

Paragraph 5. The employer shall each year appoint the president of the work accident prevention committee from amongst their representatives and the employees shall elect the Vice President from amongst their representatives. (Included by Law No. 6514, of December 22, 1977)

Article 165. The employees' representatives on a work accident prevention committee may not be arbitrarily dismissed, other than for disciplinary, technical, economic or financial reasons. (Wording by Law No. 6514, of December 22, 1977)

Sole Paragraph. Whenever the employees' representative is dismissed but files a complaint before the Labor Courts, the employer shall be required to prove the existence of any of the grounds referred to in this Article, under penalty of reinstatement of the employee. (Wording by Law No. 6514, of December 22, 1977)

SECTION IV

PERSONAL PROTECTIVE EQUIPMENT

Article 166. Whenever general measures do not provide the employees with complete protection against possible accidents or injuries to their health, the company shall provide them, free of charge, with personal protective equipment appropriate to the risk, in perfect state of conservation and operation. (Wording by Law No. 6514, of December 22, 1977)

Redistribution of bureaucratic approvals issued by the former Ministry of Labor

Article 167. No protective equipment item may be offered for sale or use unless approved by the Ministry of Labor. (Wording by Law No. 6514, of December 22, 1977)

SECTION V

PREVENTIVE OCCUPATIONAL MEDICINE

Article 168. Every employee shall be medically examined at the employer's expense, under the terms of this Article and the supplementary instructions to be issued by the Ministry of Labor: (Wording by Law No. 7855, of October 24, 1989)

I - upon start; (Included by Law No. 7855, of October 24, 1989)

II - upon dismissal; (Included by Law No. 7855, of October 24, 1989)

III – periodically. (Included by Law No. 7855, of October 24, 1989)

Paragraph 1. The Ministry of Labor shall issue instructions related to the cases in which evaluations shall be required: (Wording by Law No. 7855, of October 24, 1989)

a) at dismissal;(Included by Law No. 7855, of October 24, 1989)

b) supplementary. (Included by Law No. 7855, of October 24, 1989)

Paragraph 2. Other supplementary evaluations may be required by the medical practitioner to ascertain whether the employee is physically and mentally fit for the job. (Wording by Law No. 7855, of October 24, 1989)

Paragraph 3. The Ministry of Labor shall establish, according to the risk of the activity and the time of exposure, how often medical evaluations shall be repeated. (Wording by Law No. 7855, of October 24, 1989)

Paragraph 4. Every company shall be equipped with the necessary material to provide first aid, in accordance with the risk of the activity. (Wording by Law No. 7855, of October 24, 1989)

Paragraph 5. The result of the medical exams, additional evaluations, shall be communicated to the employee, observing the principles of medical ethics. (Wording by Law No. 7855, of October 24, 1989)

Paragraph 6. Toxicological evaluations shall be required, prior to start and at the time of dismissal, in the case of a professional driver, ensuring the right to counter-proof in the event of a positive result and the confidentiality of the results of the respective evaluations. (Included by Law No. 13103, of 2015) (In effect)

Paragraph 7. For the purposes of the provisions of Paragraph 6, a toxicological evaluation with a minimum detection window of 90 (ninety) days, specific for psychoactive substance that cause addiction or, demonstrably, compromise the ability to drive may be used, as well as the toxicological evaluation provided for in Law No. 9.503, of September 23, 1997 – Brazilian Traffic Code, provided that they have been carried out in the last sixty (60) days. (Included by Law No. 13103, of 2015) (In effect)

Article 169. Every occupational disease and every disease caused by the special conditions in which the work is done shall be reported on its diagnosis or suspected diagnosis, in accordance with instructions issued by the Ministry of Labor. (Wording by Law No. 6514, of December 22, 1977)

SECTION VI

PREMISES

Article 170. Every building shall fulfill the technical requirements guaranteeing the absolute safety of the persons employed in it. (Wording by Law No. 6514, of December 22, 1977)

Article 171. Every workplace shall be at least 3 (three) meters high, measured under the terms of the free space from floor to ceiling. (Wording by Law No. 6514, of December 22, 1977)

Sole Paragraph. That minimum height may be reduced if the standard of lighting and ventilation is adequate, having regard to the nature of the work, but the reduction shall be subject to inspection by the competent occupational safety and employment medicine authority. (Wording by Law No. 6514, of December 22, 1977)

Article 172. The floor of a workplace shall not have any protrusions or holes likely to impede the movement of persons or objects. (Wording by Law No. 6514, of December 22, 1977)

Article 173. Every opening in a floor or wall shall be so protected as to prevent persons or objects from falling through it. (Wording by Law No. 6514, of December 22, 1977)

Article 174. Every wall, stairway, access ramps, walkway, corridor, roof and passageway in a workplace shall comply with occupational safety and employment medicine criteria established by the Ministry of Labor and shall be maintained in a fully satisfactory state of repair and cleanliness. (Wording by Law No. 6514, of December 22, 1977)

SECTION VII

LIGHTING

Article 175. Every workplace shall have adequate natural or artificial lighting appropriate to the nature of the work performed. (Wording by Law No. 6514, of December 22, 1977)

Paragraph 1. Lighting shall be distributed in a uniform, general and diffused manner, so as to prevent dazzle, unpleasant reflections, shadows and excessive contrasts. (Included by Law No. 6514, of December 22, 1977)

Paragraph 2. The Ministry of Labor shall establish the minimum standards of lighting to be observed. (Included by Law No. 6514, of December 22, 1977)

SECTION VIII

THERMAL COMFORT

Article 176. Every workplace shall have natural ventilation appropriate to the work performed. (Wording by Law No. 6514, of December 22, 1977)

Sole Paragraph. Artificial ventilation shall be mandatory if natural ventilation does not ensure adequate temperature. (Wording by Law No. 6514, of December 22, 1977)

Article 177. Whenever the environmental conditions are uncomfortable on account of premises that cause cold or heat, working clothes suitable to the conditions shall be worn, and shelters, windbreakers, double walls, heat insulation and similar devices shall be used to protect the employees against the temperature conditions. (Wording by Law No. 6514, of December 22, 1977)

Article 178. The temperature conditions in a workplace shall be maintained within limits fixed by the Ministry of Labor. (Wording by Law No. 6514, of December 22, 1977)

SECTION IX

ELECTRICAL INSTALLATIONS

Article 179. The Ministry of Labor shall establish the safety conditions and special precautions to be observed in connection with electrical installations at all stages of production, transmission, distribution and consumption of power. (Wording by Law No. 6514, of December 22, 1977)

Article 180. Only qualified staff shall install, operate, inspect or repair electrical installations. (Wording by Law No. 6514, of December 22, 1977)

Article 181. Persons working in electricity services or with electrical installations shall be familiar with the methods used to perform first aid to victims of electric shock. (Wording by Law No. 6514, of December 22, 1977)

SECTION X

TRANSPORT, STORAGE AND HANDLING OF MATERIALS

Article 182. The Ministry of Labor shall issue rules for: (Wording by Law No. 6514, of December 22, 1977)

I - the safety precautions to be observed in transporting materials in workplaces, the equipment to be used for that purpose and the special conditions to be observed in the operation and

handling of such equipment, including the conditions to be met by trained staff; (Included by Law No. 6514, of December 22, 1977)

II - similar requirements to be observed in connection with the handling and storage of materials, including the safety and health conditions to be met by containers, store-rooms and personal protective equipment; (Included by Law No. 6514, of December 22, 1977)

III - Establishing the maximum load allowed on transport equipment, the notices to be displayed forbidding employees to smoke, the warnings to be given of the dangerous or unhealthy nature of the substances that are being transported or stored, the recommendations to be made for first aid and medical attention and the internationally recognized danger symbols to be posted on materials or substances being stored or transported. (Included by Law No. 6514, of December 22, 1977)

Sole Paragraph. The provisions on the transport of materials shall also apply, whenever relevant, to the transport of persons in a workplace. (Included by Law No. 6514, of December 22, 1977)

Article 183. Persons employed in transporting materials shall be acquainted with the rational methods of lifting loads. (Included by Law No. 6514, of December 22, 1977)

SECTION XI

MACHINERY AND EQUIPMENT

(Wording by Law No. 6514, of December 22, 1977)

Article 184. Machinery and equipment shall have start, stop and such other devices as necessary to prevent work accidents, especially those caused by the machinery or equipment being set in motion accidentally. (Wording by Law No. 6514, of December 22, 1977)

Sole Paragraph. It is prohibited to manufacture, import, sell, hire or use any machinery or equipment not complying with the provisions of this Article. (Included by Law No. 6514, of December 22, 1977)

Article 185. A machine shall not be repaired, cleaned or adjusted while it is in motion, unless it has to be working for the purposes of the operation. (Wording by Law No. 6514, of December 22, 1977)

Article 186. The Ministry of Labor shall issue additional rules for the precautions and safety measures to be taken in connection with the operation of machinery and equipment, and especially

in connection with the protection of moving parts, the distance to be left between them, the means of access to large-scale machinery and equipment, the use of tools and the precautions and protective measures necessary when such tools are power-driven or electrically operated. (Wording by Law No. 6514, of December 22, 1977)

SECTION XII

BOILERS, FURNACES AND PRESSURE VESSELS

Article 187. Boilers, equipment and vessels generally operated under pressure shall have valves and other safety devices to avoid any increase in the internal working pressure beyond their level of resistance. (Wording by Law No. 6514, of December 22, 1977)

Sole Paragraph. The Ministry of Labor shall issue additional rules for the safety of boilers, furnaces and pressure vessels, especially in connection with their linings and location, the ventilation of premises and other means of eliminating unhealthy gas or vapor, and any other installations or equipment required for the safe performance of the work done by each employee. (Wording by Law No. 6514, of December 22, 1977)

Article 188. Every boiler shall be periodically inspected by an engineer or special company registered with the Ministry of Labor, in accordance with instructions issued for that purpose. (Wording by Law No. 6514, of December 22, 1977)

Paragraph 1. Every boiler shall be accompanied by a manual including the manufacturer's original documentation with at least the following information: the technical specifications, drawings and details, the evaluations and tests carried out during its manufacture and assembly, the operating characteristics and the maximum working pressure allowed, this latter detail being shown in a visible place on the boiler itself. (Included by Law No. 6514, of December 22, 1977)

Paragraph 2. The owner of every boiler shall organize, maintain and provide at the request of the competent authority a Safety Register, registering the details of any tests, inspections, repairs and other occurrences. (Included by Law No. 6514, of December 22, 1977)

Paragraph 3. Boilers, furnaces and pressure vessels installation projects shall be submitted for prior approval to the competent regional occupational safety authority. (Included by Law No. 6514, of December 22, 1977)

SECTION XIII

UNHEALTHY AND DANGEROUS ACTIVITIES

(Wording by Law No. 6514, of December 22, 1977)

Article 189. An activity or operation shall be considered unhealthy if, by reason of its nature, the conditions in which it is carried out or the working methods used, exposes the employees concerned to unhealthy agents beyond the limits of tolerance fixed due to the nature and intensity of the agents themselves and the period of exposure to their effects. (Wording by Law No. 6514, of December 22, 1977)

Article 190. The Ministry of Labor shall approve a list of unhealthy activities and operations and shall make rules for the criteria to be adopted in classifying the degrees of health risk, the limits of tolerance for the various harmful agents, the means for protection against them and the maximum period of exposure to their effects. (Wording by Law No. 6514, of December 22, 1977)

Sole Paragraph. The rules referred to in this Article shall cover the means for protecting the employee's body during operations giving rise to toxic, irritant, or allergy-providing aerosols. (Wording by Law No. 6514, of December 22, 1977)

Article 191. Health risks shall be eliminated or neutralized by: (Wording by Law No. 6514, of December 22, 1977)

I - the adoption of measures maintaining the working environment within the limits of tolerance; (Included by Law No. 6514, of December 22, 1977)

II - the use of personal protective equipment reducing the effects of harmful agents to the limits of tolerance. (Included by Law No. 6514, of December 22, 1977)

Sole Paragraph. Whenever a Regional Labor Office finds evidence of a health risk, it shall notify the enterprise concerned and set a time limit for the risk to be eliminated or neutralized, as provided for in this Article. (Included by Law No. 6514, of December 22, 1977)

Article 192. Whenever the employee is required to work in unhealthy conditions beyond the limits of tolerance established by the Ministry of Labor, they shall receive an additional pay equal to 40% (forty percent), 20% (twenty percent) or 10% (ten percent) of the regional minimum wage, depending on the classification of the situation as maximum, intermediate or minimum degree of risk. (Wording by Law No. 6514, of December 22, 1977)

Article 193. Hazardous activities or operations are considered, pursuant to the regulation approved by the Ministry of Labor and Employment, those that, due to their nature or work

methods, imply an accentuated risk due to the permanent exposure of the employee to: (Wording by Law No. 12.740, of 2012)

I – flammable, explosive materials or electrical energy; (Included by Law No. 12.740, of 2012)

II – robberies or other types of physical violence in professional activities involving personal or property security. (Included by Law No. 12.740, of 2012)

Paragraph 1. Working in hazardous conditions guarantees the employee an additional 30% (thirty percent) over the salary without the additions resulting from bonuses, premium or profit sharing of the company. (Included by Law No. 6514, of 22.12.1977)

Paragraph 2 – The employee may opt for the additional pay for hazard that may be due. (Included by Law No. 6514, of 12/22/1977)

Paragraph 3. Other additional payments of the same nature already been granted to security guards by means of a Collective Agreement shall be discounted or compensated. (Included by Law No. 12.740, of 2012)

Paragraph 4. Motorcycle employee activities are also considered hazardous. (Included by Law No. 12.997, of 2014)

Article 194. The employee shall cease to be entitled to additional pay due to unhealthy or dangerous conditions if the health or safety risk is eliminated, as provided for in this Section and the rules established by the Ministry of Labor. (Wording by Law No. 6514, of December 22, 1977)

Article 195. Conditions shall be declared to be unhealthy or dangerous, and classified as such, in accordance with rules made by the Ministry of Labor and on the basis of an expert evaluation made by an occupational physician or engineer registered with the Ministry of Labor. (Wording by Law No. 6514, of December 22, 1977)

Paragraph 1. Enterprises and the appropriate trade unions for the professional categories concerned shall be entitled to request the Ministry of Labor to carry out an expert evaluation in the relevant companies or Secretariats for the purpose of declaring certain activities to be unhealthy or dangerous and classifying or limiting them as such. (Wording by Law No. 6514, of December 22, 1977)

Paragraph 2. Whenever the employee, or a trade union acting on behalf of a group of employees, alleges before a Court of Law that conditions are unhealthy or dangerous, the judge shall appoint an expert having the qualifications specified in this Article or, when no such expert is

available, shall request the competent authority of the Ministry of Labor to carry out an expert evaluation. (Wording by Law No. 6514, of December 22, 1977)

Paragraph 3. The provisions of the preceding paragraphs shall not interfere with the inspection functions of the Ministry of Labor or with the conduct of an expert evaluation *sua sponte.* (Wording by Law No. 6514, of December 22, 1977)

Article 196. The financial implications of work done in unhealthy or dangerous conditions shall take effect from the date on which the activity concerned is included in the list approved by the Ministry of Labor in accordance with Article 11. (Wording by Law No. 6514 of December 22, 1977)

Article 197. Whenever any material or substance used, manipulated or transported in a workplace is dangerous or unhealthy, it shall be marked with a label indicating its composition, giving recommendations for first aid and showing the corresponding internationally recognized danger symbol. (Wording by Law No. 6514, of December 22, 1977)

Sole Paragraph. Any company carrying out an activity provided for in this Article shall display notices or posters in the workplaces concerned, warning the employees of any dangerous or unhealthy materials or substances. (Wording by Law No. 6514, of December 22, 1977)

SECTION XIV

PREVENTION OF FATIGUE

Article 198. The maximum weight that the employee may move by their own efforts shall be 60 (sixty) Kg., without prejudice to the special provisions governing the work of young persons and women. (Wording by Law No. 6514, of December 22, 1977)

Sole Paragraph. The prohibition provided for in this Article shall not apply to objects moved by pushing or pulling floor cranes, handcarts or other mechanical equipment: Provided that the Ministry of Labor may in such cases fix other limits preventing the employee from being required to do work beyond their strength. (Wording by Law No. 6514, of December 22, 1977)

Article 199. Whenever employees have to do their work sitting down, they shall be provided with seats enabling them to adopt the correct posture and avoid uncomfortable or awkward positions. (Wording by Law No. 6514, of December 22, 1977)

Sole Paragraph. Whenever employees have to do their work standing, they shall have seats available for use during the allowed breaks. (Wording by Law No. 6514, of December 22, 1977)

SECTION XV

OTHER SPECIAL PROTECTIVE MEASURES

Article 200. The Ministry of Labor shall issue additional provisions of this Chapter, taking into account the specific features of each activity or type of work, specially regarding: (Wording by Law No. 6514, of December 22, 1977)

I - measures to be taken to prevent accidents and the personal protective equipment to be provided for in construction, demolition and repair work; (Included by Law No. 6514, of December 22, 1977)

II - storage and handling of fuel and inflammable and explosive substances, and the movement and presence of employees in the areas concerned; (Included by Law No. 6514, of December 22, 1977)

III - work in excavations, tunnels, galleries, mines and quarries, specially the prevention of explosions, fire, landslide and rock collapse, elimination of dust, gas, etc., and ways to facilitate the rapid evacuation of the employees; (Included by Law No. 6514, of December 22, 1977)

IV. fire protection in general and the appropriate preventive measures, including the special lining of doors and walls, the construction of fireproof walls, ditches and other safeguards and the general provision of ways to facilitate easy movement, such as wide, safe and adequately marked entrances and exits; (Included by Law No. 6514, of December 22, 1977)

V. protection against the effects of the sun, heat, cold, damp and drought, particularly in the case of work in the open air, including the provision of drinking water, shelters and facilities for the prevention of disease; (Included by Law No. 6514, of December 22, 1977)

VI. protection of employees who are exposed to harmful chemical substances, ionizing and other radiation, noise, vibration and abnormal jolting or pressure at the workplace; an indication shall be given to the appropriate means for eliminating or reducing these effects, the maximum periods of exposure to them and the maximum limits for their action or effects on the human body, mandatory medical evaluations, age limits, the permanent supervision of workplaces and such other requirements as may be necessary; (Included by Law No. 6514, of December 22, 1977)

VII. hygiene at workplaces, including the standards to be observed, the sanitary premises to be provided for both genders, showers, washbasins, dressing rooms and individual lockers, rooms or other facilities for taking meals, drinking water, the cleanliness of workplaces and the arrangements for achieving it, and the treatment of industrial waste; (Included by Law No. 6514, of December 22, 1977)

VIII. use of colors in workplaces, including their application to danger signals. (Included by Law No. 6514, of December 22, 1977)

Sole Paragraph. In the case of ionizing radiation and explosives, the provisions referred to in this Article shall be made in accordance with resolutions on the subject adopted by the competent technical authority. (Included by Law No. 6514, of December 22, 1977)

SECTION XVI

PENALTIES

Update on the Amount of the fines

Article 201. Any person violating the provisions of this Chapter relating to occupational health shall be liable to a fine of between 3 (three) and 30 (thirty) times the reference amount provided for in the Sole Paragraph of Article 2 of Act No. 6205 of April 29, 1975 and any person violating the provisions relating to occupational safety shall be liable to a fine of between 5 (five) and 50 (fifty) times that amount. (Wording by Law No. 6514, of December 22, 1977)

Sole Paragraph. If a person is guilty of recidivism, impedes or resists supervision or resorts to deceit or false pretense with the object of evading the Law, the fine shall be at the maximum wage. (Included by Law No. 6514, of December 22, 1977)

Article 202-223. (Revoked by Act No. 6514 of December 22, 1977)

TITLE II-A

(Included by Law No. 13467, of 2017)

EXTRA-PATRIMONIAL DAMAGE

Article 223-A. Only the provisions of this Title apply to damage compensation of extra-patrimonial nature arising from the employment relationship. (Included by Law No. 13467, of 2017)

Article 223-B. extra-patrimonial damage is caused by an action or omission that offends the moral or existence of the individual or legal entity, who are the exclusive holders of the right to compensation. (Included by Law No. 13467, of 2017)

Article 223-C. Honor, image, intimacy, freedom of action, self-esteem, genderuality, health, leisure and physical integrity are the legally protected assets inherent to the individual. (Included by Law No. 13467, of 2017)

Article 223-D. The image, brand, name, business secrecy and confidentiality of correspondence are legally protected assets inherent to the legal entity. (Included by Law No. 13467, of 2017)

Article 223-E. All those who contribute to the violation against the protected legal property are responsible for the extra-patrimonial damage, in the proportion to the action or omission. (Included by Law No. 13467, of 2017)

Article 223-F. Compensation for extra-patrimonial damages may be claimed cumulatively with the compensation for material damages arising from the same harmful act. (Included by Law No. 13467, of 2017)

Paragraph 1. If there are cumulative claims, the court, when issuing the decision, shall discriminate the amounts of indemnities for property damage and compensations for extra-patrimonial damages. (Included by Law No. 13467, of 2017)

Paragraph 2. The composition of losses and damages, thus including lost profits and emerging damages, does not interfere in the assessment of extra-patrimonial damages. (Included by Law No. 13467, of 2017)

Article 223-G. When considering the claim, the court shall take into account: (Included by Law No. 13467, of 2017)

I – the nature of the protected legal asset; (Included by Law No. 13467, of 2017)

II – the intensify of suffering or humiliation; (Included by Law No. 13467, of 2017)

III – the possibility of physical or psychological overcoming; (Included by Law No. 13467, of 2017)

IV – the personal and social impacts of the action or omission; (Included by Law No. 13467, of 2017)

V – the extent and duration of the effects of the violation; (Included by Law No. 13467, of 2017)

VI – the conditions under which the violation or moral damage occurred; (Included by Law No. 13467, of 2017)

VII – the degree of intent or guilt; (Included by Law No. 13467, of 2017)

VIII – the occurrence of spontaneous retraction; (Included by Law No. 13467, of 2017)

IX – the effective effort to minimize the violation; (Included by Law No. 13467, of 2017)

X – forgiveness, tacit or established; (Included by Law No. 13467, of 2017)

XI – the social and economic situation of the parties involved; (Included by Law No. 13467, of 2017)

XII – the degree of publicity for the violation. (Included by Law No. 13467, of 2017)

Paragraph 1. If the claim is upheld, the court will set the indemnity to be paid, to each of the offended parties, in one of the following parameters, accumulation prohibited: (Included by Law No. 13467, of 2017)

I – light violation, up to three times the victim's contract salary; (Included by Law No. 13467, of 2017) (Refer to Proceeding 1004752-21.2020.5.02.0000)

II – average violation, up to five times the victim's last contract salary; (Included by Law No. 13467, of 2017) (Refer to Proceeding 1004752-21.2020.5.02.0000)

III – serious violation, up to twenty time the victim's last contract salary; (Included by Law No. 13467, of 2017) (Refer to Proceeding 1004752-21.2020.5.02.0000)

IV – very serious violation, up to fifty times the victim's last contract salary; (Included by Law No. 13467, of 2017) (Refer to Proceeding 1004752-21.2020.5.02.0000)

Paragraph 2. If the victim is a legal entity, the indemnity shall be fixed in compliance with the same parameters established in Paragraph 1 of this Article, but in relation to the offender's contract salary. (Included by Law No. 13467, of 2017)

Paragraph 3. In the event of recidivism between identical parties, the court may double the amount of the indemnity. (Included by Law No. 13467, of 2017)

TITLE III

SPECIAL RULES FOR THE PROTECTION OF LABOR

CHAPTER I

SPECIAL PROVISIONS REGARDING WORKING HOURS AND CONDITIONS OF EMPLOYMENT

SECTION I

BANK EMPLOYEES

WORKING IN BANKS ON SATURDAYS

Article 224. The regular working hours of employees in banks, banking companies and at Caixa Econômica Federal (a state-owned company) shall be 6 (six) continuous hours each working day, except Saturday, totaling 30 (thirty) working hours a week. (Wording by Law No. 7430, of December 17, 1985)

Paragraph 1. The normal working hours established in this Article shall be between 7 (seven) and 22 (twenty-two) hours, with a break of 15 (fifteen) minutes for meals, within the daily hours. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 2. The provisions of this Article shall not apply to those who carry out duties of administration, management, audit, leadership and equivalent duties, or who perform other duties of trust, provided that the amount of the bonus is not less than 1/3 (one-third) of the effective salary. (Wording by Decree-Law No. 754 of August 11, 1969)

Article 225. The normal working hours of bank employees may be increased to 8 (eight) hours a day by way of exception, but shall not exceed 40 (forty) hours a week, subject to compliance with the general regulations regarding working hours. (Wording by Law No. 6.637, of May 8, 1979)

Article 226. The special regime of 6 (six) working hours shall also apply to persons employed in commissionaire and cleaning services, such as porters, telephone operators, messengers and office boys, employed in banks and banking companies. (Wording by Law No. 3.488, of December 12, 1958)

Sole Paragraph. The board of directors of each bank shall organize the service schedules of the company in such a manner as to have persons employed in messenger duties working one-half hour before and up to one-half hour after closing, regarding the limit of 6 (six) hours a day. (Wording by Law No. 3.488, of December 12, 1958)

SECTION II

EMPLOYEES IN SERVICES RELATED TO TELEPHONY, SUBMARINE AND SUB-FLUVIAL CABLES, RADIO TELEGRAPH AND RADIO TELEPHONY

Article 227. The working hours of employees in companies operating telephone, submarine or sub-fluvial cables, radio telegraph and radio telephone services shall not exceed 6 (six) hours in per day or 36 (thirty-six) hours per week.

Paragraph 1. If, in case of urgent necessity, the employees are required to remain on duty beyond the normal hours fixed in this Article, the company shall pay them for such overtime at the normal wage of pay increased by 50% (fifty percent).

Paragraph 2. Work on Sundays, public holidays and patron saints days shall be considered overtime, therefore, performance and remuneration shall be governed by agreement between the employers and employees, or by collective bargaining agreement with their respective unions.

Article 228. Operators shall not work without a break either in the case of manual transmission or in the case of visual or sound reception, whether the message is written by hand or typewritten, if the speed exceeds 25 (twenty-five) words a minute.

Article 229. In the case of employees who are employed with a variable schedule, working hours shall not exceed 7 (seven) hours per day with a rest period of 17 (seventeen) hours; a break of 20 (twenty) minutes shall be included in working hours of every employee who is employed without interruption for more than 3 (three) hours.

Paragraph 1. In addition to operators, whose duties require a separate classification, employees who belong to the technical, telephone, inspection, dispatch and delivery branches and counter clerks shall be considered employees with a variable schedule.

Paragraph 2. Regarding the performance of work on Sundays, public holidays and patron saints day, as well as overtime, the employment of the persons mentioned in the preceding Paragraph shall be governed by the provisions set forth in Paragraph 1 of Article 227 of this Section.

Article 230. The company management shall organize the employees shifts for the performance of their duties in such a manner that employees with the same duties are employed alternately on day work and on night work.

Paragraph 1. Employees with the same duties shall be allowed to exchange shifts amongst themselves, provided that this does not affect the service negatively; the head of the service or person in charge thereof shall decide whether such an exchange is advisable or possible, in accordance with the provisions of this Section.

Paragraph 2. Companies shall not organize schedules in such a manner that the employees are compelled to take their lunch before 10 (ten) or after 13 (thirteen) or their dinner before 16 (sixteen) or after 19:30 (nineteen thirty).

Article 231. The provisions of this Section shall not apply to the employment of wireless telegraph operators on board vessels or aircraft.

SECTION III

PROFESSIONAL MUSICIANS

Article 232 – The duration of the work of the musicians in theater and the like shall be six hours.

Sole Paragraph. Whenever continuous work in a spectacle exceeds six hours, the excess time shall be paid with an increase of 25% (twenty-five percent) over the normal hourly wage.

Article 233 – The normal working hours of professional musicians can be increased up to eight hours a day, subject to the general principles on working hours.

SECTION IV

CINEMATOGRAPHY OPERATORS

Article 234. The normal working hours of cinematography operators and their assistants shall not exceed six hours per day distributed as follows:

a) 5 (five) consecutive working hours in the cabin during a cinematography performance;

b) an additional period not exceeding 1 (one) hour for the purpose of cleaning and lubricating the projectors or checking films.

Sole Paragraph. working hours of cinematography operators and their assistants may be extended by not more than 2 (two) hours a day for special performances, subject to an increase in remuneration of 25% (twenty-five percent) higher than the normal wage and to the granting of a break of 2 (two) hours for rest between the period mentioned in item b of this Article and the period of work in the cabin mentioned in item a.

Article 235 – In companies whose normal operation is at night, cinematographic operators and their helpers shall be granted, by means of a collective bargaining agreement or contract and with an increase of twenty-five percent (25%) on the normal hourly wage, the right to perform the

work in extra-normal daytime sessions and, cumulative, at nighttime, as long as this occurs up to three 3 times a week and between daytime and night time sessions there is a break of at least one 1 hour of rest.

Paragraph 1. The total working hours provided for in this Article shall not exceed 10 (ten) hours.

Paragraph 2. Every period of work shall be followed by a rest period of not less than 12 (twelve) hours.

SECTION IV-A

Services of the employed professional driver

(Wording by Law No. 13103, of 2015) (In effect)

Article 235-A. The special provisions of this Section apply to the employed professional driver in: (Wording by Law No. 13103, of 2015) (In effect)

I – collective passenger transport by road; (Included by Law No. 13103, 2015 (In effect)

II – road freight transport. (Included by Law No. 13103, of 2015) (In effect)

Article 235-B. The duties of the employed professional driver are: (Wording by Law No. 13103, of 2015) (In effect)

I – be aware of the vehicle's safety conditions; (Included by Law No. 12.619, of 2012) (In effect)

II – drive the vehicle with skill, prudence, zeal and observance of the principles of defensive driving; (Included by Law No. 12.619, of 2012) (In effect)

III – comply with the traffic legislation and, in particular, the rules related to the driving and rest time controlled and registered as provided for in Article 67-E of Law No. 9.503, of September 23, 1997 – Brazilian Traffic Code; (Wording by Law No. 13103, of 2015) (In effect)

IV – take care of the cargo transported and the vehicle; (Included by Law No. 12.619, of 2012) (In effect)

V – make themselves available to the public inspection bodies on the public highway; (Included by Law No. 12.619, of 2012) (In effect)

VI – (Revoked); (Included by Law No. 12.619, of 2012) (In effect)

VII – undergo a drug and alcohol use control program and test

VII – undergo toxicological exams with a minimum detection window of 90 (ninety) days and a drug and alcohol use control program, instituted by the employer, with the driver's awareness, at least once every 2 (two) years and 6 (six) months, and the mandatory examination provided for in Law 9.503, of September 23, 1997 – Brazilian Traffic Code, may be used for this purpose, provided it is carried out in the last sixty (60) days. (Wording by Law No. 13103, of 2015) (In effect)

Sole Paragraph. The employee's refusal to undergo the drug or alcohol use control test or program provided for in item VII shall be considered a disciplinary violation, liable to a penalty under the terms of the Law. (Wording by Law No. 13103, of 2015) (In effect)

Article 235-C. The daily working hours of the professional driver shall be 8 (eight) hours, with the possibility of extending it for up to 2 (two) overtime hours or, according to a convention or Collective Agreement, for up to 4 (four) overtime hours. (Wording by Law No. 13103, of 2015) (In effect)

Paragraph 1. Effective work shall be considered the time in which the employed driver is at the employer's disposal, excluding meal, rest intervals, breaks and the waiting time. (Wording by Law No. 13103, of 2015) (In effect)

Paragraph 2. The employed professional driver shall be guaranteed a minimum interval of one 1 hour for a meal, which may coincide with the mandatory break time when driving the vehicle established by Law 9.503, of September 23, 1997 – Brazilian Traffic Code, in the case of the professional driver included in Paragraph 5 of Article 71 of this Consolidation. (Wording by Law No. 13103, of 2015) (In effect)

Paragraph 3. Within the period of 24 (twenty-four) hours, eleven (11) hours of rest are ensured, and the possibility of fraction and coincidence with the periods of mandatory breaks when driving the vehicle provided, as established by Law No. 9.503, of September 23, 1997 – Brazilian Traffic Code, guaranteed a minimum of 8 (eight) uninterrupted hours in the first period and spending the remainder within 16 (sixteen) hours after the end of the first period. (Wording by Law No. 13103, of 2015) (In effect)

Paragraph 4. In long distance trips, thus considered those in which the employed professional driver remains outside the company's premises, head office or branch and their residence for more than 24 (twenty-four) hours, daily rest can be done in the vehicle or in

accommodation of the employer, the hirer of the transport, the shipper or the recipient, or in another location that offers adequate conditions. (Wording by Law No. 13103, of 2015) (In effect)

Paragraph 5. The hours considered overtime shall be paid with the increase established in the Federal Constitution or compensated in the form of Paragraph 2 of Article 59 of this Consolidation. (Wording by Law No. 13103, of 2015) (In effect)

Paragraph 6. To night working hours, the provisions of Article 73 of this Consolidation shall be applied. (Wording by Law No. 13103, of 2015) (In effect)

Paragraph 7 (VETOED). (Included by Law No. 12.619, of 2012) (In effect)

Paragraph 8. Waiting times are considered the hours when the employed professional driver is waiting for the vehicle to be loaded or unloaded at the shipper's or recipient's premises and the period spent with the inspection of the goods transported in tax or customs barriers, and are not counted as working hours nor as overtime. (Wording by Law No. 13103, of 2015) (In effect)

Paragraph 9. The hours related to the waiting time shall be compensated in the proportion of thirty 30% (thirty percent) of the normal hourly wage. (Wording by Law No. 13103, of 2015) (In effect)

Paragraph 10. In no event, the waiting time of the employed driver will impair the right to receive the remuneration corresponding to the daily base salary. (Included by Law No. 13103, of 2015) (In effect)

Paragraph 11. When the wait referred to in Paragraph 8 is longer than 2 (two) uninterrupted hours and the employed driver is required to stay by the vehicle, if the site offers adequate conditions, the time shall be considered as rest for the purposes of the break referred to in Paragraphs 2 and 3, subject to the provisions of Paragraph 9. (Included by Law No. 13103, of 2015) (In effect)

Paragraph 12. During the waiting time, the driver shall need to move the vehicle, which shall not be be considered as part of the workday, but the spending of eight (8) uninterrupted hours mentioned in Paragraph 3 is guaranteed. (Included by Law No. 13103, of 2015) (In effect)

Paragraph 13. Unless provided for in the contract, the working hours of the employed driver do not have a fixed start, end or break time. (Included by Law No. 13103, of 2015) (In effect)

Paragraph 14. The employee is responsible for the safekeeping, preservation and accuracy of the information contained in the notes in the logbook, charts or external worksheets, in the tachograph, or in the trackers or electronic systems and means, installed in the vehicles, standardized by Contran, until the vehicle is delivered to the company. (Included by Law No.

13103, of 2015) (In effect)

Paragraph 15. The data referred to in Paragraph 14 may be sent remotely, at the employer's discretion, with the possibility of attaching the original document later. (Included by Law No. 13103, of 2015) (In effect)

Paragraph 16. The provisions of this Article apply to the helper employed in operations in which the driver is accompanied. (Included by Law No. 13103, of 2015) (In effect)

Paragraph 17. The provision in the head provision of this Article also applies to automotive operators intended to pull or drag machinery of any nature or to perform construction or paving work and to operators of tractors, harvesters, self-propelled and other automotive devices intended to pull or drag agricultural machinery or perform agricultural work. (Included by Law No. 13.154, of 2015)

Article 235-D. In long-distance trips lasting more than 7 (seven) days, weekly rest shall be 24 (twenty-four) hours per week or fraction worked, without prejudice to the daily rest break of 11 (eleven) hours, totaling 35 (thirty-five) hours, enjoyed when the driver lists to the base (headquarters or branch) or to their home, unless the company offers adequate conditions for the effective enjoyment of mentioned rest. (Wording by Law No. 13103, of 2015) (In effect)

I – Revoked; (Wording by Law No. 13103, of 2015) (In effect)

II – Revoked; (Wording by Law No. 13103, of 2015) (In effect)

III – Revoked. (Wording by Law No. 13103, of 2015) (In effect)

Paragraph 1. It is permitted to split weekly rest into 2 (two) periods, one of which shall be at least 30 (thirty) uninterrupted hours, to be completed in the same week and in continuity with a daily rest period, which shall be enjoyed in the return from the trip. (Included by Law No. 13103, of 2015) (In effect)

Paragraph 2. The cumulative number of weekly rests on long-distance trips referred to in the head provision is limited to the number of 3 (three) consecutive rests. (Included by Law No. 13103, of 2015) (In effect)

Paragraph 3. The employed driver, on a long distance trip, who remains with the vehicle stopped after the completion of the normal day or overtime is exempt from the service, except if the employer expressly authorizes them to stay near the vehicle, in which case it shall be considered waiting. (Included by Law No. 13103, of 2015) (In effect)

Paragraph 4. It shall not be considered as working day, nor will it give rise to the payment of

any remuneration, the period in which the driver or assistant is spontaneously in the vehicle enjoying the rest breaks. (Included by Law No. 13103, of 2015) (In effect)

Paragraph 5. In cases when the employer chooses 2 (two) drivers working in the same vehicle, the rest time can be done with the vehicle in motion, ensuring a minimum rest of 6 (six) consecutive hours outside the vehicle in external accommodation or, if in the bed cabin, with the vehicle parked, every 72 (seventy-two) hours. (Included by Law No. 13103, of 2015) (In effect)

Paragraph 6. In exceptional situations of justified non-compliance with the working day limit referred to in Article 235-C, duly registered, and as long as road safety is not compromised, the length of the working day of the employed professional driver may be extended by the time necessary until the vehicle reaches a safe place or its destination. (Included by Law No. 13103, of 2015) (In effect)

Paragraph 7. In cases when the driver has to accompany the vehicle transported by any means and they can remain on board and when the vehicle has a bed cabin or the vessel has accommodation to enjoy the daily rest break provided for in Paragraph 3 of Article 235-C, this time shall be considered as rest time. (Included by Law No. 13103, of 2015) (In effect)

Paragraph 8. For the transportation of live, perishable and special cargo over long distances or in foreign territory, rules may be applied according to the specificity of the transport operation carried out, whose working conditions shall be set out in a collective labor convention or collective bargaining in order to ensure adequate travel conditions for travel and delivery to the final destination. (Included by Law No. 13103, of 2015) (In effect)

Article 235-E. For the transportation of passengers, the following provisions shall be observed: (Wording by Law No. 13103, of 2015) (In effect)

I – it is allowed to split the vehicle's driving break provided for in Law No. 9.503, of September 23, 1997 – Brazilian Traffic Code, in periods of at least 5 (five) minutes; (Included by Law No. 13103, 2015) (In effect)

II – the driver shall be guaranteed a minimum interval of 1 (one) hour for a meal, which may coincide with the mandatory stop time when driving the vehicle, established by Law 9.503, of September 23, 1997 – Brazilian Traffic Code, in the case of the professional driver included in Paragraph 5 of Article 71 of this Consolidation; (Included by Law No. 13103, of 2015)

III – In cases when the employer chooses 2 (two) drivers in the course of the same trip, the rest can be done with the vehicle in motion, taking into account the working hours, rest is guaranteed after 72 (seventy-two) hours in an external accommodation or, if in a seat corresponding

to the bed service, with the vehicle parked. (Included by Law No. 13103, of 2015) (In effect)

Paragraph 1 (Revoked). (Wording by Law No. 13103, of 2015) (In effect)

Paragraph 2 (Revoked). (Included by Law No. 12.619, of 2012) (In effect)

Paragraph 3 (Revoked). (Wording by Law No. 13103, of 2015) (In effect)

Paragraph 4 (Revoked). (Wording by Law No. 13103, of 2015) (In effect)

Paragraph 5 (Revoked). (Wording by Law No. 13103, of 2015) (In effect)

Paragraph 6 (Revoked). (Wording by Law No. 13103, of 2015) (In effect)

Paragraph 7 (Revoked). (Wording by Law No. 13103, of 2015) (In effect)

Paragraph 8 (Revoked). (Included by Law No. 12.619, of 2012) (In effect)

Paragraph 9 (Revoked). (Wording by Law No. 13103, of 2015) (In effect)

Paragraph 10 (Revoked). (Wording by Law No. 13103, of 2015) (In effect)

Paragraph 11 (Revoked). (Wording by Law No. 13103, of 2015) (In effect)

Paragraph 12 (Revoked). (Wording by Law No. 13103, of 2015) (In effect)

Article 235-F. A collective labor convention or collective bargaining may provide for a special workday of 12 (twelve) working hours for 36 (thirty-six) hours of rest for the work of the employed professional driver under compensation scheme. (Wording by Law No. 13103, of 2015) (In effect)

Article 235-G. The driver's remuneration may be paid according to the distance traveled, the travel time or the nature and quantity of products transported, including by offering a commission or any other type of advantage, provided that this remuneration or commissioning does not compromise the safety of the highway and the collectivity or makes it possible to violate the rules provided for in this Law. (Wording by Law No. 13103, of 2015) (In effect)

Article 235-H. (Revoked). (Wording by Law No. 13103, of 2015) (In effect)

SECTION V

RAILWAY SERVICE

Article 236. The special provisions set forth in this Section shall apply to the railway service, which means the transport service on railways open to public traffic, including the

management, construction, maintenance and repair of the railway tracks and their construction works, work of arts, railway equipment and accessory equipment and installations, as well as the traffic service, the telegraph and telephone services and the operation of all railway infrastructure.

Article 237. The employees covered by the preceding Article shall be divided into the following classes:

a) officials of the general management, chiefs and heads of Secretariats and Sections, resident engineers, chief store-keepers, Labor Court's Inspectors and other salaried employees holding management or supervision positions;

b) persons employed in specific places and sections whose duties require constant attention, office employees, railway tracks construction and maintenance staff, main station and garage staff, including the respective telegraphers; traction team, workers of track ballasts and Labor Court's Inspectors;

c) train crew employees in general;

d) employees whose work is of intermittent nature or does not require continuous attention although it requirements extended periods of attendance at the workplace: security guards and employees at stations in the countryside, including the respective telegraphers.

Article 238. The whole time during which the employee is at the disposal of the railway company shall be considered hours of actual work. (Restored by Decree-Law No. 5, of April 4, 1966)

Paragraph 1. The time spent by employees belonging to class c in traveling to and from the place where their work begins and ends shall not be considered hours of actual work. (Restored by Decree-Law No. 5, of April 4, 1966)

Paragraph 2. If the employee is sent or ordered to proceed to a place away from home, the time spent commuting shall be considered normal hours of actual work, and shall not give a right to payment for overtime. (Restored by Decree-Law No. 5, of April 4, 1966)

Paragraph 3. In the case of railway tracks maintenance staff, the hours of actual work shall be considered from the time when the team leaves its living quarters to the time at which it ceases work at any place within the limits of its section. If the employee works at a place outside the section of his team, the time spent on the return trip to the section shall be considered time spent in actual work. (Restored by Decree-Law No. 5, of April 4, 1966)

Paragraph 4. In the case of train crew employees, after arrival at their destination, only the time during which the railroad employee is at work or detained to await the orders of the railway

company shall be considered time spent in actual work. If the interval between 2 (two) periods of work does not exceed one hour, it shall be considered time spent in actual work. (Restored by Decree-Law No. 5, of April 4, 1966)

Paragraph 5. The breaks granted for meals shall not be considered time spent in actual work, except for the case of employees belonging to class c when a meal is taken during the trip or during a stop at a station. Such breaks shall not be less than 1 (one) hour, except for the case of employees belonging to a higher class than the one mentioned who are members of a train crew. (Restored by Decree-Law No. 5, of April 4, 1966)

Paragraph 6. In the case of staff responsible for the maintenance of construction works, telegraph or telephone lines and buildings, the time spent in traveling to and from the workplace shall not be considered hours of actual work, provided that it does not exceed one hour in either case and that the railway company provides the means of transport; nevertheless, all the time exceeding the mentioned limit shall be considered hours of actual work. (Restored by Decree-Law No. 5, of April 4, 1966)

Article 239. In the case of employees belonging to class c, extension of working hours shall not depend upon an agreement or Collective Bargaining Agreement; nevertheless, working hours shall not be extended to more than 12 (twelve) hours, and the companies shall as far as possible organize the work of train crew employees in such a manner that the normal working day of eight hours is observed. (Refer to Decree-Law No. 6.361, of 1944)

Paragraph 1. Employees covered by the provisions of this Article shall be granted a rest period of not less than 10 (ten) consecutive hours after each working day; they shall be entitled to that in addition to the weekly rest.

Paragraph 2. In the case of train crew employees covered by this Article, if the company does not supply meals during the trip and filing at the place of destination a special allowance shall be granted to cover the expenses for meals and filing.

Paragraph 3. The working lists for the employees covered by this Article shall be prepared in such a manner that the employee shall not be required to perform night work for a greater number of hours than day work in any fortnightly period.

Paragraph 4. The working periods of the employees covered by this Article shall be entered in special ID cards, which shall always remain in the possession of the employee and shall be prepared in accordance with a form approved by the Minister of Labor, Industry and Commerce.

Article 240. In case of emergency or accident likely to affect the safety or regularity of the service, working hours may by way of exception be increased without restriction; in this case, the railway company shall ensure that the health of their employees is not affected and shall alternate the staff so as to ensure the necessary rest periods for the employees; notice shall be given of such cases to the Ministry of Labor, Industry and Commerce within 10 (ten) days of the occurrence.

Sole Paragraph. In the cases mentioned in this Article, if any employee refuses, without sufficient reason, to work overtime, this shall be considered a serious fault.

Article 241. Working hours exceeding the normal working day of eight hours shall be paid for as overtime at the following rates: the first 2 (two) hours in excess shall be paid for at the wage of 25% (twenty-five) percent higher than the normal hourly wage, the next 2 (two) hours at the wage of 50% (fifty percent) higher than it and all further overtime at the wage of 75% (seventy-five percent) higher than it. (Refer to Decree-Law No. 6.361, of 1944))

Sole Paragraph. In the case of employees belonging to class c, the first hour in excess shall be paid for at the wage of 25% (twenty-five percent) higher than the normal hourly wage, the second hour at the wage of 50% (fifty percent) higher than it and the next 2 (two) hours at the wage of 60% (sixty percent) higher than it, except for case of proven negligence.

Article 242. Fractions of half an hour which exceed 10 (ten) minutes shall be considered half an hour.

Article 243. The general rules relating to working hours shall not apply to employees at stations in the in the countryside whose work is of an intermittent nature or does not require continuous attention; nevertheless, they shall be granted an uninterrupted rest period of not less than ten hours between 2 (two) periods of work and shall also be entitled to the weekly rest.

Article 244. Railways may employ supernumerary employees, reserve employees and emergency employees to perform duties which cannot be foreseen or to act as substitutes for other employees who fail to attend in accordance with the working list. (Restored by Decree-Law No. 5, of April 4, 1966)

Paragraph 1. Supernumerary employee means a non-permanent employee who is a candidate for permanent employment, and who normally notice of violations for employment but only works when necessary. A supernumerary employee shall receive remuneration only for days of actual work. (Restored by Decree-Law No. 5, of April 4, 1966)

Paragraph 2. Reserve employee means a permanent employee who remains at home on stand-by. Each turn of stand-by shall not exceed twenty-four hours. Hours on stand-by shall be

considered for all purposes at 1/3 (one-third) of their duration. (Restored by Decree-Law No. 5, of April 4, 1966)

Paragraph 3. Emergency employee means the employee who remains on the premises of the railway company awaiting orders. Each turn of emergency duty shall not exceed twelve hours. Hours on emergency duty shall be considered for all purposes at 2/3 (two-thirds) of their duration. (Restored by Decree-Law No. 5, of April 4, 1966)

Paragraph 4. If facilities for meals are provided in the company, the twelve hours on emergency duty referred to in the preceding Paragraph may be continuous. In default of such facilities, a break of one hour for a meal shall be granted after six hours on emergency duty, and in this case, the mentioned break shall not be included in working hours. (Restored by Decree-Law No. 5, of April 4, 1966)

Article 245. The normal working hours of train guards at stations whenever traffic is heavy shall not exceed 8 (eight) hours and shall be divided into at least 2 (two) shifts separated by a break of at least 1 (one) hour for rest; a shift shall not in any case exceed 5 (five) hours and a period of fourteen consecutive hours shall be granted between 2 (two) working days.

Article 246. Working hours of telegraph operators at stations whenever traffic is heavy shall not exceed six hours per day.

Article 247. The stations of each company shall be classified as follows by the National Secretariat of Railways: main stations, heavy traffic stations and countryside stations.

SECTION VI

CREWS OF VESSELS OF THE NATIONAL MERCANTILE MARINE AND VESSELS ENGAGED IN RIVER AND LAKE NAVIGATION, IN PORT TRAFFIC AND IN FISHING

Article 248. Between midnight on one day and midnight on the following calendar day a crew member may be kept at their station for 8 (eight) hours either continuously or intermittently.

Paragraph 1. The master of the vessel shall decide whether duties are to be continuous or intermittent; in the latter case the periods on duty shall not be less than 1 (one) hour.

Paragraph 2. Duties in the engine-room, on walkways or as security guards and other duties which, according to a medical notice of violation, are likely to affect the health of the crew member shall be performed for periods not exceeding 4 (four) hours, separated by intervals of not less than 4 (four) hours.

Article 249. Time exceeding 8 (eight) hours spent on actual work as provided for in the preceding Article shall be considered overtime giving right to compensation, in accordance with Article 250, except for the following cases:

a) work performed under the crew member's responsibility and in the exercise of duties of management, which means any duties on board the vessel entrusted to one person only, subject to his exclusive and personal responsibility;

b) in the event of impending danger, work performed for the safety or protection of the vessel, passengers or cargo, at the discretion of the master or the person responsible for the safety of the vessel;

c) work in connection with maneuvers or general operations which require the attendance of all members of the crew at their station;

d) in the case of lake and river navigation, work in connection with fueling the vessel or resulting from circumstances specific to this kind of navigation, going through difficult places, including loading and unloading cargo for the purpose of reducing the vessel's laden.

Paragraph 1. Work performed on Sundays and holidays shall be considered overtime except for the following cases:

a) duties performed in rooms and related to security, operation of the engines and appliances on board, cleaning of the vessel, sanitary duties, preparation of food for the crew and passengers, personal services to passengers, and also urgent work for rendering assistance to the vessel or the crew;

b) work required for the purpose of navigating or working the vessel when entering or leaving harbor, mooring, unmooring, loading or unloading cargo, or embarking or landing passengers.

Paragraph 2. Overtime worked in the operation of the vessel in harbor shall not exceed 30 (thirty) hours a week.

Article 250. Compensation shall be granted for overtime either by providing a rest period of the same duration on the following day or the subsequent day during the normal hours of work or at the end of trip, or by payment of the corresponding wages, as appropriate.

Sole Paragraph. Hours worked as overtime shall be indivisible and a fraction of an hour shall be considered as a full hour.

Article 251. Two registers shall be kept on board every vessel, in one of which shall be entered the overtime worked by each crew member and in the other any violations committed by members of the crew, duly explained.

Sole Paragraph. The registers mentioned in this Article shall be in compliance with the samples prepared by the Ministry of Labor, Industry and Commerce; the annotations shall be kept up to date by the master of the vessel and shall comply with the formalities used in registers of employees in general.

Article 252. Any crew member thought to be aggrieved by order of a superior officer may file an appeal in writing with the Maritime Labor Office through the master of the vessel, who shall forward the appeal accompanied by his notice of violation within 5 (five) days from arrival in port.

SECTION VII

COLD STORAGE SERVICES

Article 253. Employees who work inside cold storage chambers or who remove goods from a place where the temperature is hot or normal to a cold storage chamber and vice versa shall be guaranteed a break of 20 (twenty) minutes after each continuous work period of 1 (one) hour and 40 (forty) minutes; the break shall be included in the hours of actual work.

Sole Paragraph. For the purposes of this Article, a workplace shall be considered artificially cold, if the temperature is below 15 (fifteen) degrees Celsius in the first, second and third climate zones of the official map of the Ministry of Labor, Industry and Commerce, and below 12 degrees Celsius in the fourth zone, and below 10 degrees Celsius in the fifth, sixth and seventh zones.

SECTION VIII

STEVEDORING SERVICES

Article 254 - 292. (Revoked by Law No. 8630, of February25, 1993)

SECTION X

UNDERGROUND MINING

Article 293. The normal hours of actual work of persons employed in underground mining shall not exceed 6 (six) hours per day or 36 (thirty-six) hours per week.

Article 294. The time spent by the employee with traveling from the mine's adit to the workplace and back shall be taken into account for the purpose of the payment of wages.

Article 295. The normal hours of actual work underground may be increased to 8 (eight) hours per day and 48 (forty-eight) hours per week, by an agreement in writing between the employer and the employee or by a collective employment agreement, provided that this extension is previously authorized by the competent authority regarding industrial hygiene.

Sole Paragraph, The normal hours of actual work underground may be reduced to less than 6 (six) hours per day, by a decision of the authority mentioned in this Article, on account of unhealthy conditions in the location or the nature of the working methods and processes in use.

Article 296. The remuneration paid for overtime shall not be less than 25 (twenty-five) percent of the normal hourly wage and shall be specified in the agreement or collective employment agreement.

Article 297. The mining company shall supply employees who work underground with food suited to the nature of the work, in accordance with instructions issued by the Social Security Nutrition Service and approved by the Ministry of Labor, Industry and Commerce.

Article 298. A break of 15 (fifteen) minutes for rest, which shall be included in the normal hours of actual work, shall be granted in the course of every working period of 3 (three) consecutive hours.

Article 299. If an accident occurs underground which is likely to imperil the life or health of the employees, the company shall give notice to the regional labor authority of the Ministry of Labor, Industry and Commerce.

Article 300. Whenever, for reasons of health, it is necessary in the view of the competent industrial health and safety authority to transfer the employee from underground to surface work, the company shall be required to carry out the transfer, the person transferred being guaranteed a wage equal to that paid to a surface employee engaged in similar work, taking into account the occupational skill of the person concerned. (Wording by Law No. 2.924, of October 21, 1956)

Sole Paragraph. If the employee refuses to be transferred, the matter shall be referred to the competent industrial health and safety authority for decision. (Wording by Law No. 2.924, of October 21, 1956)

Article 301. Employment underground shall not be permitted except for the case of men from 21 (twenty-one) to 50 (fifty) years of age, and transfer to surface work shall be guaranteed in accordance with the provisions of the preceding Article.

SECTION XI

PROFESSIONAL JOURNALISTS

Article 302. The provisions of this Section shall apply to persons employed in newspaper companies as journalists, proofreaders, photographers or illustrators, subject to the exceptions herein specified.

Paragraph 1. Journalist means an intellectual employee whose duties range from the collection of information to the writing of articles and press notices and to the organization, administration and supervision of such work.

Paragraph 2. For the purposes of this Section, newspaper company means the enterprise engaged in the publishing of newspapers, reviews, bulletins or periodical or the distribution of news, or broadcasting, insofar as relates to the transmission of news and news commentaries.

Article 303. The normal working hours of employees covered by this Section shall not exceed 5 (five) hours, whether in the case of day work or in the case of night work.

Simplification of labor legislation in specific sectors

Article 304. The normal working hours may be increased to 7 (seven) hours by an agreement in writing, which shall provide for an increase in remuneration corresponding to the increase in working hours and shall fix a break for rest or a meal.

Sole Paragraph. For reasons of force majeure the employee may be employed for working hours exceeding the hours authorized by this Section. In such cases, notice of the overtime shall be sent to the Inspection section of the National Labor Secretariat or to the Regional Office of the Ministry of Labor, Industry and Commerce within a time limit of 5 (five) days and accompanied by a statement of the reasons.

Article 305. Payment for overtime, whether worked according to an agreement or for the reasons specified in the Sole Paragraph of the preceding Article, shall not be less than the sum obtained by dividing the monthly salary by 150 (one hundred and fifty) in the case of persons paid by the month and the daily salary by 5 (five) in the case of persons paid by the day, with an increase of not less than 25 (twenty-five) percent in each case.

Article 306. The provisions of Articles 303, 304 and 305, shall not apply to persons who perform the duties of chief editor, secretary, assistant secretary, head proofreader, assistant head proofreader, head of the printing Secretariat, head of the illustrations Secretariat, or chief information officer.

Sole Paragraph. In addition, the mentioned Articles shall not apply to persons employed exclusively in outside work.

Article 307. A mandatory rest day shall be granted after six days' actual work; the rest day shall as a rule be given on Sunday, except as otherwise agreed in writing, in which case the day chosen shall be expressly specified.

Article 308. A rest period of not less than 10 (ten) hours shall be granted after every day's work.

Article 309. Any time when the employee is at the disposal of the employer shall be considered a period of actual work.

Article 310 (Revoked by Decree-Law No. 972 of October 17, 1969)

Article 311. For the register referred to in the preceding Article, the applicant shall submit the following documents:

a) proof of Brazilian nationality;

b) criminal clearance;

c) proof that they have not been prosecuted or have not been convicted of a crime against national security;

d) Labor and Social Security ID Card.

Paragraph 1. Duly registered professionals shall have their Labor and Social Security ID Card annotated accordingly.

Paragraph 2. New employees shall be granted a period of 60 days to submit the Labor and Social Security ID Card, being the registration made conditional on this submission, and a provisional certificate for that period shall be issued.

Article 312 – The registration of newspaper owner-directors shall be made in the Federal District and States, and regardless of the requirement provided for in Article 311, letter “d", of this Section.

Paragraph 1. Proof of profession, submitted by the owner-director with the other required documents shall consist of a certificate, provided for in the States and Territory of Acre, by the Commercial Boards or Notaries, and, in the Federal District, by the competent Section of the National Industry and Commerce Secretariat, from the Ministry of Labor, Industry and Commerce.

Paragraph 2. Regularly enrolled owner-directors shall be provided with a certificate containing the book and page on which the registration was made

Article 313 – Those who perform non-professional journalistic activities, aiming at cultural, scientific or religious purposes, may be registered as journalists, according to the provisions of this Section.

Paragraph 1. The competent Secretariats of the Ministry of Labor, Industry and Commerce shall maintain, for the purposes of the preceding Article, a special register, attached to that of professional journalists, including those who meet the requirements of paragraphs "a", "b" and "c" of Article 311 and submit proof of the performance of non-professional journalistic activity, which may be done through a certificate of cultural, scientific or religious association.

Paragraph 2. The registration application shall be submitted to the minister for an order, which, in each case, will assess the value of the evidence offered.

Paragraph 3. The registration referred to in this Article has a purely declaratory purpose and does not imply the recognition of rights that result from the paid and professional practice of journalism.

Article 314. (Revoked by Decree-Law No. 972, of 17/10/1969)

Article 315. The Federal Government, in agreement with the Governments or the States, shall encourage the creation of schools of journalism for the training of professional journalists.

Article 316. The newspaper company that does not make timely payments, as agreed, of the salaries due to its employees, shall be suspended from its operations, until duly making the payments.

Sole Paragraph. For the purposes of complying with this Article, the harmed parties shall complain against the lack of payment before the competent authority and, when the sentence is rendered, if the company does not comply with it, or, in the case of an appeal, does not deposit the amount of the indemnity, the competent authority issuing the conviction shall inform the competent authority to suspend circulation of the newspaper. The company that fails to collect contributions due to Social Security institutions shall be subject to the same penalty of suspension.

SECTION XII

TEACHERS

Article 317. The paid services of teaching in private educational institutions shall require only legal qualification and registration with the Ministry of Education. (Wording by Law No. 7855, of October 24, 1989)

Article 318. The teacher shall be able to teach in the same institution for more than one shift, as long as they do not exceed the weekly workday legally established, being the meal break ensured and not counted. (Wording by Law No. 13.415, of 2017)

Article 319. A teacher shall not give classes or exams on Sundays.

Article 320. The remuneration of teachers shall be fixed according to the number of weekly classes given, taking into account the schedules.

Paragraph 1. Remuneration shall be paid monthly and for this purpose each month shall be considered equivalent to four and a half weeks.

Paragraph 2. At the end of each month an amount corresponding to the number of classes missed by the teacher concerned shall be deducted from the remuneration.

Paragraph 3. Deductions shall not be made from remuneration, during a period of 9 (nine) days, for absence on account of the teacher's marriage or the death of the spouse, father, mother, son or daughter.

Article 321. If an educational institution finds it necessary to increase the number of classes in the schedules, the amount corresponding to the number of extra classes given shall be paid to the teacher concerned at the end of each month.

Article 322. During the exams period and holidays, teachers shall be paid with the same regularity on contract as they would receive according to the schedules during normal school periods. (Wording by Law No. 9013, of March30, 1995)

Paragraph 1. During the exams periods, a teacher shall not be required to perform more than eight hours' work per day, unless they are paid additional remuneration for the exceeding hour at the wage of one class.

Paragraph 2. During the holiday period teachers shall not be required to perform any work other than work in connection with exams.

Paragraph 3. In the case of dismissal without just cause at the end of the school year or in during the school holidays, the payment to which the beginning of this Article refers to shall be guaranteed to a teacher. (Included by Law No. 9013, of march 3, 1995)

Article 323. Private educational institutions which do not pay adequate salaries to their teachers or fail to pay the monthly salaries timely shall not be permitted to continue its operations.

Sole Paragraph. The Ministry of Education and Health shall establish standards for determining the amounts to be considered adequate remuneration for teachers and shall be responsible for ensuring enforcement of the provisions or this Article.

Article 324. (Revoked by Law No. 7855, of October 24, 1989)

SECTION XIII

CHEMISTS

Article 325. The following persons shall be entitled to engage in the chemist profession freely throughout the territory of the Republic, subject to compliance with the conditions regarding technical qualifications and other requirements set forth in this Section:

a) holders of a diploma of chemistry, industrial chemistry, agricultural chemistry or chemical engineering, issued in Brazil by an official or officially recognized school;

b) holders of a diploma in chemistry issued by a foreign institution for higher education, validated in accordance with the Law, after July 14, 1934;

c) persons who, on the date of the publishing of Decree No. 24,693 of July 12, 1934 (Decree to issue regulations for engagement in the chemist profession (Official Gazette, July 14, 1934, supplement)), were actually employed in a Public or Private Institution working as a chemist and who have applied for registration before expiring the time limit fixed by Decree-Law. No. 2298 of June 10, 1940 (Legislative Decree regarding the register of licensed chemists (Official Gazette, June 12, 1940):

Paragraph 1. Chemists covered by item c of this Article shall be considered licensed chemists for the purposes of this Section.

Paragraph 2. Aliens shall not be entitled to engage freely in the profession covered by this Article, except for the following cases:

a) those covered by items a and b, regardless of their diploma validation, if they were lawfully engaged in the chemist profession in the Republic on the date of the promulgation of the Constitution of 1934;

b) those covered by item b, if entitled to benefit from an agreement for international reciprocity, according to the Law, with respect to the recognition of their diplomas;

c) those covered by item c, if meeting the requirements set forth in the mentioned item.

Paragraph 3. Brazilians by naturalization shall not be entitled to engage freely in the chemist profession until they have performed military service in Brazil.

Paragraph 4. Only born Brazilians shall be entitled to validate foreign university diplomas.

Article 326. Every person who engages or intends to engage in the chemist profession shall have a Labor and Social Security ID Card; persons covered by items a and b of Article 325 shall register their diplomas in accordance with the legislation in effect. (Refer to Law No. 2.800, of June 18, 1956)

Paragraph 1. Without prejudice to compliance with the provisions of the Chapter named Occupational Identification, an application for a chemist's Labor and Social Security ID Card shall not be approved, except by providing the following documents proving:

a) whether the applicant is a born Brazilian, naturalized or an alien;

b) if the applicant is Brazilian, whether they have full civil and political rights;

c) that they hold a diploma in chemistry, industrial chemistry, agricultural chemistry or chemical engineering, issued by an official or officially recognized higher educational institution;

d) whether they hold a foreign diploma, that the mentioned diploma has been confirmed in accordance with the Law;

e) if the applicant is Brazilian by naturalization, whether they have performed military service in Brazil;

f) if they are aliens, that they have been lawfully engaged in the chemist profession in the territory of the Republic on the date of the promulgation of the Constitution of 1934, or that they are entitled to benefit by an arrangement for international reciprocity, according to the Law, for the recognition of diplomas in chemistry.

Paragraph 2. The requirement mentioned in the preceding Paragraph shall be accompanied by the following documents:

a) duly certified diploma, in cases covered by item b of the preceding Article, with the signatures attested in the country of origin and by the Secretariat of State for Foreign Affairs, or the respective certificate, and the validation or relevant certificate, in accordance with the legislation in effect;

b) a certificate or attestation showing that, in the case covered by item c of the preceding Article, the applicant, on the date of the publishing of Decree No. 24,693 of July 12, 1934, was

actually employed in a public or private Institution working as a chemist and these documents shall be attested by the Regional Labor Officer if the applicant lives in the capital of a State or by the Federal Tax Collector if he lives in a city in the countryside;

c) three copies of a photograph required by Article 309 and a page containing the information which shall be annotated in the Labor and Social Security ID Card in accordance with the provisions of the items of the same Article and the Sole Paragraph.

Paragraph 3. When the validity of the documents submitted is recognized, the Occupational Identification Service of the National Labor Secretariat in the Federal District or the Regional Offices of the Ministry of Labor, Industry and Commerce in the States and in Acre shall register in their files the documents mentioned in item c of Paragraph 1 and shall return them to the person concerned together with the issued Labor and Social Security ID Card.

Article 327 – In addition to the fees set out in the Chapter named "Professional Identification", the registration of the diploma is subject to a fee of thirty cruzeiros (Cr$ 30.00).

Article 328. Diplomas, certificates of diplomas, offices and other documents, as well as attestations and certificates shall not be registered unless they are issued in proper form and the signatures have been duly attested by a notary public, and in the case of aliens, by the Ministry of State for Foreign Affairs; for the latter, a translation of the documents in reference made by a Brazilian sworn translator shall be attached.

Sole Paragraph. The National Secretariat of Labor and the Regional Executive Offices of the Ministry of Labor, Industry and Commerce, in the States, will periodically publish the list of registered chemicals according to this Section.

Article 329. A numbered Labor and Social Security ID Card shall be provided to each registered chemist as evidence of registration, by the National Labor Secretariat in the Federal District or by the Regional Offices in the States, which shall contain a photograph measuring 3 by 4 centimeters, taken full-face and without a hat, and the finger prints of the thumb of the person concerned, and also the following:

a) full name;

b) nationality and in the case of an alien whether they are naturalized or not;

c) date and place of birth;

d) name of the school where the major was taken;

e) date the diploma was issued and the registration number in the Ministry of Labor;

f) date of the diploma validation, in the case of a diploma issued by a foreign institution;

g) information on other qualifications, degrees, including dates;

h) signature of the registered chemist.

Sole Paragraph. The ID Card issued to the professionals mentioned in Paragraph 1 of Article 325, shall contain, instead of the statements listed in items d, e and f of that Article, and besides the title – licensed – highlighted, the appointment or hiring date and the respective date, if a public servant, or attestation of the work as a chemist, if a private company, including the company's name and the start date.

Article 330. The Labor and Social Security ID Card issued as provided for in this Section shall be mandatory for engagement in the profession; it substitutes in every case the diploma or certificate and shall be used as an identity ID card. (Wording by Decree-Law. No. 5.922, of October 25, 1943)

Article 331. No authority shall accept payment of any fees relating to engagement in the chemist profession unless proof is provided that the person concerned is registered in accordance with this Section; such evidence shall also be required to apply for expert examinations and to take part in any other official acts which require the technical capacity of a chemist.

Article 332. If any person who is not duly registered announces their intention to engage in the chemist profession in any of its branches, by means of advertisement, signs, commercial circulars or any other methods, shall be liable to the penalties applicable in the case of illegal practice of a profession.

Article 333. Chemists covered by the preceding provisions shall not be lawfully entitled to perform the duties of a chemist until they comply with the obligations provided for by Article 330 of this Section.

Article 334. Engagement in the chemist profession shall comprise:

a) manufacturing chemical products and sub-products in different degrees of purity;

b) chemical analysis, giving opinions and certificates, drafting schemes in this sphere, and the carrying out civil or judicial expert evaluations, managing chemical laboratories or Secretariats in industrial and commercial companies;

c) teaching chemistry in university and colleges;

d) chemical engineering.

Paragraph 1. Chemists, industrial chemists and agricultural chemists who meet the requirements set forth in items a and b of Article 325, shall engage in the occupations specified in items a, b and c of this Article; the work specified in item d shall be reserved for chemical engineers.

Paragraph 2. Those who meet the requirements set forth in items a and b of Article 325, and also those holding diplomas in medicine or pharmacy, shall be competent to perform the duties specified in items d, e and f of Article 2 of Decree No. 20,377 of September 8, 1931, and agronomists and agricultural engineers shall be competent to perform the duties specified in Article 6, item (h), of Decree No. 23.196, of October 12, 1933.

Article 335. Chemist shall be hired in the following branches of industry:

a) industries engaged in manufacturing chemical products;

b) industries which maintain laboratories for chemical tests;

c) industries engaged in manufacturing industrial products obtained by means of directed chemical reactions, such as cement, sugar and alcohol, glass, tanning extracts, artificial plastic substances, explosives, coal and petrol by-products, vegetable or mineral oil refining, soap, cellulose and its by-products.

Article 336. For appointment to public positions for which a chemist's qualifications are required, with the exception of the special positions mentioned in Paragraph 2 of Article 334, as of the date of the publishing of Decree No. 24,693 of July 12, 1934, the candidates shall meet the requirements set forth in Article 333 of this Section.

Article 337. Certificates of chemical analysis, expert opinions, sworn statements, technical reports and projects relating to chemistry which are signed by chemists who meet the requirements set forth in items a and b of Article 325 shall be accepted as valid public instruments.

Article 338. Chemists who meet the requirements set forth in items a and b of Article 325 shall be authorized to teach chemistry in official or officially recognized higher educational institutions.

Sole Paragraph. In the event of an examination for a public office or employment, the chemists mentioned in this Article shall be entitled to preference, remaining aspects being addressed equally.

Article 339. The name of the chemist responsible for the manufacture of the products of a factory, plant or laboratory shall appear on the labels, invoices, advertisements, letter heads and envelopes.

Article 340. A person other than a qualified chemist holding a diploma specified in items and b of Article 325 shall not be appointed *sua sponte* to make a technical inspection of a factory, laboratory or plant or the products manufactured there.

Sole Paragraph. The provisions of this Article shall not apply to pharmaceutical products or laboratories of pharmaceutical products.

Article 341. All services not specified in these regulations which on account of their nature require a knowledge of chemistry shall be performed by qualified chemists holding the diplomas specified in items a and b of Article 325.

Article 342. Revoked by Law No. 2800 of June 18, 1956.

Article 343. The duties of the supervising authorities shall be as follows:

a) to review the documents required for professional registration under Article 326 and Paragraphs 1 and 2 thereof and under Article 327, to make the necessary registrations and to refuse applications of persons who fail to meet the requirements of this Section;

b) to register the notices and contracts mentioned in Article 350 and its Paragraphs and make the necessary filing or deletions;

c) to supervise the strict enforcement of the provisions of this Section by making such inquiries as may be necessary and by reviewing registers, ID cards, payrolls, contracts and other documents used by industrial or commercial firms or companies which employ any person or persons in positions or duties for which the qualifications of a chemist are required.

Article 344. Revoked by Law No. 2800 of June 18, 1956.

Article 345. If the Ministry of Labor, Industry and Commerce discovers that diplomas, sworn statements, certificates or any other documents produced for the purposes of this Section are forged, the guilty persons and their accomplices shall be liable to the penalties provided for by Law.

Sole Paragraph. If it is discovered that any diploma or other certificates of any kind are forged, notice thereof shall be given forthwith to the Occupational Identification Service in the National Labor Secretariat, and the forged documents shall be forwarded to it for the purpose of the institution of legal proceedings.

Article 346. If any chemist or licensed chemist is guilty of any one of the following violations, they shall be suspended from his duties, without prejudice to any other penalties to which they may be liable:

a) unprofessional conduct, giving false evidence, insider trading, or forging any of the documents mentioned in this Section;

b) using his scientific knowledge for the purpose of assisting in the commission of a crime or violation against the country, the social regime or public health;

c) failing within the time limit specified in this Section to apply for the validation and registration of a foreign diploma, or for their professional registration in the Ministry of Labor, Industry and Commerce.

Sole Paragraph. The period of suspension mentioned in this Article shall be not less than one month nor more than one year, and shall be fixed at the discretion of the National Labor Secretariat, after due proceedings, without prejudice to criminal prosecution.

Article 347 – Those who practice the chemist profession without having fulfilled the conditions of Article 325 and its paragraphs, nor have had their registration made, under the terms of Article 326, will incur a fine of 200 cruzeiros to 5,000 cruzeiros, which shall be doubled in the event of recidivism.

Article 348. The National Labor Secretariat may issue an order, subject to approval by the Minister, to provide that the licensed chemists mentioned in Paragraph 1 of Article 325, shall cease to be entitled to the guarantees granted by this Section, if on account of a violation under Article 346 they cease to perform the public or private duties in which they were engaged at the time of the publishing of Decree No. 24,693 of July 12, 1934.

Article 349. The number of alien chemists employed by individuals, companies or enterprises shall not exceed 1/3 (one-third) of the number of Brazilian chemists belonging to the staff in reference.

Article 350. A chemist who becomes responsible for the technical management of, or takes a position as chemist in, any plant, factory, industrial laboratory or laboratory for chemical analysis, shall give notice thereof in writing within 24 (twenty-four) hours to the supervising authority and from that date on they shall be responsible for the technical part of the company, insofar as concerns his profession, and shall also hold the technical responsibility for the manufactured products.

Paragraph 1. When a contract is signed between a chemist and the owner of a factory or laboratory, it shall be submitted to the supervising authority for registration within a time limit of 30 (thirty) days.

Paragraph 2. If any chemist ceases to hold a position as technical manager or chemist, they shall give notice in the manner provided for in the first part of this Article in order to be relieved of

their responsibility and the contract be Revoked. In the event of bankruptcy of the company, the notice shall be given by the owner.

SECTION XIV

PENALTIES

Article 351. Violators of the provisions of this Chapter shall be liable to a fine of fifty to five thousand cruzeiros, according to the nature of the violation, the extent thereof, and the purpose for which it was committed; in the event of recidivism, interfering with supervision or disrespect to any authority, the fine shall be doubled. (Wording by Law No. 7855, of October 24, 1989)

Sole Paragraph. The authorities of the first instance responsible for supervision of the provisions set forth in this Chapter shall be competent to impose penalties.

CHAPTER II

PROTECTION OF THE NATIONAL EMPLOYMENT MARKET

SECTION I

PROPORTION OF BRAZILIAN EMPLOYEES

Article 352. If any individually owned company or company which operates public services under a concession or is engaged in industrial or commercial activities has more than 3 (three) persons employed, it shall employ Brazilians in a proportion not less than that provided for by this Chapter.

Paragraph 1. The general expression “industrial and commercial activities” shall include activities carried out in the following companies in addition to any others which may be specified by order of the Minister of Labor, Industry and Commerce:

a) industrial companies in general;

b) communication services, transportation by land, sea, river, lake and air;

c) garages, repair and supply stations for motor vehicles and engine sheds;

d) fishing industry;

e) commercial companies in general;

f) commercial offices in general;

g) banking companies, public savings banks, insurance and credit companies;

h) newspaper, publicity and broadcasting companies;

i) private educational institutions, excluding the employees teaching in such companies under religious vows;

j) pharmacies;

k) barbers, hairdressers and beauty parlors;

l) entertainment companies, except theater company and sports clubs;

m) hotels, restaurants, bars and similar companies;

n) hospital and physical therapy companies which charge fees for their services, excluding persons employed in such companies under religious vows;

o) mining companies;

Paragraph 2. Rural companies, companies carried out in agricultural districts for the purpose of processing or transforming local products and extractive industries other than mining shall not be subject to the obligation to employ a specific proportion of Brazilians.

Article 353. For the purpose of this Chapter, aliens who have lived in Brazil for more than 10 (ten) years and have a Brazilian wife or child, or if they are Portuguese, shall be placed on equal footing as Brazilians, except with respect to engagement in occupations reserved for born Brazilians or Brazilians in general. (Wording by Law No. 6.651, of May 23, 1979)

Article 354. The proportion of Brazilians to be employed shall be 2/3 (two thirds) of the total, provided that, in view of the special circumstances prevailing in each industry field, this proportion may be reduced by order of the Executive Power, if it has been duly established by the National Labor Secretariat and the Labor and Social Security Statistics Service that the number of Brazilians engaged in the industry field in reference is insufficient.

Sole Paragraph. Proportion shall apply not only with respect to the total number of employees, subject to the exceptions provided for by this Law, but also with reference to the total amount paid by way of salaries and wages.

Article 355. For the purposes of the calculation of the proportion of Brazilians to be employed, branch offices, sub-offices and agencies employing more than 3 (three) persons shall be considered independent companies.

Article 356. If the enterprise or an individual is engaged in 2 (two) or more industries for which different proportions are provided for, the proper proportion shall be observed in each of the mentioned industries.

Article 357. Employees who perform special technical duties shall not be included in the calculation of the proportion of Brazilians if in the opinion of the Ministry of Labor, Industry and Commerce there is a shortage of such employees of Brazilian nationality.

Article 358. It is prohibited for any company, whether it is bound to employ a proportionate number of Brazilians or not, to pay to a Brazilian who performs duties deemed by the Ministry of Labor, Industry and Commerce to be similar to those performed by an alien, a wage or salary lower than that paid to the mentioned alien, except for the following cases:

a) in companies where the employees are not organized on the basis of promotion by seniority, if the Brazilian in reference has been employed in the company for less than 2 (two) years and the alien for more than 2 (two) years;

b) if, with the approval of the Ministry of Labor, Industry and Commerce, the staff are organized on the basis of promotion by seniority;

c) if the Brazilian is an apprentice, helper or assistant and the alien is not;

d) in the case of persons employed on commission or at a task wage, if the higher remuneration is due to greater output.

Sole Paragraph. In the event of lack of work or suspension of work alien employees shall be dismissed before Brazilians who perform similar duties.

SECTION II

ANNUAL LISTS OF EMPLOYEES

Article 359. The enterprise shall not in any case hire an alien employee unless they provide an alien's ID card duly filled in.

Sole Paragraph. The company shall fill in the register of employees with information regarding the nationality of every alien employee and the number of their ID card.

Article 360. Every company covered by Paragraph 1 of Article 352 of this Chapter, irrespective of the number of its employees, shall submit annually, between May 2nd and June 30th, to the competent Secretariats of the Ministry of Labor, a list in duplicate of all its employees, in accordance with a model to be provided for.

Paragraph 1. The lists shall indicate any alterations which have occurred since the sending of the prior list in red ink. In the case of a new company a list named "First List" shall be made within 30 (thirty) days of the date of the registration of the company in the National Secretariat of Industry and Commerce or the competent section.

Paragraph 2. The lists shall be forwarded directly to the competent Secretariats of the Ministry of Labor, or, in places where there are not any Secretariats of the Ministry, to the Federal tax-collecting offices of the Ministry of Finance, which shall transmit them to the Secretariats of the Ministry. A special receipt shall be issued for the lists and the receipt shall be provided in the event of inspection, until the attested copy of the statement has been returned to the employer,

Paragraph 3. If the company has no employees, a declaration to this effect shall be made.

Article 361. If any violation of the regulations is found in the lists submitted, a time limit of 10 (ten) days shall be granted to the violator for submitting their defense, after which the case shall be reviewed by the competent authority.

Article 362. The Secretariats responsible for supervising compliance with this Chapter shall keep a special card-index of companies, containing information relating to their compliance with the provisions of this Chapter; they shall provide the persons concerned with any proof of payment they require, within 30 (thirty) days of the date of the request. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 1. The proof of payment shall be valid until September 30th of the year following the year to which they refer and shall be subject to a fee equal to 1/10 (one-tenth) of the regional minimum wage. Such document shall be required before any tender or contract can be negotiated with the Federal Government, with any State or Municipality or with any quasi-governmental entity under their supervision, and also before any permit issued to a foreign company to operate in Brazil can be renewed. (Wording by Decree-Law No. 229, of February 28, 1967) (Refer to Law No. 8.522, of 1992) (Refer to Provisional Presidential Decree No. 958, of 2020) (Refer to Law No. 13.999, of 2020) (Refer to Provisional Presidential Decree No. 975, of 2020) (Refer to Provisional Presidential Decree No. 1.028, of 2021)

Paragraph 2. After being reviewed by the Secretariat responsible for supervision, the second copy of the list shall be transmitted each year to the National Labor Secretariat, to assist it in its studies on employment market conditions in general, and the skilled labor situation in particular. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 3. The second copy of the list shall be transmitted by the competent Secretariat to the Social Security and Labor Statistics Service, and the third copy, duly attested, shall be returned to the company. (Included by Decree-Law No. 229, of February 28, 1967)

SECTION III

PENALTIES

Article 363. Proceedings related to violations of this Chapter shall comply with the provisions of the Title named "Application of Administrative Fines", insofar as they are applicable; the provided forms shall be used.

Article 364. Violations of this Chapter shall be punished by a fine from one hundred to ten thousand cruzeiros.

Sole Paragraph. In the case of an enterprise which holds a concession for a public service or a foreign company authorized to carry out activities in the country, if the violating company, after having been fined for a violation, still fails to comply with the provisions in reference, the concession or the authorization may be withdrawn.

SECTION IV

GENERAL PROVISIONS

Article 365. this Chapter shall not affect the restrictions in effect regarding having Brazilian nationality to perform specified occupations nor those relating to frontier zones, in accordance with the relevant legislation.

Article 366. Pending the ID card referred to in Article 359 of this Chapter, a certificate issued by the competent service of the Aliens Register stating that the employee has applied for a residence permit shall be considered as a valid document of temporary nature.

Article 367. Until the Labor and Social Security Statistics Service does not have access to the statistical data to establish a proportion for each industry field, the reduction referred to in Article 354 may be authorized by order of the Minister of Labor, Industry and Commerce upon a justified claim filed by the union.

Sole Paragraph. The Labor and Social Security Statistics Service shall undertake the necessary inquiries for the purposes of this Chapter and shall keep them up to date.

SECTION V

SPECIAL PROVISIONS REGARDING NATIONALITY IN THE MERCANTILE MARINE

Article 368. The command of a Brazilian merchant vessel shall only be exercised by a born Brazilian.

Article 369. The crew of a Brazilian vessel or ship shall be composed exclusively of at least 2/3 (two-third) of Brazilians. (Wording by Law No. 5.683, of July 21, 1971)

Sole Paragraph. The provisions of this Article shall not apply to Brazilian fishing vessels, subject to specific legislation. (Included by Law No. 5.683, of July 21, 1971)

Article 370. Shipping companies shall compile lists of vessels and shall send the mentioned lists within the time limit specified in Section II of this Chapter to the Maritime Labor Office in the district of jurisdiction.

Sole Paragraph. The lists referred to in this Article shall be made, regarding classification of members of the crew according to ranks and duties, in accordance with the schedules approved by the regulations of Harbor Authorities.

Article 371. The provisions of this Section shall apply likewise to shipping services on rivers and lakes and to pilot services on bars, in ports and on rivers, lakes and canals.

CHAPTER III

PROTECTION OF WOMEN EMPLOYEES

SECTION I

DURATION, WORKING CONDITIONS AND DISCRIMINATION AGAINST WOMEN

(Wording by Law No. 9799, of May 26, 1999)

Article 372. The rules governing the employment of men shall apply to the employment of women, insofar as they do not conflict with the special protective rules set forth in this Chapter.

Sole Paragraph. (Revoked by Law No. 13467, of 2017)

Article 373. The normal working hours of women shall be 8 (eight) hours per day except for cases when shorter hours are provided for.

Article 373-A. Regarding the legal provisions aimed at correcting the distortions that affect women's access to the labor market and certain specificities established in the labor agreements, it is forbidden: (Included by Law No. 9799, of May 26, 1999)

I – to publish or post a job advertisement in which there is reference to gender, age, color or family situation, except when the nature of the activity to be carried out publicly and notoriously, so requirements; (Included by Law No. 9799, of May 26, 1999)

II – to refuse employment, promotion or motivate the dismissal from work due to gender, age, color, family situation or pregnancy status, except when the nature of the activity is notorious and publicly incompatible; (Included by Law No. 9799, of May 26, 1999)

III – to consider gender, age, color or family situation as a determining variable for the purposes of remuneration, professional training and opportunities for professional development; (Included by Law No. 9799, of May 26, 1999)

IV – to require a certificate or evaluation, of any nature, to prove sterility or pregnancy, on start or permanence in employment; (Included by Law No. 9799, of May 26, 1999)

V – to prevent access or adopt subjective criteria for granting registration or approval in exams, in private companies, due to gender, age, color, family situation or pregnancy status; (Included by Law No. 9799, of May 26, 1999)

VI – strip searches on employees by the employer or their representatives. (Included by Law No. 9799, of May 26, 1999)

Sole Paragraph. The provisions of this Article do not preclude the adoption of temporary measures aimed at establishing policies for equality between men and women, mainly those aimed at correcting distortions affecting vocational training, access to employment and general working conditions for women. (Included by Law No. 9799, of May 26, 1999)

Article 374. (Revoked by Law No. 7855, of October 24, 1989).

Article 375. (Revoked by Law No. 7855, of October 24, 1989).

Article 376. (Revoked by Law No. 10244, of 2001)

Article 377. The adoption of measures for the protection of employment of women shall be considered a matter of public interest and shall not in any case justify a reduction of wages.

Article 378. (Revoked by Law No. 7855, of October 24, 1989)

SECTION II

NIGHT WORK

Article 379. (Revoked by Law No. 7855, of October 24, 1989).

Article 380. (Revoked by Law No. 7855, of October 24, 1989).

Article 381. The remuneration paid to women for night work shall be higher than that paid for day work.

Paragraph 1. For the purposes of this Article, wages shall be increased by not less than 20% (twenty percent)

Paragraph 2. In the case of night work of women, an hour shall be considered equal to 52 (fifty-two) minutes 30 (thirty) seconds.

SECTION III

REST PERIODS

Article 382. A rest period of not less than 11 (eleven) consecutive hours shall be granted between 2 (two) working days.

Article 383. In the course of a working day every women employee shall be granted a rest and meal break of not less than 1 (one) hour nor more than 2 (two) hours, except for the case specified in Paragraph 3 of Article 71.

Article 384. (Revoked by Law No. 13467, of 2017)

Article 385. The weekly rest shall amount to 24 (twenty- four) consecutive hours and shall be given fully or partly on Sunday, except for reasons of public interest or reasons arising from the urgent necessity of the service, in the opinion of the competent authority, in accordance with the general regulations; in this case the weekly rest shall be given on another day.

Sole Paragraph. The rules set forth in the general legislation regarding the prohibition of work on civil and religious holidays shall be observed likewise.

Article 386. If work is performed on Sunday, fortnightly shifts shall be organized to ensure the granting of Sunday rest.

SECTION IV

WORK METHODS AND WORKPLACES

Article 387. (Revoked by Law No. 7855, of October 24, 1989).

Article 388. After the competent authority has examined the case and given an opinion, the Minister of Labor, Industry and Commerce may grant total or partial exemption from the prohibition set forth in the preceding Article, if, due to new processes or the adoption of protective devices, the work considered dangerous or unhealthy is no longer considered so.

Article 389. Every employer shall be required: (Wording by Decree-Law No. 229, of February 28, 1967)

I - to take steps for the protection of health in their processes and workplaces, such as ventilation, lighting and other measures deemed by the competent authority to be necessary for the safety and comfort of women; (Included by Decree-Law No. 229, of February 28, 1967)

II - to install drinking fountains, washbasins, sanitary appliances and a sufficient number of chairs or benches to enable women to work without undue physical fatigue; (Included by Decree-Law No. 229, of February 28, 1967)

III - to install changing rooms with individual lockers for women, except for commercial companies, offices, banks and similar activities where changing clothes is not necessary, at the discretion of the competent occupational safety and employment medicine authority, which may find it sufficient to provide drawers or shelves for women employees to keep their personal belongings; (Included by Decree-Law No. 229, of February 28, 1967)

IV - to supply, free of charge, in accordance with instructions issued by the competent authority, personal protective equipment, such as goggles, masks, gloves and special clothing, for the protection of the eyes, respiratory bodies and the skin, according to the nature of the work. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 1. Every company employing at least 30 (thirty) women over 16 (sixteen) years of age shall provide a suitable room for nursing mothers to keep their infants under supervision and care for nursing. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 2. The obligation imposed by Paragraph 1 may be waived if a district nursery is maintained, either directly or by agreement with other public or private institutions, by the companies concerned, by the community, by SESI - Industrial Social Service, SESC - Commercial Social Service, LBA - Brazilian Assistance League or the unions. (Included by Decree-Law No. 229, of February 28, 1967)

Article 390. An employer shall not employ a woman to a work which demands the use of muscular force involving the handling of weights exceeding 20 (twenty) kilograms in the case of continuous work or 25 (twenty-five) kilograms in the case of occasional work.

Sole Paragraph. The prohibition set forth in this Article shall not apply to the moving of items by pushing or pulling floor cranes, handcarts, or other any other mechanical devices.

Article 390-A. (VETOED). (Included by Law No. 9799, of 1999)

Article 390-B. Vacancies in labor training courses, taught by government institutions, by employers themselves or by any vocational education agency, shall be offered to employees of both genders. (Included by Law No. 9799, of 1999)

Article 390-C. Companies with more than 100 employees, of both genders, shall maintain special incentive and professional training programs for the workforce. (Included by Law No. 9799, of 1999)

Article 390-D. (VETOED). (Included by Law No. 9799, of 1999)

Article 390-E. The legal entity may associate with professional training entities, civil societies, cooperative societies, as well as sign agreement for the development of joint actions, aiming at conducting projects related to encouraging women's labor. (Included by Law No. 9799, of 1999)

SECTION V

MATERNITY PROTECTION

Article 391. The fact that a woman gets married or becomes pregnant shall not be considered a legitimate reason for the termination of her employment contract.

Sole Paragraph. No clause in regulations of any kind or in a collective or individual employment contract which restricts the right of a woman to keep her employment in the event of marriage or pregnancy shall be allowed.

Article 391-A. The validation of pregnancy arising in the course of the employment contract, even during the period of prior notice worked or compensated, provides the pregnant employee with the provisional stability provided for in paragraph 'b' of item II of Article 10 of the Transitional Constitutional Provisions Act. (Included by Law No. 12.812, of 2013)

Sole Paragraph. The head provision of this Article applies to the adopting employee to whom provisional custody has been granted for adoption purposes. (Included by Law No. 13.509, of 2017)

Article 392. The pregnant employee is entitled to maternity leave for 120 (one hundred and twenty) days, without detriment to employment and salary. (Wording by Law No. 10.421, of April 15, 2002) (Refer to Law No. 13.985, of 2020)

Paragraph 1. The employee shall, by means of a medical certificate, notify her employee of the date of commencement of the leave, which may occur between the 28th (twenty-eighth) day before delivery or on the delivery date. (Wording by Law No. 10.421, of April 15, 2002)

Paragraph 2. Rest periods, before and after delivery, may be increased by 2 (two) weeks each, upon submission of a medical certificate. (Wording by Law No. 10.421, of April 15, 2002)

Paragraph 3. In case of early delivery, the woman shall be entitled to 120 (one hundred and twenty days) provided for in this Article. (Wording by Law No. 10.421, of April 15, 2002)

Paragraph 4. The employee is entitled during pregnancy, without prejudice to salary and other rights: (Wording by Law No. 9799, of May 26, 1999)

I – to have her duties substituted, when health conditions require it, ensuring the return to the previous duties, right after returning to work; (Included by Law No. 9799, of May 26, 1999)

II – to be exempt from working hours for the time necessary to attend at least 6 (six) medical consultations and other supplementary exams. (Included by Law No. 9799, of May 26, 1999)

Article 392-A. The employee who adopts or obtains judicial custody for the purpose of adopting a child or adolescent shall be granted maternity leave under the terms of Article 392 of this Law. (Wording by Law No. 13.509, of 2017)

Paragraph 1. (Revoked by Law No. 12010, of 2009) (in effect)

Paragraph 2. (Revoked by Law No. 12010, of 2009) (in effect)

Paragraph 3. (Revoked by Law No. 12010, of 2009) (in effect)

Paragraph 4. Maternity leave will only be granted upon submission of the judicial term of custody to the adopter or guardian. (Included by Law No. 10.421, of April 15, 2002)

Paragraph 5. The adoption or joint judicial custody will give rise to the granting of maternity leave to only one of the adopters or guardians employed. (Included by Law No. 12.873, of 2013)

Article 392-B. In the event of the death of the mother, the spouse or employed partner is entitled to leave on maternity leave for the entire period of maternity leave or for the remaining time to which the mother would be entitled, except for the case of the child's death or abandonment. (Wording by Law No. 12.873, of 2013) (In effect)

Article 392-C. The provisions of Article 392-A and 392-B shall apply to the employee who adopts or obtains judicial custody for adoption purposes. (Included by Law No. 12.873, of 2013)

Article 393. During the period referred to in Article 392 a woman shall be entitled to her full remuneration and, whenever her remuneration fluctuates, it shall be calculated on the basis of her average payment for the last six months' employment; she shall also keep any acquired rights and advantages and shall be entitled to resume her prior job. (Wording by Decree-Law No. 229, of February 28, 1967)

Article 394. A pregnant woman shall be entitled to terminate the relationship arising from an employment contract If it is proven by a medical certificate that the work to be performed by her is prejudicial to her condition.

Article 394-A. Without detriment to her remuneration, including the amount of hazard pay, the employee shall be on leave from: (Wording by Law No. 13467, of 2017)

I – activities considered unhealthy to a maximum degree, while the pregnancy lasts; (Included by Law No. 13467, of 2017)

II – activities considered unhealthy in a medium or minimum degree, when submitting a health certificate, issued by a doctor trusted by the woman, who recommends leave during pregnancy; (Included by Law No. 13467, of 2017) (Refer to ADIN 5938)

III – activities considered unhealthy in any degree, when submitting a health certificate, issued by a doctor trusted by the woman, who recommends leave during lactation. (Included by Law No. 13467, of 2017) (Refer to ADIN 5938)

Paragraph 1. (VETOED) (Wording by Law No. 13467, of 2017)

Paragraph 2. The company shall pay hazard pay to pregnant or lactating women, making the compensation effective, in compliance with the provisions of Article 248 of the Federal Constitution, at the time of payment of contributions levied on the payroll and other income paid or credit, in any capacity, to the individual who provides services to them. (Included by Law No. 13467, of 2017)

Paragraph 3. When it is not possible for the pregnant woman or the breastfeeding woman on leave under the terms of the head provision of this Article to carry out her activities in a healthy

place in the company, the situation shall be addressed as high-risk pregnancy and will give rise to paid maternity leave, under the terms of Law No. 8.213, of July 24, 1991, during the entire leave period. (Included by Law No. 13467, of 2017)

Article 395. In the case of a miscarriage proven by an official medical certificate, a woman shall be granted a rest period of 2 (two) weeks with pay and shall be entitled to return to her original duties before taking the leave.

Article 396. To breastfeed her child, including the adopted child, until the child is 6 (six) months old, the woman shall be entitled, during the workday, to 2 (two) special half-hour breaks each. (Wording by Law No. 13.509, of 2017)

Paragraph 1. When the child's health demands it, the period of 6 (six) months may be extended, at the discretion of the competent authority. (Wording by Law No. 13467, of 2017)

Paragraph 2. The rest times provided for in the head provision of this Article shall be defined in an individual agreement between the woman and the employer. (Included by Law No. 13467, of 2017)

Article 397. The Industrial Social Service, the Commercial Social Service, the Brazilian Assistance League and other public institutions concerned with childcare's security shall, depending on their financial possibilities, maintain or subsidize nursery schools and kindergartens, which shall be located in areas with the greatest density of working population, for the special benefit of women employee's children. (Wording by Decree-Law No. 229, of February 28, 1967)

Article 398. (Revoked by Decree-Law No. 229, of February 28, 1967)

Article 399. The Minister of Labor, Industry and Commerce shall confer a diploma of merit upon employers who organize and maintain nurseries and institutions for the protection of children at preschool age, whenever the mentioned services are noteworthy on account of the generosity shown and the efficiency of the premises.

Article 400. The premises set aside for the children of women employees during the nursing period shall have at least a nursery, a small room for nursing, a dietetics kitchen and sanitary installations.

SECTION VI

PENALTIES

Article 401. In the event of violations to any provisions of this Chapter, the employer shall be liable to a fine of one hundred thousand cruzeiros, which shall be applied by the Regional Labor Offices in the Capital or by the authorities to which this duty has been delegated by the Ministry of Labor, Industry and Commerce in the States and Acre.

Paragraph 1. The maximum penalty shall always apply:

a) if fraud or deceit is employed for the purpose of evading enforcement of the provisions of this Chapter;

b) in the event of recidivism.

Paragraph 2. Title named "Application of Administrative Fines" shall provide for procedures regarding non-compliance as well as applying and collecting fines, in accordance with this Article.

Article 401A. (VETOED) (Included by Law No. 9799, of 1999)

Article 401B. (VETOED) (Included by Law No. 9799, of 1999)

CHAPTER IV

PROTECTION OF EMPLOYMENT OF YOUNG PERSONS

SECTION I

GENERAL PROVISIONS

Article 402. For the purposes of this Consolidation, an employee is considered underage when their age ranges from fourteen to eighteen years old (Wording by Law No. 10.097, of 2000)

Sole Paragraph. The employment of a young person shall be governed by the provisions of this Chapter, except for the case of employment in workplaces where only members of the young person's family are employed under the administration of their father, mother or guardian, provided that Articles 404 and 405 and SECTION II are observed.

Article 403. Any work performed by a person under the age of sixteen is prohibited, except as an apprentice, from the age of fourteen. (Wording by Law No. 10.097, of 2000)

Sole Paragraph. Underage work shall not be carried out in places that are detrimental to their educational, physical, psychological, moral and social development and at times and places that do not allow them to attend school. (Wording by Law No. 10.097, of 2000)

a) (Revoked); (Wording by Law No. 10.097, of 2000)

b) (Revoked). (Wording by Law No. 10.097, of 2000)

Article 404. Young persons under eighteen years of age shall not be employed for night work; which means work performed between 22 (twenty-two) hours and 5 (five) hours.

Article 405. It is prohibited to to employ a young person: (Wording by Decree-Law No. 229, 1967)

I - in dangerous or unhealthy workplaces or services which are defined in the list approved by the Director-General of the National Occupational Safety and Employment Medicine Secretariat; (Included by Decree-Law No. 229, of February 28, 1967)

II - in workplaces or services that are prejudicial to their morals. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 1. (Revoked by Law No. 10.097, of 2000)

Paragraph 2. Employment in streets, squares and other public places shall be subject to prior approval by the Juvenile Court, which shall verify whether that the young person's employment is essential to their own maintenance or the maintenance of their parents, grandparents, brothers or sisters and that such employment shall not be prejudicial to his morals. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 3. The following shall be considered prejudicial to a young person's morals: (Wording by Decree-Law No. 229, of February 28, 1967)

a) employment in any capacity whatsoever in theaters, cinemas, night clubs, casinos, cabaret shows, dance halls and similar companies; (Included by Decree-Law No. 229, of February 28, 1967)

b) employment in circuses as an acrobat, clown, gymnast or in any similar jobs; (Included by Decree-Law No. 229, of February 28, 1967)

c) employment in the production, composition, delivery or sale of written or printed matter, posters, drawings, engravings, paintings, emblems, images or other objects which, in the opinion of the competent authority, may be prejudicial to his morals; (Included by Decree-Law No. 229, of February 28, 1967)

d) The retail sale of alcoholic beverages. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 4. In places where there are officially approved institutions for the protection of young employees the employment permit mentioned in Paragraph 2 shall be granted only to young

persons under the care of such an institution. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 5. The provisions of Article 390 and the Sole Paragraph of that Article shall apply to young persons. (Included by Decree-Law No. 229, of February 28, 1967)

Article 406. A juvenile court may give permission for a young person to be employed in the cases covered by items a and b of Paragraph 3 of Article 405: (Wording by Decree-Law No. 229, of February 28, 1967)

I - if the performance is of an educational nature or the scene in which they take part is not such as to be prejudicial to their morals; (Wording by Decree-Law No. 229, of February 28, 1967)

II - if it is certified that their employment is essential to their own maintenance or the maintenance of their parents, grandparents, brothers or sisters and shall not be prejudicial to their morals. (Wording by Decree-Law No. 229, of February 28, 1967)

Article 407. If the competent authority finds that the work performed by a young person is prejudicial to their health, physical development or morals, it may require them to give up the employment; in this case the company shall provide them with all possible options to change duties. (Wording by Decree-Law No. 229, of February 28, 1967)

Sole Paragraph. Whenever the enterprise fails to take all possible measures recommended by the competent authority to enable a young person to change their duties, the employment contract shall be Revoked in accordance with Article 483. (Included by Decree-Law No. 229, of February 28, 1967)

Article 408. The person legally responsible for a young person may apply for the cancellation of the last employment contract if their work is likely to be prejudicial to their physical health or morals. (Wording by Decree-Law No. 229, of February 28, 1967)

Article 409. For the purpose of better safety in employment and the health of young persons, the supervising authority may prohibit young persons from remaining in the workplace during breaks.

Article 410. The Minister of Labor, Industry and Commerce may grant exemptions from a prohibition of employment arising from the list mentioned in item a of Article 405, if it is established that the dangerous or unhealthy nature of the workplace or employment which gave rise to the prohibition has been fully or partially eliminated.

SECTION II

WORKING HOURS

Article 411. Working hours for young persons shall be governed by the statutory provisions relating to working hours in general, subject to the restrictions set forth in this Chapter.

Article 412. A rest period of not less than 11 (eleven) hours shall be granted after every period of actual work, whether continuous or divided into 2 (two) shifts.

Article 413. It is prohibited to extend a young person's normal daily working hours, except: (Wording by Decree-Law No. 229, of February 28, 1967)

I - by not more than 2 (two) hours, regardless of any increase in pay, if provision to that effect is made in a Collective Agreement or Collective Bargaining Agreement signed in accordance with Title VI of this Consolidation, provided that the extra hours on one day shall be compensated by shorter hours on another, so that the limit of 48 (forty-eight) hours a week, or such lower limit as established by Law, is not exceeded; (Included by Decree-Law No. 229, of February 28, 1967)

II - by way of exception, in case of force majeure, up to a maximum of 12 (twelve) hours, subject to an increase of at least 25% (twenty-five percent) in the normal hourly wage of pay, if the young person's work is essential to the operation of the company. (Included by Decree-Law No. 229, of February 28, 1967)

Sole Paragraph. The provisions of Article 375, the Sole Paragraph of Article 376 and Articles 378 and 384 of this Consolidation shall apply to any extension of a young person's working hours. (Included by Decree-Law No. 229, of February 28, 1967)

Article 414. If a young person under eighteen years of age is employed in more than one company, working hours performed by them in each company shall be added together.

SECTION III

HIRING AND THE LABOR AND SOCIAL SECURITY ID CARD

Article 415. There shall be a Labor and Social Security ID Card for all employees under the age of 18, regardless of gender, employed in companies or enterprises for economic purposes and those similar to them. (Refer to Decree-Law No. 926, of October 10, 1969)

Sole Paragraph. (Revoked by Law No. 13874, of 2019)

Article 416. Minors under 18 years of age may only be hired, as employees, by companies or enterprises for economic purposes and by those who are equivalent to them, when they hold the Labor and Social Security ID Card referred to in the preceding Article, except for the case of Article 422. (Refer to Decree-Law No. 926, October 10, 1969)

Article 417. (Revoked by Law No. 5.686, of August 3, 1971)

Article 418. (Revoked by Law No. 7855, of October 24, 1989).

Article 419-Article 422. (Revoked by Law No. 5.686 of March 8, 1971)

Article 423 – The employer shall not be allowed to make other annotations in the Labor and Social Security ID Card besides those referring to salary, start date, vacation and termination. (Refer to Law No. 5.686, of 1971)

SECTION IV

DUTIES OF PERSONS LEGALLY RESPONSIBLE FOR YOUNG PERSONS AND EMPLOYERS OF APPRENTICES

Article 424. A person legally responsible for a young person (father, mother or guardian) shall take them out of any employment which reduces the time available for studying or taking the rest periods necessary for their health and physical development, or which interferes with their moral education.

Article 425. Employers of young persons under eighteen years of age shall ensure that the conditions in their companies or enterprises meet the requirements of morality and decency and also the rules for hygiene and safety in employment.

Article 426. In the case specified in Article 407 the employer shall give the young person all possible choices to change duties.

Article 427. Employers in whose companies or enterprises young persons are employed shall allow the mentioned young persons to have the time necessary to attend school.

Sole Paragraph. companies which are located more than 2 (two) km far from the school, and which employ permanently more than 30 (thirty) illiterate young persons over 14 (fourteen) but under 18 (eighteen) years of age shall provide a suitable room for primary schooling.

Article 428. An apprenticeship contract is a special employment contract, adjusted in writing and for a specific period, in which the employer undertakes to ensure that those over 14 (fourteen) and under 24 (twenty-four) years of age are enrolled in an apprenticeship program of methodical

professional technical training, compatible with their physical, moral and psychological development, and the apprentice, to perform with zeal and diligence the tasks necessary for such training. (Wording by Law No. 11.180, of 2005)

Paragraph 1. The validity of the apprenticeship contract presupposes annotation in the Labor and Social Security ID Card, enrollment and attendance of the apprentice at school, if they have not completed high school, and enrollment in an apprenticeship program developed under the guidance of a qualified entity in methodological technical and professional training. (Wording by Law No. 11.788, of 2008)

Paragraph 2. The apprentice, unless under a more favorable condition, shall be entitled to the minimum hourly wage. (Wording by Law No. 13.420, of 2017)

Paragraph 3. The apprenticeship contract cannot be stipulated for more than 2 (two) years, except for the case of an apprentice with a disability. (Wording by Law No. 11.788, of 2008)

Paragraph 4. The technical and professional training referred to in the head provision of this Article is characterized by theoretical and practical activities, methodically organized in tasks of progressive complexity developed in the work environment. (Included by Law No. 10,097 of 2000)

Paragraph 5. The maximum age provided for in the head provision of this Article does not apply to apprentices with disabilities. (Included by Law No. 11,180, of 2005)

Paragraph 6. For the purposes of the apprenticeship contract, proof of schooling for apprentices with disabilities should mainly consider skills and competences related to professionalization. (Wording by Law No. 13.146, of 2015) (In effect)

Paragraph 7. In locations Whenever there is no offer of secondary education to comply with the provisions of Paragraph 1 of this Article, the apprentice may be contracted without attending school, provided that they have already completed elementary school. (Included by Law No. 11.788, of 2008)

Paragraph 8. For apprentices with disabilities aged 18 (eighteen) or more, the validity of the apprenticeship contract requirements annotation in the CTPS and enrollment and attendance in a learning program developed under the guidance of a qualified entity in methodical technical and professional training. (Included by Law No. 13.146, of 2015) (In effect)

Article 429. companies of any nature are required to employ and enroll in the courses of the National Learning Services the number of apprentices equivalent to a minimum of five percent and a maximum of fifteen percent of the employees in each company, whose roles require professional training. (Wording by Law No. 10.097, of 2000)

a) (Revoked); (Wording by Law No. 10.097, of 2000)

b) (Revoked). (Wording by Law No. 10.097, of 2000)

Paragraph 1-A. The limit set in this Article does not apply when the employer is a nonprofit entity, which aims at professional education. (Included by Law No. 10.097, of 2000)

Paragraph 1-B. The companies referred to in the head provision may allocate the equivalent of up to 10% (ten) percent of their quota of apprentices to methodical technical and professional training in areas related to the practice of sports, to the provision of services related to infrastructure, including the activities of construction, expansion, collection and maintenance of sports facilities and the organization and promotion of sporting events. (Wording by Law No. 13.420, of 2017)

Paragraph 1. The unit fractions, in calculating the percentage referred to in the head provision, will give rise to the hiring of an apprentice. (Included by Law No. 10.097, of 2000)

Paragraph 2. The companies referred to in the head provision shall offer apprentice vacancies to adolescent users of the National Social Educational Assistance regime (Sinase) under the conditions to be arranged in cooperation instruments signed between the companies and the managers of the local Social Educational Assistance regimes.. (Included by Law No. 12.594, of 2012) (Refer to)

Paragraph 3. The companies referred to in the head provision may offer apprentice vacancies to adolescent users of the National regime of Public Policy on Drugs – SISNAD under the conditions to be arranged in cooperation instruments signed between the companies and the local managers responsible for the prevention of misuse, attention and social reintegration of drug users and addicts. (Included by Law No. 13.840, of 2019)

Article 430. In the event that the National Apprenticeship Services do not offer enough courses or vacancies to meet the demand the companies, this may be supplied by other qualified entities in methodical technical-professional training, namely: (Wording by Law No. 10.097, of 2000)

I – Technical Schools of Education; (Included by Law No. 10.097, of 2000)

II – nonprofit entities, whose objective is assistance to adolescents and professional education, registered with the Municipal Council for the Rights of Children and Adolescents. (Included by Law No. 10.097, of 2000)

III – sports entities of the different modalities affiliated to the National Sports regime and the Sports regimes of the States, the Federal District and the Municipalities. (Included by Law No. 13.420, of 2017)

Paragraph 1. The entities mentioned in this Article shall have an adequate structure for the development of learning programs, in order to maintain the quality of the teaching process, as well as monitor and evaluate the results. (Included by Law No. 10.097, of 2000)

Paragraph 2. Apprentices who successfully complete the apprenticeship courses shall be awarded a professional qualification certificate. (Included by Law No. 10.097, of 2000)

Paragraph 3. The Ministry of Labor shall establish rules for assessing the competence of the entities mentioned in items II and III of this Article. (Wording by Law No. 13.420, of 2017)

Paragraph 4. The entities mentioned in items II and III of this Article shall register their courses, classes and apprentices enrolled at the Ministry of Labor. (Included by Law No. 13.420, of 2017)

Paragraph 5. The entities mentioned in this Article may enter into partnerships with each other for the development of learning programs, according to the regulations. (Included by Law No. 13.420, of 2017)

Article 431. The hiring of the apprentice may be carried out by the company where the apprenticeship shall work or by entities mentioned in items II and III of Article 430, in which case it does not result in an employment contract with the company taking the services. (Wording by Law No. 13.420, of 2017)

a) (Revoked); (Wording by Law No. 10.097, of 2000)

b) Revoked; (Wording by Law No. 10.097, of 2000)

c) Revoked; (Wording by Law No. 10.097, of 2000)

Sole Paragraph. Candidates rejected on the occasion of the vocational selection test shall, as far as possible, be given vocational guidance for the purpose of ensuring their start in employment better suited to their qualities and capacity.

Article 432. The duration of the apprentice’s work shall not exceed 6 (six) hours a day, and the extension and compensation of work hours is forbidden. (Wording by Law No. 10.097, of December 19, 2000)

Paragraph 1. The limit provided for in this Article may be up to eight hours a day for apprentices who have already completed elementary school, if the hours for theoretical learning are computed in them. (Wording by Law No. 10.097, of December 19, 2000)

Paragraph 2. Revoked. (Wording by Law No. 10.097, of December 19, 2000)

Article 433. The apprenticeship contract shall be terminated upon expiry or when the apprentice turns 24 (twenty-four) years old, except for the case provided for in Paragraph 5 of Article 428 of this Consolidation, or even in advance in the following cases: (Wording by Law No. 11.180, of 2005)

a) (Revoked); (Wording by Law No. 10.097, of December 19, 2000)

b) (Revoked). (Wording by Law No. 10.097, of December 19, 2000)

I – insufficient performance or inadequacy of the apprentice, except for the apprentice with a disability when lacking accessibility resources, assistive technologies and support necessary for the performance of their activities; (Wording by Law No. 13.146, of 2015) (In effect)

II – serious disciplinary failure; (Included by Law No. 10.097, of December 19, 2000)

III – unjustified absence from the school that implies loss of the school year; or (Included by Law No. 10.097, of December 19, 2000)

IV – at the apprentice's request. (Included by Law No. 10.097, of December 19, 2000)

Sole Paragraph. Revoked. (Wording by Law No. 10.097, of December 19, 2000)

Paragraph 2. The provisions of Articles 479 and 480 of this Consolidation shall not apply to the cases of termination of the contract mentioned in this Article. (Included by Law No. 10.097, of December 19, 2000)

SECTION V

PENALTIES

Article 434. Any violator the provisions of this Chapter shall be liable to a fine equal to 1 (one) minimum wage, which shall be imposed as many times as the number young persons employed in violation of the Law, provided that the total fine shall not exceed 5 (five) times the regional reference value, except for the event of recidivism, in which case this latter total may be doubled. (Wording by Decree-Law No. 229, of February 28, 1967)

Article 435. Annotations not provided for by Law made by a company in the Labor and Social Security ID Card shall be liable to a fine equal to 1 (one) minimum wage in addition to payment for issuing a new CTPS. (Wording by Decree- Law No. 229 of February28, 1967)

Article 436. (Revoked by Law 10.097, of 2000)

Article 437. (Revoked by Law 10.097, of 2000)

Sole Paragraph. (Not in effect)

Article 438 – The following are competent to impose the penalties provided for in this Chapter:

a) in the Federal District, the authority of 1st instance of the National Labor Secretariat;

b) in the States and Territory of Acre, the regional delegates of the Ministry of Labor, Industry and Commerce or the officials designated by them for this purpose.

Sole Paragraph. The proceeding for verifying violations, as well as applying and collecting fines, shall be the one provided for in the Title "Administrative Fines Proceedings", in compliance with the provisions of this Article.

SECTION VI

FINAL PROVISIONS

Article 439. It is lawful for a young person to sign a receipt for the payment of their wages. Nevertheless, in the case of termination of the employment contract, a young person under the age of 18 (eighteen) years shall not give a receipt to the employer for the payment of the compensation due unless the persons legally responsible for them are present.

Article 440. There is no limitation period related to minors under the age of 18 (eighteen)..

Article 441. The list mentioned in Item 1 of Article 405 shall be revised every 2 (two) years. (Wording by Decree-Law No. 229, of February 28, 1967)

TITLE IV

INDIVIDUAL EMPLOYMENT CONTRACT

CHAPTER I

GENERAL PROVISIONS

Article 442. Individual employment contract means an agreement, whether tacit or express, regarding the employment relation.

Sole Paragraph. Whatever the field of activity of a cooperative society, there shall exist no employment relationship between the society and its members, nor between members and persons receiving the services of the cooperative. (Included by Law No. 8.949 of December 9, 1994)

Article 442-A. For hiring purposes, the employer shall not require the job seeker proof of prior experience of more than 6 (six) months in the same type of activity. (Included by Law No. 11.644, of 2008).

Article 442-B. Hiring a self-employed professional, when all legal formalities are fulfilled by them, with or without exclusivity, continuously or not, removes the quality of employee provided for in Article 3 of this Consolidation. (Included by Law No. 13467, of 2017)

Article 443. An individual employment contract may be entered into tacitly or explicitly, orally or in writing, and for a specified period or for undetermined periods. (Wording by Law No. 13467, of 2017)

Paragraph 1. The employment contract for a specified period means a contract whose period of operation is previously established or depends upon the performance of specified services or on the occurrence of a particular event whose date can be estimated. (New paragraph number by Decree-Law No. 229, of February 28, 1967)

Paragraph 2. A contract for a specified period shall be valid only for:

a) services whose nature or limited duration justifies establishing a period beforehand; by Decree-Law No. 229, of February 28, 1967)

b) activities carried out by the enterprise on a temporary basis; by Decree-Law No. 229, of February 28, 1967)

c) period of probation contracts. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 3. The employment contract in which the provision of services, with subordination, is not continuous, occurring with alternating periods of services and inactivity, determined in hours, days or months, is considered intermittent, regardless of the type of activity of the employee and the employer, except for aeronauts, which are governed by their own legislation. (Included by Law No. 13467, of 2017)

Article 444. The employment contract relations may be agreed upon freely by the parties concerned, insofar as they are not contrary to the provisions for the protection of labor, to the relevant Collective Agreements or to the decisions of the competent authorities.

Sole Paragraph. The free stipulation referred to in the head provision of this Article applies to the cases provided for in Article 611-A of this Consolidation, with the same legal effectiveness and relevance over collective instruments, in the case of the employee holding a higher education diploma and who receives a monthly salary equal to or greater than twice the maximum limit of the benefits of the General Social Security Regime. (Included by Law No. 13467, of 2017)

Article 445. No employment contract for a specified period shall provide for a longer duration than 2 (two) years, pursuant to the rule in Article 451 shall be observed. (Wording by Decree-Law No. 229, of February 28, 1967)

Sole Paragraph, The duration of a period of probation contract shall not exceed 90 (ninety) days. (Included by Decree-Law No. 229, of February 28, 1967)

Article 446. (Revoked by Law No. 7855, of October 24, 1989).

Article 447. In the absence of an agreement or evidence concerning the existence of an essential item of an oral contract, that shall be presumed to exist, as if it had been enter into by the parties, in accordance with the statutory requirements for the conclusion of a lawful contract.

Article 448. A change in the ownership or in the legal nature of the company shall not affect the employment contract of the employees.

Article 448-A. After a business or employers succession provided for in Articles 10 and 448 of this Consolidation takes place, labor obligations, including those incurred at the time the employees worked for the predecessor company, are the responsibility of the successor. (Included by Law No. 13467, of 2017)

Sole Paragraph. The predecessor company will respond jointly to the successor when transfer fraud is proven. (Included by Law No. 13467, of 2017)

Article 449. In the event of bankruptcy, respite or dissolution of the company, the rights resulting from an employment contract shall subsist.

Paragraph 1. In the event of bankruptcy, respite or dissolution of the company, all salaries due to the employees and all indemnities to which they have a right shall constitute privileged debts. (Wording by Law No. 9601, of 1998)

Paragraph 2. In the event of respite, the employer and the employee shall make the termination of the employment contract and following indemnities ineffective as long as the employer pays at least half of the salaries due during the interruption.

Article 450. If the employee is appointed, by special commission, provisionally, or as a casual or temporary substitute for another employee, to a position other than that which he holds in the company, the period of employment in the mentioned position shall be taken into account and they shall be guaranteed reinstatement in their former position.

Article 451. If an employment contract for a specified period is extended more than once, whether tacitly or expressly, it shall be considered a contract for undetermined period. (Refer to Law No. 9601, of 1998)

Article 452. Every contract which is entered into not more than 6 (six) months after the termination of another contract which was entered into for a specified period, shall be considered a contract for undetermined period unless the termination of the former contract was dependent upon the performance of specified work or the occurrence, of certain events.

Article 452.A. The intermittent employment contract shall be signed in writing and shall specifically contain the hourly waves, which cannot be less than the hourly wage or the minimum wage paid to other employees of the company who perform the same services in intermittent contract or not. (Included by Law No. 13467, of 2017)

Paragraph 1. The employer shall call the employee, through any effective means of communication, for the service to be provided, informing what the working day shall be, with at least three calendar days in advance. (Included by Law No. 13467, of 2017)

Paragraph 2. (Included by Law No. 13467, of 2017)

Paragraph 3. Refusing to accept the working offer does not detract from subordination for the purposes of the intermittent employment contract. (Included by Law No. 13467, of 2017)

Paragraph 4. After accepting the offer to attend work, the party who fails to comply, without just reason, shall pay the other party, within thirty days, a fine of 50 (fifty) percent of the remuneration that would be due, compensation allowed in the same period. (Included by Law No. 13467, of 2017)

Paragraph 5. The period when the employee is not working shall not be considered as time available to the employer, and the employee may render service to other employers. (Included by Law No. 13467, of 2017).

Paragraph 6. At the end of each service period, the employee shall receive immediate payment of the following: (Included by Law No. 13467, of 2017)

I – remuneration; (Included by Law No. 13467, of 2017)

II – proportional vacations with an increase of one third; (Included by Law No. 13467, of 2017)

III – proportional thirteenth salary; (Included by Law No. 13467, of 2017)

IV – weekly paid rest; and (Included by Law No. 13467, of 2017)

V – legal compensations. (Included by Law No. 13467, of 2017)

Paragraph 7. The payment receipt shall contain a breakdown of the amounts paid for each of the obligations referred to in Paragraph 6 of this Article. (Included by Law No. 13467, of 2017)

Paragraph 8. The employer shall pay the Social Security contribution and deposit the Government Severance Indemnity Fund for Employees, according to the Law, based on the amounts paid per monthly period and provide the employee with proof of compliance with these obligations. (Included by Law No. 13467, of 2017)

Paragraph 9. Every twelve months, the employee acquires the right to enjoy, during the subsequent twelve months, a month of vacation, during which they cannot be called to provide services by the same employer. (Included by Law No. 13467, of 2017

Article 453 – When calculating the employee's length of service, when rehired, the periods, if not continuous, in which they previously worked at the company shall be counted, unless he/they have been dismissed for serious misconduct, received legal compensation or retired spontaneously. (Wording by Law No. 6.204, of 04/29/1975)

Paragraph 1 (Refer to AIN 1770-4)

Paragraph 2. the Law of granting a retirement benefit to the employee who has not completed 35 (thirty-five) years of service, if a man, or 30 (thirty), if a woman, implies the termination of the employment relationship. (Included by Law No. 9.528, of October 12, 1997) (Refer to ADIN 1.721-3)

Article 454 – During the term of the employment contract, the employee's inventions, when arising from their personal contribution and the installation or equipment provided by the employer, shall be of common property, in equal parts, unless the employment contract's purpose is scientific research, either implicitly or explicitly. (Refer to Law No. 9279, of May 14, 1996)

Sole Paragraph. The employer shall be responsible for exploiting the invention and obliged to promote it within one year from the date of grant of the patent, under penalty of reverting in favor the employee the full ownership of that invention. (Refer to Law No. 9279, of May 14, 1996)

Article 455. In the case of sub-contractors' contracts, the sub-contractor shall be liable to the obligations arising from the employment contracts to which they are a party, provided nevertheless that the employees shall have the right to bring an action against the main contractor if the sub-contractor fails to fulfill the mentioned obligations.

Sole Paragraph. Nevertheless, the main contractor shall be entitled to bring an action under the provisions of the civil Law against the sub-contractor for the collection of sums paid and shall also have the right to withhold sums due to the sub-contractor as a guarantee for the fulfillment of the obligations provided for in this Article.

Paragraph 456. Proof of individual employment contract shall be given through the continuous annotations in the ID Card or through a written document following all legal means available (Refer to Decree-Law No. 926, of 1969)

Sole Paragraph. Lack of proof of express clause regarding the services rendered shall result in the understanding that the employee rendered all services compatible to their personal conditions.

Article 456-A. It is up to the employer to define the dress code in the workplace, and the inclusion of logos in the company’s or partner companies’ uniform as well as other identification items related to the activity performed is permitted. (Included by Law No. 13467, of 2017)

Sole Paragraph. Uniform cleaning is the responsibility of the employee, except for the cases in which procedures or products other than those used for the cleaning of clothing in common use are necessary. (Included by Law No. 13467, of 2017)

CHAPTER II

REMUNERATION

Food

Article 457. For all statutory purposes, the remuneration of the employee shall include both the wages due from and paid directly by the employer in return for services and also amounts received by the employee by way of tips. (Wording by Law No. 1.999, of October 1, 1953)

Paragraph 1. The salary includes the fixed amount stipulated, legal bonuses and commissions paid by the employer. (Wording by Law No. 13467, of 2017)

Paragraph 2. The amounts, although customary, paid as allowances, meal allowances, payment in cash, travel allowances, premiums and special raises are not included in the employee's remuneration, are not incorporated into the employment contract and do not constitute basis for payment of any labor and Social Security taxes. (Wording by Law No. 13467, of 2017)

Paragraph 3. Tipping is considered not only the amount spontaneously given by the customer to the employee, but also the amount charged by the company, as a service or additional, in any capacity, and intended for distribution to employees. (Wording by Law No. 13.419, of 2017)

Paragraph 4. Bonuses granted by the employer in the form of goods, services or cash value to the employee or Panel of employees are considered to be premiums, due to a performance superior to that normally expected when carrying out their duties. (Wording by Law No. 13467, of 2017)

Paragraphs 5 – 23 (Not in effect)

Tips

Article 457-A, Paragraphs 1 – 6 (Not in effect)

Article 458. Housing, food, clothing, and other benefits that the enterprise normally provides to the employee under the contract or in accordance with established custom shall be for all legal purposes part of the wage, in addition to any payments made in cash. In no circumstances shall payment be made in the form of alcoholic beverages or harmful drugs. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 1. The value assigned to such benefits shall be fair and reasonable and shall not in any given case exceed the value of the percentages established for the components of the minimum wage by Articles 81 and 82. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 2. For the purposes of this Article, the following benefits granted by the employer shall not be considered as salary: (Wording by Law No. 10243, of June 19, 2001)

I – clothing, equipment and other accessories provided to employees and used in the workplace for providing services; (Included by Law No. 10243, of June 19, 2001)

II – education, inside the company or in a third-party educational institution, including the values related to enrollment, tuition, ID cards and didactic material; (Included by Law No. 10243, of June 19, 2001)

III – transportation for commuting to and from work, on a route served or not by public transport; (Included by Law No. 10243, of June 19, 2001)

IV – medical, hospital and dental assistance, provided directly or through health insurance; (Included by Law No. 10243, of June 19, 2001)

V – life and personal accident insurance; (Included by Law No. 10243, of June 19, 2001)

VI – private pension; (Included by Law No. 10243, of June 19, 2001)

VII - (Revoked) (Included by Law No. 10243, of June 19, 2001)

VIII – the amount corresponding to the culture voucher. (Included by Law No. 12.761, of 2012)

Paragraph 3. Housing and food provided as utility-salary shall be used for the purposes of which they are intended and shall not exceed, respectively, 25 (twenty-five) percent of the salary in the contract.

Paragraph 4. If housing is collective, the corresponding utility-salary value shall be reached by dividing the fair value of co-housing by the number of people living there, and it is prohibited for more than one family to use the same residential unit.

Paragraph 5. The amount related to assistance provided for medical or dental service, whether or not owned by the company, including the reimbursement of expenses with medications, glasses, orthopedic devices, prostheses, orthoses, medical and hospital expenses and similar, even when granted in different types of plans and coverages, is nt part of the employee's salary for any purpose nor the contribution salary, for the purposes of Paragraph 9 of Article 28 of Law No. 8.212, of July 24, 1991. (Included by Law No. 13467, of 2017)

Article 459. Except for the case of commissions, percentages and bonuses, the intervals established for the payment of wages shall not exceed 1 (one) month, irrespective of the nature of the employment.

Paragraph 1. If it has been agreed that payment shall be made monthly, the wages shall be paid not later than the fifth working day of the following month. (Wording by Law No. 7855, of October 24, 1989)

Article 460. In the absence of an agreement regarding the wage, or evidence regarding the amount agreed upon, the employee shall be entitled to a wage equal to the wage paid to employees in the same company who perform equivalent work or to the wage regularly paid for similar work.

Article 461. If the duties are identical, all work of equal value, provided to the same employer, in the same company, shall receive the same salary, regardless of gender, ethnicity, nationality or age. (Wording by Law No. 13467, of 2017)

Paragraph 1. Work of equal value, for the purposes of this Chapter, shall be done with equal productivity and with the same technical perfection, between people whose difference in length of service for the same employer does not exceed four years and the time difference in the specific duties does not exceed two years. (Wording by Law No. 13467, of 2017)

Paragraph 2. The provisions of this Article shall not prevail when the employer has personnel organized in a career framework or adopts, by means of internal company norms or collective bargaining, a job and salary plan, without any form of approval or registration before a public agency. (Wording by Law No. 13467, of 2017)

Paragraph 3. In the case of Paragraph 2 of this Article, promotions may be made by merit and seniority, or by only one of these criteria, within each professional category. (Wording by Law No. 13467, of 2017)

Paragraph 4 – The accommodation of the employee in a new position due to a physical or mental disability attested by the competent Social Security body shall not serve as paradigm for the purpose of equal pay. (Included by Law No. 5.798, of 08/31/1972)

Paragraph 5. Wage parity will only be possible between contemporary employees in office or function, and remote employees are forbidden, even if the contemporary employee has obtained the advantage by a lawsuit. (Included by Law No. 13467, of 2017)

Paragraph 6. In the event of proven discrimination on grounds of gender or ethnicity, the court will determine, in addition to the payment of the salary differences due, a fine in favor the discriminated employee, in the amount of 50% fifty percent of the maximum limit of the benefits of the Social Security regime. (Included by Law No. 13467, of 2017)

Article 462. The employer shall not make any deductions from the wages of the employee, except on account of advances made or under statutory provisions or a Collective Bargaining Agreement.

Paragraph 1. In the event of damage caused by the employee, a deduction from wages shall be lawful, if an agreement has been made to this effect or the damage was caused by the employee with intent. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 2. The enterprise that maintains a warehouse for merchandise sale to employees or that provides services to them shall be forbidden to exercise any coercion or inducement in order to get the employees to utilize the warehouse or the services. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 3. If access of the employees to warehouses or services maintained or not by the enterprise is not possible, the competent authority may determine the adoption of adequate measures to insure that the merchandise can be sold and the services rendered at reasonable prices, without profit, in benefit of the employees. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 4. Enterprises are forbidden to limit in any manner the freedom of the employees to spend their wages, the provisions of this Chapter being observed. (Included by Decree-Law No. 229, of February 28, 1967)

Article 463. The money wage shall be paid in the legal currency of the country.

Sole Paragraph. The payment of wages made in any other manner than in accordance with this Article shall be invalid.

Article 464. Wages shall be paid upon a receipt signed by the employee; if the employee is illiterate, his finger prints shall be taken, or if this is not possible, the receipt shall be signed by another person at his request.

Sole Paragraph. The following shall be valid as a receipt: proof of deposit in a bank account, opened for that purpose in the name of each employee, after their approval, in a financial institution near the workplace. (Paragraph included by Law No. 9.528, of December 10, 1997)

Article 465. Payment of wages shall be made on working days and at the workplace, within the service hours or immediately after the end of the service, except when made by deposit in a bank account, subject to the provisions of the preceding Article. (Wording by Law No. 9.528, of October 12, 1997)

Article 466. Commission and percentages shall not be paid until the referred transaction is completed.

Paragraph 1. In the case of transactions carried out in installments, the proportionate amount of the percentage or commission shall be paid on the occasion of each settlement.

Paragraph 2. Termination of the employment relation shall not affect the payment of commission or percentages due as provided for in this Article.

Article 467. In the event of termination of the employment contract, in the event of controversy over the amount of severance pay, the employer is obliged to pay the employee, on the date of attendance at the Labor Court, the uncontroversial part of these funds, under penalty of paying them plus fifty percent. (Wording by Law No. 10.272, of May 9, 2001)

CHAPTER III

AMENDMENTS

Article 468. The conditions of individual employment contracts shall not be altered except by mutual consent, and not even then if the alteration is directly or indirectly prejudicial to the employee; any item which infringes this guarantee shall be invalid.

Paragraph 1. The employer's determination to return the employee to the prior position, previously occupied, leaving a position of trust is not considered a unilateral alteration. (Wording by Law No. 13467, of 2017)

Paragraph 2. The amendment mentioned in Paragraph 1 of this Article, with or without just reason, does not guarantee the employee the right to maintain the corresponding bonus payment, which shall not be incorporated, regardless of the length of time to the respective position. (Included by Law No. 13467, of 2017)

Article 469. The employer shall not transfer the employee without their consent to a location other than that specified in the contract; a job transfer which does not necessarily entail a change of residence shall not be considered a transfer for the purpose of this Article.

Paragraph 1. The provisions of this Article shall not apply to employees in positions of trust or those whose contracts contain a clause allowing transfer as an explicit or implicit condition of the contract, when the transfer results from real necessity of service. (Wording by Law No. 6203, of April 17, 1975)

Paragraph 2. Transfer is legal when the company where the employee works shuts down.

Paragraph 3. In the event of necessity of service, the employer may transfer the employee to a location different from that which is stated in the contract, notwithstanding the restrictions of the preceding Article, but, in this case, the employer shall pay the employee a supplementary payment, which shall not be less than 25% (twenty-five) percent of the wages that the employee received in the first location, as long as the situation continues. (Paragraph included by Law No. 6203, of April 17, 1975)

Article 470. Any expenses incurred on account of the transfer shall be defrayed by the employer. (Wording by Law No. 6203, of April 17, 1975)

CHAPTER IV

SUSPENSION AND INTERRUPTION

Article 471. The employee on work leave shall be entitled on their return to all advantages which may have been granted during their absence regarding the category to which they belong in the company.

Article 472. The work leave of the employee due to military service or any other public duty shall not in any case be a ground for the amendment or termination of the employment contract by the employer.

Paragraph 1. The employee shall not be entitled to return to the position from which they have left due to military service or any other public duty unless they notify the employer of their intention by telegram or registered letter within a time limit not exceeding 30 (thirty) days from the date of his discharge from military service or the termination of the public duty.

Paragraph 2. In the case of a contract for a specific period, if the parties concerned so agree, the period of work leave shall be disregarded in the calculation of the duration of the contract.

Paragraph 3. In the event of a relevant national security interest, the competent authority may request the leave of the employee from the service or workplace, which shall not result in termination of the employment contract (Included by Decree-Law No. 3, of January 27, 1966)

Paragraph 4. The work leave referred to in the preceding Paragraph shall be requested by the competent authority directly to the employer, through justified representation following a hearing with the Regional Labor Prosecution, which shall immediately file the competent administrative inquiry. (Included by Decree-Law No. 3, of January 27, 1966)

Paragraph 5. During the first 90 (ninety) days of work leave, the employee shall continue receiving their remuneration. (Included by Decree-Law No. 3, of January 17, 1966)

Article 473. the employee may be absent from work without loss of pay: (Wording by Decree-Law No. 229, of February 28, 1967)

I - for up to 2 (two) consecutive days for the death of a spouse, a relative in the ascending or descending line, a brother or sister or a person entered in their Labor and Social Security Labor and Social Security ID Card as a dependent; (Item included by Decree-Law No. 229, of February 28, 1967)

II - for up to 3 (three) consecutive days for marriage; (Item included by Decree-Law No. 229, of February 28, 1967)

III - for 5 (five) days for the birth of a child, which shall be taken during the first week following the child's birth; (Item included by Decree-Law No. 229, of February 28, 1967)

IV - for 1 day every 12 months of employment, in case of voluntary blood donation, duly certified. (Item included by Decree-Law No. 229, of February 28, 1967)

V - for up to 2 (two) days, whether consecutive or not, to register as a voter in accordance with the relevant legislation. (Item included by Decree-Law No. 229, of February 28, 1967)

VI - for the period of time it shall take to register for Military Service as referred to in item c of Article 65 of Law No. 4375 of August 17, 1964 (Law of Military Service). (Included by Decree-Law No. 757, of August 12, 1969)

VII – on days when they are taking exams to enter a higher education institution. (Included by Law No. 9471, of July 14, 1997)

VIII – for as long as necessary, when they have to appear in court. (Included by Law No. 9853, of October 27, 1999)

IX – for as long as necessary, when, as a union representative, they are participating in an official meeting of an international organization of which Brazil is a member. (Included by Law No. 11304, of 2006)

X – up to 2 (two) days to accompany medical consultations and supplementary exams during the pregnancy of their wife or partner; (Included by Law No. 13257, of 2016)

XI – for one 1 (one) day per year to accompany a child of up to 6 (six) years old in a medical consultation. (Included by Law No. 13257, of 2016)

XII – up to three 3 (three) days, in each twelve (12) months of work, in case of duly proven preventive cancer exams. (Included by Law No. 13767, of 2018)

Article 474. Suspension of the employee for more than 30 (thirty) consecutive days shall be considered unlawful termination of the employment contract.

Article 475. If the employee is granted a disability pension, his employment contract shall be suspended for the period during which the disability pension is paid in accordance with the Social Security laws.

Paragraph 1. If the employee returns to work, recovers their functional capacity and the pension is canceled, they shall be entitled to return to the last position held before pension was granted; nevertheless, the employer shall have the right to terminate the employment contract on payment of compensation in accordance with Articles 477 and 478, unless the employee has been

tenured, in which case the compensation shall be paid in the manner set forth in Article 497. (Wording by Law No. 4.824, of November 5, 1965)

Paragraph 2. If the employer has hired a substitute for the employee on disability, they shall be entitled to terminate the employment contract entered into with the substitute, without payment of compensation, if the latter, is advised of its temporary nature and is undoubtedly aware of that.

Article 476. If the employee is on sick benefit or assistance, they shall be considered on leave without pay as long as the benefit lasts.

Article 476-A. The employment contract may be suspended, for a period of two to five months, for the participation of the current employee in a professional qualification course or program offered by the employer, with duration equivalent to the contract suspension, according to the provision in collective labor convention or collective bargaining and formal approval by the employee, in compliance with the provisions of Article 471 of this Consolidation. (Included by Provisional Presidential Decree No. 2164-41, of 2001)

Paragraph 1. After the authorization granted through a collective labor convention or collective bargaining, the employer shall notify the respective union, at least fifteen days in advance of the contract suspension. (Included by Provisional Presidential Decree No. 2164-41, of 2001)

Paragraph 2. The employment contract may not be suspended in accordance with the head provision of this Article more than once in the period of sixteen month. (Included by Provisional Presidential Decree No. 2164-41, of 2001)

Paragraph 3. The employer may grant the employee monthly compensatory aid, without a salary nature, during the period of contract suspension under the terms of the head provision of this Article, with an amount to be defined in a collective labor convention or collective bargaining.

Paragraph 4. During the period of contract suspension for participation in a professional qualification course or program, the employee shall be entitled to the benefits voluntarily granted by the employer. (Included by Provisional Presidential Decree No. 2164-41, of 2001)

Paragraph 5. If the employee is dismissed during the period of contract suspension or in the three months following their return to work, the employer shall pay the employee, in addition to the indemnity installments provided for in the legislation in effect, a fine established in a collective labor convention or collective bargaining, being, at least, one hundred percent on the value of the last monthly remuneration prior to contract suspension. (Included by Provisional Presidential Decree No. 2164-41, of 2001)

Paragraph 6. If the professional qualification course or program is not given during the suspension of the contract, or should the employee remain working for the employer, the suspension shall have no effect, subjecting the employer to the immediate payment of salaries and social taxes for the period, to the applicable penalties provided for in the legislation in effect, as well as the penalties provided for in a collective labor convention or collective bargaining. (Included by Provisional Presidential Decree No. 2164-41, of 2001)

Paragraph 7. The time limit set in the head provision may be extended by means of a collective labor convention or collective bargaining and formal approval by the employee, provided that the employer bears the burden corresponding to the value of the professional qualification scholarship, in the respective period. (Included by Provisional Presidential Decree No. 2164-41, of 2001

CHAPTER V

TERMINATION

Article 477. Upon termination of the employment contract, the employer shall make an annotation in the Labor and Social Security ID Card, as well as communicate the dismissal to the competent bodies and pay the severance payments within the period and in the manner established in this Article. (Wording by Law No. 13467, of 2017.

Paragraph 1 (Revoked). (Wording by Law No. 13467, of 2017)

Paragraph 2. Irrespective of the grounds for or type of contract termination, the nature and the exact amount of each fraction of the remuneration paid to the employee shall be specified on the severance document or the signed receipt, which shall from that time on be authentic and valid with respect to such fractions. (Wording by Law No. 5584, of June 26, 1970)

Paragraph 3 (Revoked). (Wording by Law No. 13467, of 2017)

Paragraph 4. The payment to which the employee is entitled shall be made: (Wording by Law No. 13467, of 2017)

I – in cash, bank deposit or certified check, as agreed by the parties; or (Include by Law No. 13467, of 2017)

II – in cash or bank deposit when the employee is illiterate. (Included by Law No. 13467, of 2017)

Paragraph 6. The delivery to the employee of documents proving the communication of the contract termination to competent bodies as well as the payment of the amounts contained in the severance document or the signed receipt shall be made within ten days from the termination of the contract. (Wording by Law No. 13467, of 2017)

a) (revoked) (Wording by Law No. 13467, of 2017)

b) (revoked) (Wording by Law No. 13467, of 2017)

Paragraph 7 (Revoked). (Wording by Law No. 13467, of 2017)

Paragraph 8. Noncompliance with the provisions of Paragraph 6 of this Article will incur a fine of 160 BTN, per employee, as well as payment of a fine to the employee, in an amount equal to their salary, duly updated by the variation rate of BTN, except when the employee was responsible for the delay and there is evidence.

Paragraph 9 (Vetoed). (Included by Law No. 7855, of October 24, 1989)

Paragraph 10. The annotation of the termination of the contract in the Labor and Social Security ID Card is a suitable document to apply for the benefit of unemployment insurance and the transaction of the linked account in the Government Severance Indemnity Fund for Employees, according to the legal requirements, provided that the communication mentioned in the head provision of this Article has been carried out. (Included by Law No. 13467, of 2017)

Article 477-A. Individual, multiple or collective dismissals are equated for all purposes, with no need for prior authorization from a union entity or the conclusion of a collective bargaining agreement or collective bargaining for its effectiveness. (Included by Law No. 13467, of 2017)

Article 477-B. Voluntary or Encouraged Dismissal Plan, for individual, multiple or collective dismissal, provided for in a collective bargaining agreement or collective bargaining agreement, entails full and irrevocable discharge of the rights arising from the employment relationship, except as otherwise agreed between the parties (Included by Law No. 13467, of 2017)

Article 478. The compensation for the termination of a contract for undetermined period shall be equal to 1 (one) month's for each year of actual service or for each year and any fraction of a year equal to or exceeding 6 (six) months. (Refer to Law No. 2.959, of 1956)

Paragraph 1. The first year of a contract for undetermined period shall be considered a probation period, and compensation shall not be paid until it has been completed.

Paragraph 2. If the employee was paid by the day, the compensation shall be calculated on the basis of 25 (twenty-five) days. (Refer to the Federal Constitution, Article 7, Item XIII)

Paragraph 3. If the employee was paid by the hour, the compensation shall be calculated on the basis of 200 (two hundred) hours a month. (Refer to the Federal Constitution, Article 7, Item XIII)

Paragraph 4. In the case of employees working on commission or entitled to a percentage, the compensation shall be calculated on the basis of the average amount of the commission or percentage received during the last 12 (twelve) months of employment. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 5. In the case of persons who are employed by completion of a task or a job, the compensation shall be calculated on the basis of the average time usually spent by the person concerned in the performance of their task, according to the work which would be done in 30 (thirty) days.

Article 479. In the case of contracts for which a time limit has been established, if the employer fires the employee without a lawful cause, they shall pay the employee, by way of compensation, a sum equal to half of the remuneration to which the employee would have been entitled on the expiration of the contract. (Refer to Law No. 9601, of 1998)

Sole Paragraph. For the purpose of enforcement of the provisions of this Article, the variable or uncertain part of the wages shall be calculated in the manner provided for the calculation of the compensation payable for the termination of a contract for undetermined period.

Article 480. If a time limit has been established for the contract, the employee shall not be entitled to terminate it without a lawful cause, under penalty of liability for compensation to the employer for the loss caused by his action. (Refer to Law No. 9601, of 1998)

Paragraph 1. Nevertheless, the compensation shall not exceed the compensation to which the employee would be entitled in the same circumstances. (New number from the Sole Paragraph by Decree-Law No. 6353, of March 20, 1944.)

Paragraph 2. (Revoked by Law No. 6.533, of May 24, 1978)

Article 481. In the case of contracts for a specified period which contain a clause giving both parties the right to terminate the contract before the expiry of the agreed time limit, if one of the parties exercises the mentioned right, the rules governing the termination of contracts for undetermined period shall apply.

Article 482. The following shall be considered lawful causes for the termination of an employment contract by the employer:

a) dishonesty;

b) misconduct or bad behavior;

c) regular engagement by the employee in commercial transactions on their own account or for others without their employer's permission, if this involves competition with the company in which they are employed or is prejudicial to the performance of they work;

d) a unappealable sentence passed upon the employee by a criminal court, except when execution of the judgment is suspended;

e) indifference and negligence regarding the performance of the employee’s duties duties;

f) regular drunkenness or drunkenness while on duty;

g) insider trading;

h) indiscipline or disobedience;

i) job abandonment;

j) any act detrimental to the honor or good reputation of a co-worker which is committed during employment, or assault under the same conditions, except for case of legitimate self defense or defense of a co-worker;

k) any act detrimental to the honor or good reputation of an immediate or higher Inspector, except for case of legitimate self defense or defense of a co-worker;

l) regular gambling;

m) loss of license or requirements established by Law to perform the profession, as a result of willful misconduct by the employee. (Included by Law No. 13467, of 2017)

Sole Paragraph. Acts against national security, duly verified by administrative inquiry, shall also be a lawful cause for dismissal of the employee. (Included by Decree-Law No. 3, of January 27, 1966)

Article 483. The employee shall be entitled to consider their contract terminated and claim the compensation due in the following cases:

a) if they are required to perform services which are beyond their powers or are prohibited by Law, contrary to morality or not covered by the contract;

b) if they are treated with excessive severity by the employer or by his superiors;

c) if they are at obvious risk of serious injury;

d) if the employer fails to fulfill his contract obligations;

e) if the employer or a representative of the employer commits any act detrimental to the honor and good reputation or the employee or a member of the employee's family;

f) if the employer or a representative of the employer assaults the employee, except for case of legitimate self defense or defense of a co-worker;

g) if the employer reduces the work of The employee paid for the completion of a task or job, in such a manner as to affect the amount of the wages earned.

Paragraph 1. The employee shall be entitled to suspend work or terminate the contract if they have to perform any statutory duty which is incompatible with the continuation of the employment.

Paragraph 2. In the case of death of the employer in an individual enterprise, the employee is entitled to terminate the employment contract.

Paragraph 3. In the cases of letters d and g, the employee may sue to terminate their employment contract and for the payment of the respective compensation, whether or not they remain in service until the final decision of the lawsuit. (Included by Law No. 4825, of November 5, 1965)

Article 484-A. The employment contract may be terminated by agreement between the employee and employer, in which case the following labor charges shall be due: (Included by Law No. 13467, of 2017)

I – by half: (Included by Law No. 13467, of 2017)

a) prior notice, if indemnified; and (Included by Law No. 13467, of 2017)

b) the indemnity on the balance of the Government Severance Indemnity Fund for Employees, provided for in Paragraph 1 of Article 18 of Law 8.036, of May 11, 1990; (Included by Law No. 13467, of 2017)

II – in full, the other remaining labor amounts. (Included by Law No. 13467, of 2017)

Paragraph 1. The termination of contract provided for in the head provision of this Article allows the transaction of the employee’s linked account in the Government Severance Indemnity Fund for Employees pursuant to item I-A of Article 20 of Law No. 8.306, of May 11, 1990, limited up to 80% (eighty) percent of the amount of deposits. (Included by Law No. 13467, of 2017)

Paragraph 2. The termination of contract by agreement provided for in the head provision of this Article does not authorize applying for the Unemployment Insurance Program.

(Included by Law No. 13467, of 2017)

Article 485. If the operations of the company are terminated on account of the death of the employer, the employees shall be entitled to the compensation mentioned in Article 477 or 497, according to the circumstances.

Article 486. In the event of temporary or permanent work stoppage by reason of order of a municipal, state or federal authority, or as a result of the promulgation of a Law or decision making operations impossible, the compensation for termination of contract without fault of the employee shall still be payable but in this case shall be defrayed by the government concerned. (Wording by Law No. 1.530, of December 26, 1951)

Paragraph 1. If the employer invokes this Article in their defense, the competent labor court shall notify the staff of the public authority responsible for the work stoppage in order for the authority to reply within a period of 30 (thirty) days, and give explanation, becoming a party in the proceeding. (Wording by Decree-Law No. 6.110, of December 16, 1943)

Paragraph 2. Whenever by means of a valid document the interested party requests a defense based on the provisions of this Article and indicates which judge is competent, the opposing party shall be summoned to respond to the defense within 3 (three) days. (Wording by Law No. 1.530, of December 26, 1951)

Paragraph 3. Once the competent authority is verified, the Conciliation Board or Court shall reject jurisdiction in the matter and shall transmit the case to the Special Finance Judge, before whom the case shall continue in accordance with the rules for regular suits. (Included by Law No. 1.530, of December 26, 1951)

CHAPTER VI

NOTICE

(Refer to Law No. 12506, of 2011)

Article 487. If a time limit has not been established for the contract, the party that desires to terminate the contract without lawful cause shall give notice to the other party of its intention as follows:

I – 8 days in advance, if wages are paid weekly or at shorter intervals; (Wording by Law No. 1530, of December 26, 1951)

II - 30 days in advance, if wages are paid fortnightly or monthly or if the employee has over 12 months' service in the company; (Wording by Law No. 1530, of December 26, 1951)

Paragraph 1. If the employer fails to give due notice, the employee shall be entitled to their wages for the period of the notice, and the mentioned period shall always be considered as the length of service.

Paragraph 2. If the employee fails to give due notice, the employer shall be entitled to deduct the amount of the wages corresponding to the period of notice.

Paragraph 3. In the case of wages paid upon completion of jobs or tasks, the calculation for the purposes of the two preceding Paragraphs shall be based on the average of the wages for the last 12 (twelve) months of employment.

Paragraph 4. Due notice shall be given in the case of indirect dismissal. (Included by Law No. 7.108, of July 5, 1983)

Paragraph 5. The amount of the usual overtime is included in the indemnified notice. (Paragraph included by Law No. 10.218, of November 4, 2001).

Paragraph 6. The collective wage raise, determined in the course of the notice, benefits the employee who has been notified of the dismissal, even if they have received in advance the wages corresponding to the period of the notice, which integrates their length of service for all legal purposes. (Included by Law No. 10.218, of November 4, 2001).

Article 488. If the contract is terminated by the employer, the normal working hours of the employee shall be reduced by 2 (two) hours a day during the period of notice, without any reduction in the full salary. (Wording by Law No. 7093 of April 25, 1983.)

Sole Paragraph. The employee is allowed to work without reducing the 2 (two) daily hours provided for in this Article, in which case they may be absent from service, without prejudice to the full salary, for one 1 day, in the event of item 1, and for seven (7) consecutive days, in the event of item II of Article 487 of this Consolidation. (Included by Law No. 7093, of 04/25/1983)

Article 489. After notice has been given, the termination of the contract shall take effect on the expiry date established; nevertheless, if the party which gave notice reconsider their decision before the expiry date, the other party shall be entitled either to accept or to reject the withdrawal of the notice.

Sole Paragraph. If the withdrawal is accepted, or if work continues to be performed after the expiry date of the notice, the contract shall continue valid as if notice has not been given.

Article 490. If the employer, during the period of notice given to the employee, commits any action which justifies immediate termination of the contract, they shall pay the wages for the period of notice, without prejudice to any compensation which may be due.

Article 491. If the employee, during the period of notice, commits any action deemed by Law to be a lawful ground for the termination of the contract, they shall waive their right to wages for the remainder period of the notice.

CHAPTER VII

SECURITY OF TENURE

Article 492. The employee employed in the same company for more than 10 (ten) years shall not be dismissed except on account of a serious violation or force majeure duly established.

Sole Paragraph. The whole time the employee is at the disposal of the employer shall be considered length of employment.

Article 493. The commission of any of the actions mentioned in Article 482 shall be considered a serious violation if the nature of the action or its repetition constitutes a serious violation of the duties and obligations of the employee.

Article 494. The employee accused of a serious violation may be suspended from their duties, but shall be dismissed only when an inquiry is held regarding the reasons for the accusation.

Sole Paragraph. In cases covered by this Article, suspension shall last until the final decision in the case is given.

Article 495. If it is proven that the employee was not guilty of a serious violation, the employer shall reinstate them in the employment and pay them the wages to which they would have been entitled during the period of suspension.

Article 496. If the reinstatement of a permanent employee is inadvisable in view of the degree of incompatibility arising from the dispute, especially when the employer is an individual, the labor court may replace the obligation to reinstate the employee by the compensation due in accordance with the provisions of the following Article.

Article 497. If the company is dissolved for reasons other than force majeure, any permanent employee who is dismissed shall be entitled to double the amount of the compensation due in the event of the termination of a contract signed for undetermined period.

Article 498. In the event of the closing of a company, branch or agency, or of necessary restriction of business, for reasons force majeure, the permanent employees who were employed in the company, branch or agency concerned shall be entitled to compensation as provided for in the preceding Article.

Article 499. Positions of administration or management or other related to being the employer's immediate person of trust shall not entail security of tenure, without prejudice to the calculation of the length of service for all statutory purposes.

Paragraph 1. If the employee who was guaranteed security of tenure ceases to hold a position of trust, they shall be guaranteed reinstatement in the prior job post, unless he was found guilty of a serious violation.

Paragraph 2. If the employee who has not held any position other than a position of trust, and has been employed for more than 10 (ten) years in the same company, is dismissed without lawful cause, they shall be entitled to compensation proportionate to their length of service, in accordance with the provisions of Articles 477 and 478.

Paragraph 3. If the employee is dismissed aiming to prevent them from being entitled to security of tenure, the employer shall pay double the amount of the compensation provided for by Articles 477 and 478.

Article 500. Resignation of a permanent employee shall be valid only if such employee is assisted by the competent trade union or, if there is no such union, his resignation shall take place before the competent local representative of the Ministry of Labor and Social Security or the Labor Courts regime. (Restored with new wording by Law No. 5584, of June 26, 1970)

CHAPTER VIII

FORCE MAJEURE

Article 501. Force Majeure means any unforeseeable events, beyond the control of the employer, not encouraged by them, either directly or indirectly.

Paragraph 1. Thoughtlessness on the part of the employer shall exclude force majeure.

Paragraph 2. The restrictions of this Law with reference to the provisions of this Chapter shall not apply to a case of force majeure which does not, and is not likely to, affect substantially the economic and financial situation of the company.

Article 502. If the company is dissolved, or the premises where the employee works are closed for reasons of force majeure, the employee shall be entitled on dismissal to the following compensation:

I - If a permanent employee, compensation in accordance with Articles 477 and 478;

II - If not entitled to security of tenure, half of the compensation which would be due in the event of termination of the contract without lawful cause;

III - If the contract is for a fixed term, the compensation provided for in Article 479 of this Law, shall be reduced likewise by one-half.

Article 503. In case of force majeure or duly proven loss, a general reduction of the wages of the employees of the company shall be permitted, in proportion to the wages of each employee; nevertheless, the reduction shall not exceed 25% (twenty-five) percent, and the minimum wage applicable in the region shall be observed.

Sole Paragraph. When the effects resulting from the reasons of force majeure cease to exist, the wages which were reduced shall be raised to their previous amount.

Article 504. If it is proven that reasons of force majeure were falsely alleged to exist, permanent employees shall be entitled to reinstatement and non-permanent employees to additional pay to the compensation already paid; both classes of employees shall be entitled to payment of the wages in arrears.

CHAPTER IX

SPECIAL PROVISIONS

Article 505. The provisions of Chapters I, II and VI of this Title shall apply to agricultural employees.

Article 506. An employment contract for agricultural work may contain a clause providing for the payment of wages in utilities, provided that the payments in utilities consist of products obtained by the work done by the company and do not exceed 1/3 (one-third) of the total salary of the employee.

Article 507. The provisions of Chapter VII of this Title shall not apply to persons employed in medical offices or offices of self-employed professionals.

Sole Paragraph. (Revoked by Law No. 6.533, of May 24, 1978)

Article 507-A. In individual employment contracts whose remuneration is more than twice the maximum limit established for the benefits of the General Social Security Regime, an arbitration item may be agreed upon, provided that at the employee's initiative or upon their express agreement, under the terms provided for in Law No. 9.307, of September 23, 1996. (Included by Law No. 13467, of 2017)

Article 507-B. Employees and employers are free to sign the annual discharge of labor obligations, whether or not the employment contract is in effect, done before the union of employees of the category. (Included by Law No. 13467, of 2017)

Sole Paragraph. The document will establish the obligations to be fulfilled monthly and it will result in the annual discharge given by the employee, considering all payments therein made. (Included by Law No. 13467, of 2017)

Article 508. (Revoked by Law No. 12.347, of 2010)

Article 509. (Revoked by Law No. 6533, of May 24, 1978)

Article 510. the enterprise violating the prohibitions of this Title shall be liable to a fine equal to 1 (one) minimum wage, which shall be doubled in the event of recidivism, without prejudice to any other penalty provided for by Law. (Wording by Law No. 5.562, of December 12, 1968)

TITLE IV-A

(Included by Law No. 13467, of 2017)

EMPLOYEES' REPRESENTATION

Article 510-A. In companies with more than 2 (two) hundred employees, the election of a commission to represent them is ensured, with the purpose of promoting direct understanding with employers. (Included by Law No. 13467, of 2017)

Paragraph 1. The committee will consist of: (Included by Law No. 13467, of 2017)

I – three members, in companies with more than two hundred and up to three thousand employees; (Included by Law No. 13467, of 2017)

II – five members, in companies with more than three thousand and up to five thousand employees; (Included by Law No. 13467, of 2017)

III – seven members, in companies with more than five thousand employees. (Included by Law No. 13467, of 2017)

Paragraph 2. In case the company has employees in several States of the Federation and in the Federal District, the election of a commission of employee representatives by State or in the Federal District shall be ensured, in the same way established in Paragraph 1 of this Article. (Included by Law No. 13467, of 2017)

Article 510-B. The employee representatives committee shall have the following duties: (Included by Law No. 13467, of 2017)

I - represent employees before the company's management; (Included by Law No. 13,467, of 2017)

II – improve the relationship between the company and its employees based on the principles of good faith and mutual respect; (Included by Law No. 13467, of 2017)

III – promote dialogue and understanding in the workplace in order to prevent conflicts; (Included by Law No. 13467, of 2017)

IV – seek solutions to conflicts arising from the employment relationship, quickly and effectively, aiming at the effective application of legal and contract rules; (Included by Law No. 13467, of 2017)

V – ensure fair and impartial treatment of employees, preventing any form of discrimination on grounds of gender, age, religion, political opinion or union action; (Included by Law No. 13467, of 2017)

VI – forward specific claims by employees within their scope of representation; (Included by Law No. 13467, of 2017)

VII – monitor compliance with labor, Social Security laws and collective labor and collective bargaining agreements. (Included by Law No. 13467, of 2017)

Paragraph 1. The decisions of the employees' representatives committee shall always be collegiate, with simple majority. (Included by Law No. 13467, of 2017)

Paragraph 2. The committee will organize its activities independently. (Included by Law No. 13467, of 2017)

Article 510-C. The election shall be called, at least thirty days in advance, counted from the end of the prior term, by means of a notice that shall be posted in the company, given ample publicity, for the registering the candidates. (Included by Law No. 13467, of 2017)

Paragraph 1. An electoral committee shall be formed, made up of five non-candidate employees, for the organization and monitoring of the electoral process, with no interference by the company and the union of the category. (Included by Law No. 13467, of 2017)

Paragraph 2. Company employees may apply, except for those with a fixed-term employment contract, with a suspended contract or who are in a period of notice, even if indemnified. (Included by Law No. 13467, of 2017)

Paragraph 3. The most voted candidate shall be elected members of the employees' representatives committee, in a secret ballot, with no vote by representation. (Included by Law No. 13467, of 2017)

Paragraph 4. The committee shall take office on the firs working day following the election or at the end of the prior term. (Included by Law No. 13467, of 2017)

Paragraph 5. If there are not enough candidates, the employees' representatives committee may be formed with a lower number of members than provided for in Article 510-A of this Consolidation. (Included by Law No. 13467, of 2017)

Paragraph 6. If there is no registration of candidacy, minutes shall be drawn up and a new election shall be named within one year. (Included by Law No. 13467, of 2017)

Article 510-D. The term of office of members of the employees' representative committee shall be one year. (Included by Law No. 13467, of 2017)

Paragraph 1. The member who has performed the role of employees' representative on the committee cannot be a candidate in the following 2 (two) periods. (Included by Law No. 13467, of 2017)

Paragraph 2. The mandate of a member of the employee representatives committee does not imply suspension or interruption of the employment contract, and the employee shall remain in the exercise of his duties. (Included by Law No. 13,467, of 2017)

Paragraph 3. From the registration of the candidacy until one year after the end of the mandate, the member of the employees' representatives committee cannot be subject to arbitrary dismissal, ex. not based on disciplinary, technical, economic or financial reasons. (Included by Law No. 13467, of 2017)

Paragraph 4. Documents relating to the electoral process shall be issued in 2 (two) copies, which will remain under the custody of the employees and the company for a period of five years, available for consultation by any interested employee, the Prosecution Service of Labor and the Ministry of Labor. (Included by Law No. 13467, of 2017)

Article 510-E. (Not in effect)

TITLE V

ORGANIZATION OF THE UNIONS

CHAPTER I

UNIONS

SECTION I

CONSTITUTION OF ASSOCIATIONS

Article 511. All persons engaged in the same activity or occupation or in similar or allied activities or occupations as employers, employees, or agents or other self-employed professionals, or as members or as a liberal professional, shall be entitled to form associations for the purpose of the study, protection and coordination of their economic or occupational interests. (Wording restored by Decree-Law No. 8.987-A, of 1946)

Paragraph 1. The solidarity of economic interests of persons engaged in the same or in similar or allied occupations shall constitute the basic social bond, entitled economic category. (Wording restored by Decree-Law No. 8.987-A, of 1946)

Paragraph 2. The similarity of living conditions arising from a common occupation or employment, carried out in the same economic activity or in similar or allied economic activities, shall constitute the elementary social notion of the professional category. (Wording restored by Decree-Law No. 8.987-A, of 1946)

Paragraph 3. A differentiated professional category is that formed by employees who exercise differentiated professions or roles by virtue of special professional status or as a result of unique living conditions. (Wording restored by Decree-Law No. 8.987-A, of 1946) (Refer to Law No. 12.998, of 2014)

Paragraph 4. The extent to which occupations are the same, similar or allied shall determine the degree to which their economic or professional category may be considered of the same nature and the association thereof natural. (Wording restored by Decree-Law No. 8.987-A, of 1946)

Article 513. Unions shall be entitled to:

a) represent before the administrative and judicial authorities the general interests of the category or liberal professions or the individual interests of their members in connection with the activity or occupation carried out by them;

b) enter into collective employment contracts;

c) elect or appoint representatives of the category or represented liberal professions;

d) cooperate with the State as technical and advisory bodies in the investigation and solution of problems relating to the category or represented liberal professions;

e) impose contributions on all persons engaged in the economic or occupational categories or in the represented liberal professions.

Sole Paragraph. Unions of employees shall in addition be entitled to set up and maintain employment agencies.

514. The duties of unions shall be as follows:

a) to cooperate with public authorities in the furtherance of social solidarity;

b) to maintain legal aid services for their members;

c) to promote conciliation in labor disputes.

d) provided that it is possible and in accordance with their possibilities, to maintain a social assistant in their staff with the specific duties of promoting operational cooperation in the enterprise and professional integration regarding a Class, on their own initiative or as partner of assistance entities. (Included by Law No. 6.200, of April 16, 1975)

Sole Paragraph. Unions of employees shall in addition have the following duties: (Wording by Law No. 8.987, of 1946)

a) to promote the creation of credit cooperative societies; (Wording by Law No. 8.987, of 1946)

b) to set up and maintain elementary and vocational schools. (Wording by Law No. 8.987, of 1946)

SECTION II

APPROVAL OF UNIONS

Article 515. A union shall not be approved unless it meets the following requirements:

a) it shall comprise not less than one-third of legally constituted companies, whether individually owned or incorporated companies, in the case of an employers' association, or one-third of the number of employees of the same category or engaged in the represented liberal profession in the case of an association of employees, agents or other persons working on their own account or persons engaged in a liberal profession;

b) the term of office of the executive officers shall not exceed three years; (Wording by Decree-Law No. 771, of August 19, 1969)

c) the president shall be a born Brazilian and the other executive and representative officers shall be Brazilian citizens.

Sole Paragraph. By way of exception, the Minister of Labor, Industry and Commerce may recognize as a union an association whose number of members is less than the one-third referred to in sub-item a.

Article 516. Not more than one union shall be approved as representative of each economic or occupational category or each liberal profession in any given area.

Article 517. Unions may be district, municipal, inter-municipal, state or interstate. By way of exception, in view of conditions which are peculiar to certain categories or professions, the Minister or Labor, Industry and Commerce may authorize the recognition of national associations.

Paragraph 1. The Minister of Labor, Industry and Commerce shall establish the area for the union.

Paragraph 2. Within the area thus established, a union may set up branch offices or sections for the better protection of its members and of the economic or occupational category or liberal profession represented by it.

Article 518. The application for approval shall be submitted to the Minister of Labor, Industry and Commerce and shall be accompanied by an original or certified true copy of associations bylaws.

Paragraph1. The rules shall contain the following:

a) the identification and address of the association;

b) the economic or occupational category or the liberal profession which is to be represented;

c) a statement that the association will act as a body for cooperation with the public authorities and other associations for the furtherance of social solidarity and the subordination of economic and occupational interests to the national interests;

d) the powers and duties of the executive officers, the method of electing them and the rules for voting, and the grounds on which they may be removed from office or replaced;

e) the method of accumulating and managing the social assets of the association and the purpose for which such assets are to be used if the association is dissolved;

f) the conditions for dissolution of the association.

Paragraph 1. The procedure for the approval of an association shall be governed by instructions issued by the Minister or Labor, Industry and Commerce.

Article 519. Approval shall be granted to the union which in the opinion of the Minister of Labor, Industry and Commerce is the most representative; this opinion shall be based on the following grounds, among others:

a) the number of members;

b) the social services set up and maintained;

c) the value of the assets of the association.

Article 520. When a union is approved, a letter of approval signed by the Minister of Labor, Industry and Commerce shall be issued; this letter shall specify the economic or occupational category to be represented by the association and the area assigned to it.

Sole Paragraph. Approval shall confer upon the association the rights mentioned in Article 513 and shall entail the duties specified in article 514, subject to imposition of the penalties provided for in this Law in the event of noncompliance.

Article 521. The operations of a union shall be subject to the following conditions:

a) it shall be prohibited from engaging in any propaganda in favor of doctrines which are incompatible with the institutions and interests of the nation or in favor of candidates for elective offices not connected with the association;

b) an elective office shall not be held simultaneously with employment paid by the union itself or a higher level one;

c) the elective offices shall be honorary;

d) it shall be prohibited from undertaking any activities not connected with the objectives mentioned in Article 511, including any party political or partisan activities.

e) it shall be prohibited from transferring its main office with or without payment to a partisan entity. (Included by Decree-Law No. 9502, of July 23, 1946)

Sole Paragraph. When a member of a union, or a self-employed and liberal profession association is compelled to give up their work in order to perform the duties of their offices, the general meeting may decide to pay him an allowance, which shall not exceed the amount of their job's salary.

SECTION III

ADMINISTRATION OF THE UNIONS

Article 522. The administration of the union shall be performed by a board composed of a maximum of seven and a minimum of three members and a Fiscal Committee composed of three members, elected by the General Assembly. (Refer to ADPF 276)

Paragraph 1. The Board of Directors shall elect the president of the union from amongst its members.

Paragraph 2. The powers and duties of the Fiscal Committee shall be limited to supervising the financial management of the union.

Paragraph 3. The Board of Directors of a union and the representatives referred to in Article 523 shall have sole power to represent and defend the interests of the union before the public authorities and before companies; the mentioned power may be exercised by an agent with power of attorney granted by the Board of Directors or by a member with powers provided for by Law. (Included by Decree-Law No. 9502, July 23, 1946)

Article 523. The representatives of the union who responsible for the management of the branch offices or Sections set up in the manner provided for in Paragraph 2 of Article 517 shall be appointed by the Board of Directors from amongst members of the union resident in the area of jurisdiction of the branch concerned.

Article 524. Decisions of the general meeting regarding the following matters shall be taken by secret ballot in the manner provided for in the rules: (Wording by Law No. 2693, of December 23, 1955)

a) elections of members to represent the category concerned as provided for by Law; (Wording by Decree-Law No. 9502, of July 23, 1946)

b) auditing and approval of the accounts of the Board of Directors; (Wording by Decree-Law No. 9502, of July 23, 1946)

c) utilization of the assets of the union; (Wording by Decree-Law No. 9502, of July 23, 1946)

d) resolutions regarding decisions of the Board of Directors imposing a penalty on a member of the union; (Wording by Decree-Law No. 9502, of July 23, 1946)

e) decisions regarding employment relations or labor disputes. In such cases the decisions of the general assembly shall not be considered valid unless the assembly has been specially convened

for this purpose in accordance with the rules of the union. At the general meeting one-half plus one of the paying members shall constitute a quorum; if there is not a quorum at the meeting first convened, a second meeting shall be convened at which the number of those present shall constitute a quorum and all decisions obtaining 2/3 (two thirds) of the votes shall be considered approved. (Included by Law No. 2693, of December 23, 1955)

Paragraph 1. Elections to executive offices in the Board of Directors and Fiscal Committee shall be by a secret ballot held for a period of not less than 6 (six) consecutive hours at the head office of the union, the offices of its representatives and local branches, and in the main employment locations, where such polling stations shall be opened as appointed by the Director the National Labor Secretariat for the Federal District and by the Regional Labor Officers for the States and Federal Territories. (Included by Decree-Law No. 9502, of July 23, 1946)

Paragraph 2. At the same time of the expiration period established for the ballot, the commission for counting the votes shall meet in a public and continuous Electoral Assembly at the head office of the union; and the ballot boxes, together with the electoral registers, shall be delivered to them by the presiding officers of the polling stations. An additional commission for counting the votes may be appointed if required due to special circumstances or for practical reasons. (Included by Decree-Law No. 9502, of July 23, 1946)

Paragraph 3. A member of the Labor Prosecution Service or a person appointed by the Labor Prosecutor General or by the Circuit Prosecutors shall preside the commission for counting the votes. (Included by Decree-Law No. 9502, of July 23, 1946)

Paragraph 4. The vote shall not be valid unless more than 2/3 (two thirds) of members with voting rights take part in it. If there is not a quorum, a new election shall take place within 15 (fifteen) days, which shall be valid if more than 50 % (fifty percent) of the mentioned members take part in it. If the number of members taking part in the second vote is less than the required number, a third and final vote shall take place, which shall not be valid unless more than 40 % (forty percent) of the mentioned members vote. In each case the presiding officer of the commission for counting the votes shall declare the names of the persons elected, who shall take over their functions automatically on the date on which the term of office of the outgoing committee expires; claims or appeals filed in accordance with the Law shall not take effect of supersedeas. (Worded by Law No. 2693, of December 23, 1955)

Paragraph 5. If the statutory percentage of votes for an election is not obtained, the Minister of Labor, Industry and Commerce shall declare the executive offices of the union to be vacant as from the expiration of the current term of the offices, and shall appoint an officer to manage the

union. New elections shall be held within a period of 6 (six) months. (Included by Decree-Law No. 9502, of July 23, 1946)

Article 525. It is prohibited for natural or legal persons not connected with a union to interfere in any way with the management or services of the union. (Included by Decree-Law No. 9502, of July 23, 1946)

Sole Paragraph. This prohibition shall not apply to the following persons:

a) delegates of the Ministry of Labor, Industry and Commerce specially appointed by the Minister or his representative;

b) persons who, as employees, hold offices in the union in virtue of an authorization of the general meeting.

Article 526 – Union employees shall be appointed by the respective board of directors ad referendum, of the General Assembly, and such appointment may not include those who are under conditions provided for in items II, IV, V, VI, VII and VIII of Article 530 and, in the event that the nominee was a union leader, also under the conditions provided for in item I of the same Article. (Wording by Decree-Law No. 925, of October 10, 1969)

Sole Paragraph. (Revoked) (Wording by Law No. 11295, of 2006)

Paragraph 2. The principles of labor protection and social security laws apply to the employee of a union entity, including the right to join a union. (Included by Law No. 11295, of 2006)

Article 527. A register authenticated by the competent official of the Ministry of Labor, Industry and Commerce shall be kept at the office of the union and shall contain the following information:

a) in the case of an employers' union, the names of the firms (individually owned or partnerships), or names of the companies and their head offices, and the name, age, civil condition, nationality and place of residence of the individual members or the directors in the case of a joint stock company, and the same information regarding any partner or director who represents the company in the union;

b) in the case of a union of employees, agents or self-employed professionals or persons engaged in a liberal profession, in addition to the name, age, civil condition, nationality, occupation or functions, and place of residence of each member, the company or place Whenever he carries out his occupation or works, the number and series of their Labor and Social Security ID Card and his registration number in the provident institution of which they are a member.

Article 528. In the event of a dispute or any occurrence which disturbs the operation of a union, the Ministry of Labor, Industry and Commerce shall have power to intervene through a representative with powers to manage the union and carry out or recommend the measures necessary for the restoration of normal conditions of operation. (Wording by Decree-Law No. 3, of January 27, 1966)

SECTION IV

UNION ELECTIONS

Article 529. A member shall not be entitled to vote or to hold any executive or representative office whether in the economic or occupational areas unless:

a) they have been a registered member of the union for more than six months and have been engaged in the activity or occupation in reference for more than 2 (two) years; (Wording by Decree-Law No. 8080, of October 11, 1945)

b) they are over 18 (eighteen) years old;

c) they can fully exercise their statutory rights as a member of the union.

Sole Paragraph. All members shall be obliged to vote in the elections held by a union. (Included by Decree-Law No. 229, of February 28, 1967)

Article 530. The following persons shall not be elected to executive or representative office in the economic or occupational areas, nor shall they be permitted to retain such office: (Wording by Decree-Law No. 229, of February 28, 1967)

I - persons who have held executive office and whose accounts have not been fully approved; (Wording by Decree-Law No. 229, of February 28, 1967)

II - persons responsible for a union's financial loss; (Wording by Decree-Law No. 229, of February 28, 1967)

III - persons who have not been actively engaged in, or have not acted as economic or occupational representatives of the activity or occupation in reference within the area of the union concerned for at least the last 2 (two) years; (Wording by Decree-Law No. 229, of February 28, 1967)

IV - persons who have been convicted of a willful crime, for such time as they are serve the sentence; (Wording by Decree-Law No. 229, of February 28, 1967)

V. - persons who can not fully exercise their political rights; (Wording by Decree-Law No. 229, of February 28, 1967)

VI - (Revoked by Law No. 8.865, of March29, 1994)

VII - persons found guilty of reprehensible behavior, duly proven; (Included by Decree-Law No. 507, of March18, 1969)

VIII. (Revoked by Law No. 8.865 of March29, 1994)

Article 531. In the election of members of the Board of Directors and the Fiscal Committee, a candidate who obtains absolute majority of the votes, calculated on the basis of the total number of voting members, shall be considered elected.

Paragraph 1. If the absolute majority of the voters fails to attend at the first scheduled election, or if none of the candidates obtains absolute majority, a new election shall be scheduled for the following day; candidates who obtain the majority of the votes of the persons then present shall be considered elected.

Paragraph 2. If there is only one list of candidates registered for the election, the second meeting may be held 2 (two) hours after the first, provided that this is mentioned in the election notices.

Paragraph 3. If there is more than one list of candidates, the Minister of Labor may appoint the President of the electoral meeting, if members who drew up the respective lists so request. (Wording by Decree-Law No. 8080, of October 11, 1945)

Paragraph 4. The Minister of Labor, Industry and Commerce will issue instructions regulating the election process.

Article 532. Elections for renewing the Board of Directors and the Fiscal Committee shall be held within a time limit of not more than sixty days nor less than thirty days before the expiry of the term of office of members of the mentioned committees. (Wording by Decree-Law No. 8080, of October 11, 1945)

Paragraph 1. In default of an objection recorded in the minutes of the electoral meeting, or any appeal made by any of the candidates, within 15 days from the date of the elections, the elected Board of Directors shall take office regardless of approval by the Ministry of Labor, Industry and Commerce. (Included by Decree-Law No. 8080, of October 11, 1945)

Paragraph 2. If an appeal has not been filed, the Board of Directors in office shall publish the results of the proceedings, within 30 days of the elections; it shall send the local administrative

body of the Ministry of Labor, Industry and Commerce a list of the persons elected with personal information regarding each of them and the duties which they are to perform. (Included by Decree-Law No. 8080, of October 11, 1945)

Paragraph 3. If an objection is recorded in the minutes of the electoral meeting or an appeal filed within 15 days of the elections, it shall be the duty of the Board of Directors in office to transmit the file of the electoral proceedings, with all necessary documents, to the local administrative body of the Ministry of Labor, industry and Commerce, which shall send it to the Minister for the authority's decision. In this case, the Board of Directors and the Fiscal Committee in office shall remain in office until the definitive settlement of the case. (Included by Decree-Law No. 8080, of October 11, 1945)

Paragraph 4. If the circumstances mentioned in the preceding Article do not occur, the new Board of Directors shall take up its duties within 30 days of the expiry of the term of office of the retiring committee. (Included by Decree-Law No. 8080, of October 11, 1945)

Paragraph 5. On taking office, an elected candidate shall give a solemn oath in writing to respect the Constitution, the laws in effect and the rules of the union in the performance of their duties. (Included by Decree-Law No. 8080, of October 11, 1945)

SECTION V

HIGHER-LEVEL UNIONS

Article 533. Federations and confederations organized in accordance with the provisions of this Law shall be considered higher-level unions.

Article 534. Unions may choose, provided that not less than 5 (five) unions which represent the absolute majority of a Panel of identical, similar or allied activities or occupations, to organize themselves as a federation. (Wording by Law No. 3.265, of September 22, 1957)

Paragraph 1. If there is already a federation within the Panel of activities or occupations for which the new body is to be set up, the number of unions affiliated to the that federation shall not be reduced to less than 5 (five). (Included by Law No. 3.265, of September 22, 1957)

Paragraph 2. The federations shall be State federations; nevertheless, the Minister of Labor, Industry and Commerce may authorize the constitution of interstate or national federations. (New paragraph number by Law No. 3.265, of September 22, 1957)

Paragraph 3. A federation may join the unions of a particular municipality or connected region with a view to coordinating the interests of the mentioned associations, nevertheless, such federation shall not be entitled to represent the joint activities or occupations. (New paragraph number by Law No. 3.265, of September 22, 1957)

Article 535. A confederation shall be composed of not less than 3 (three) federations and shall have its head office in the capital of the Republic.

Paragraph 1. The confederations composed of federations of unions of employers shall be called the National Confederation of Industry, the National Confederation of Commerce, the National Confederation of Maritime, River and Air Transport, the National Confederation of Land Transport, the National Confederation of Communications and Publicity, the National Confederation of Credit Companies, and the National Confederation of Education and Culture.

Paragraph 2. The confederations composed of federations of unions of employees shall be entitled respectively the National Confederation of Industrial Employees, the National Confederation of Employees in Commerce, the National Confederation of Employees of Maritime, River and Air Transport companies, the National Confederation of Employees of Land Transport companies, the National Confederation of Employees in companies' for Communications and Publicity, the National Confederation of Employees in Credit companies and the National Confederation of Employees in companies for Education and Culture.

Paragraph 3. The confederation formed by the federations of persons engaged in liberal professions shall be named the National Confederation of the Liberal Professions.

Paragraph 4. The higher-level union for agriculture and livestock shall be organized in accordance with the provisions of the Law regulating the constitution of unions for these activities or occupations.

Article 536. (Revoked by Decree-Law No. 229, of February 28, 1967).

Article 537. Request for the approval of a federation shall be addressed to the Minister of Labor, Industry and Commerce and shall be accompanied by a copy of the by-laws and authenticated copies of the minutes of the meeting of each union or federation authorizing the affiliation.

Paragraph 1. The organization or the federations and confederations shall conform to the requirements established under items b and c of Article 515.

Paragraph 2. The approval letter for a federation shall be issued by the Minister of Labor, Industry and Commerce and shall specify the duties of economic or occupational coordination and also the territorial jurisdiction assigned to the federation.

Paragraph 3. The approval of a confederation shall be conferred by a Decree of the President of the Republic.

Article 538. Federations and confederations shall be administered by the following bodies: (Wording by Law No. 2693, of December 23, 1955)

a) the Board of Directors; (Wording by Law No. 2693, of December 23, 1955)

b) the Board of Representatives; (Wording by Law No. 2693, of December 23, 1955)

c) the Fiscal Committee. (Wording by Law No. 2693, of December 23, 1955)

Paragraph 1. The Board of Directors shall be composed of at least 3 (three) members and the financial board shall be composed of 3 (three) members, who shall be elected by the Board of Representatives for a mandate of 3 (three) years. (Wording by Decree-Law No. 771, of August 19, 1969)

Paragraph 2. Only members of the Panels belonging to the federations or confederations (as the case may be) shall be eligible for election. (Paragraph included by Law No. 2693, of December 23, 1955)

Paragraph 3. The Board of Directors shall choose from amongst its members the president of the federation or confederation. (New paragraph by Law No. 2693, of December 23, 1955)

Paragraph 4. The Board of Representatives shall be composed of delegations from the affiliated federations or trade unions. Each delegation shall consist of 2 (two) members who shall hold office for a period of 3 (three) years. Each delegation shall have 1 (one) vote. (New paragraph altered by Decree-Law No. 771, of August 19, 1969)

Paragraph 5. The sole function of the Fiscal Committee shall be to supervise the financial management of the organization. (Included by Law No. 2693, of December 23, 1955)

Article 539. The provisions of Sections II and III of this Chapter shall apply to the constitution and management of federations, insofar as they are applicable.

SECTION VI

RIGHTS OF PERSONS ENGAGED IN ACTIVITIES OR OCCUPATIONS AND UNION MEMBERS

Article 540. Every company or individual engaged in any activity or occupation shall be entitled to become a member of the union for the category concerned, provided that the requirements set forth in this Law are met.

Paragraph 1. If a member of a union ceases for any reason to engage in the activity or occupation concerned, they shall waive their rights as a member.

Paragraph 2. If a member of a union of employees, agents or self-employed professionals or persons engaged in liberal professions receives a retirement pension, is unemployed or has no work, or is called for military service, they shall not waive their rights as a member and shall be exempted from payment of contributions of any kind; nevertheless, they shall not be entitled to hold an executive office or an economic or occupational representative office in the union.

Article 541. Persons who are engaged in a specific activity or occupation in a location where a union for the category in reference or for a similar or allied activity or occupation does not exist shall be entitled to become members of a union for the same or a similar or allied occupation in the nearest location.

Sole Paragraph. The provisions of this Article shall apply to unions in relation to their respective federations, in accordance with the list of activities and occupations referred to in Article 577.

Article 542. Every person engaged in an activity or occupation shall be entitled to appeal within a time limit of 30 days before the competent authority of the Ministry of Labor, Industry and Commerce against any measure prejudicial to his rights or contrary to this Law which is issued by the Board of Directors, the Fiscal Committee or the General Meeting of the union concerned.

Article 543. The employee elected to executive or representative office in a union, including membership of a board or authority for collective bargaining shall not be prevented from carrying out his duties or transferred to any place or type of work that makes it difficult or impossible for them to perform such duties. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 1. The employee shall be removed from office if they apply for, or voluntarily accepts, a transfer. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 2. Any period for which the employee is absent from work for the performance of the duties mentioned in this Article shall be treated as unpaid leave, unless the company gives

permission or the case is covered by a clause in the contract. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 3. It is prohibited to dismiss a unionized employee or one who is associated with a union from the moment their application for election to executive or representative office in a union or occupational association is registered, until 1 (one) year after the expiration of their term of office (if elected), even as a substitute, unless they are guilty of a serious fault that has been duly proved in accordance with this Consolidation. (Wording by Law No. 7.543, of October 2, 1986)

Paragraph 4. The expression "executive or representative office" means an office which a person holds or is assigned to by virtue of their election in accordance with the Law. (Wording by Law No. 7223, of October 2, 1984)

Paragraph 5. For the purposes of this Article, a union shall notify the company in writing, within 24 (twenty- four) hours of the date on which and the time at which any of its employees has been registered as a candidate for election and, within the same time limit, of their election and assumption of office; it shall furthermore supply the company with documentary evidence to that effect. The Ministry of Labor and Social Security shall give similar notice within the same time limit of any designation made under Paragraph 4. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 6. Whenever a company tries to prevent the employee from joining or forming a union or exercising their rights as a member of such a union, it shall be liable to the penalty set forth in item a of Article 553, without prejudice to any compensation to which the employee may be entitled. (Included by Decree-Law No. 229, of February 28, 1967)

Article 544. The right to join a union shall be optional, but a unionized employee shall, all other things being equal, have preference regarding: (Wording by Decree-Law No. 229, of February 28, 1967)

I – beginning of employment in companies operating any public service or performing work under any contract with public authorities; (Included by Decree-Law No. 229, of February 28, 1967)

II - beginning of employment of a public or equivalent nature if large numbers of employees have been laid off on account of the closure of any company; (Included by Decree-Law No. 229, of February 28, 1967)

III – buying a house under the National Housing Plan or through any public institution; (Included by Decree-Law No. 229, of February 28, 1967)

IV – buying a lot in a city or country area if land is being divided up by the Federal Government or by any service directly or indirectly administered by the Government or by any government-controlled company; (Included by Decree-Law No. 229, of February 28, 1967)

V - renting or purchasing real estate owned by a public corporation or government controlled company, if being evicted as a result of judicial proceedings; (Included by Decree-Law No. 229, of February 28, 1967)

VI - being granted loans from any agency financed by or connected with the Government; (Included by Decree-Law No. 229, of February 28, 1967)

VII – purchasing a car or other vehicle or any tools related to their profession, if the money is provided by an independent institution, government controlled company or agency financed by the Government; (Included by Decree-Law No. 229, of February 28, 1967)

VIII - Revoked by Law No. 8.630, of February25, 1993)

IX – being granted a scholarship for themselves or their children, as provided for in the special legislation on the subject. (Included by Decree-Law No. 229, of February 28, 1967)

Article 545. Employers are obliged to deduct from their employees' payroll, as long as they are duly authorized by them, the contributions due to the union, when notified by it. (Wording by Law No. 13467, of 2017)

Sole Paragraph. The payment to the union that is the beneficiary of the discounted amount shall be made until the tenth day after the discount, under penalty of default interest in the amount of ten percent (10%) over the amount withheld, subject to the fine provided for in Article 553 and the criminal settlements related to embezzlement. (Included by Decree-Law No. 925, of October 10, 1969)

Article 546. Companies affiliated to a union shall be given preference, all other things being equal, in tender bids for the operation of public services and for supplies to federal, state or municipal Secretariats or to quasi-governmental entities.

Article 547. Membership of a union shall be a requirement for all duties involving representation of an economic or professional category on any official body for collective discussion, and for the right to any tax rebates or exemptions, except for the case or nonprofit occupations.

Sole Paragraph. Before starting the duties referred to in this Article or obtaining the privileges specified, the person concerned shall provide evidence of membership of a union or the fact that there is no union in the location where they perform their activity or occupation; evidence

of the non-existence of a union shall be given by means of a certificate issued in the Federal District by the National Labor Secretariat or in the States or Acre Territory by the regional authority of the Ministry of Labor, Industry and Commerce.

SECTION VII

FINANCIAL MANAGEMENT AND SUPERVISION OF UNIONS

Article 548. The assets of a union shall come from the following sources:

a) contributions, called union taxes, paid to the union by persons belonging to the economic or professional category or to the liberal profession represented by the union; the mentioned contributions to be paid and levied in the manner provided for in Chapter III of this Title;

b) contributions of members, in the manner provided for by the by-laws or by the General Meetings;

c) the property and securities acquired and income derived therefrom;

d) donations and legacies;

e) fines and other miscellaneous income.

Article 549. The income of the union, federations and confederations may be invested in the manner provided for in its respective annual budgets, in accordance with the provisions established in the Law and in their by-laws. (Wording by Law No. 6386, of December 9, 1976)

Paragraph 1. In order to sell, lease or purchase property, unions shall be obliged to have a prior valuation done by Caixa Econômica Federal or by the National Housing Bank, or by any other organization legally enabled to do so. (Included by Law No. 6386, of December 9, 1976)

Paragraph 2. Property owned by unions shall not be alienated or sold without prior authorization of the respective general meetings, with the presence of the absolute majority of the voting partners or associates or the Board of Representatives with the absolute majority of their members. (Included by Law No. 6386, of December 9, 1976)

Paragraph 3. If the quorum established in the preceding paragraph is not obtained, the matter may be decided in a new general meeting, with any number of voting associates, after 10 (ten) days have passed since the first call. (Included by Law No. 6386, of December 9, 1976)

Paragraph 4. In the cases provided for in Paragraphs 2 and 3, the decision shall only be valid if adopted by a minimum of 2/3 (two thirds) of the attending members, in secret ballot. (Included by Law No. 6386, of December 9, 1976)

Paragraph 5. Any decision of the general assembly concerning the alienation of property shall be subject to voluntary appeal, within 15 (fifteen) days, to the Minister of Labor, operated as supersedeas. (Included by Law No. 6386, of December 9, 1976)

Paragraph 6. The sale of real estate shall be effected by the director the entity, after the decision or the General Assembly or the Council of Representatives, by means of public bidding, and the notice of such bidding shall be published in the Official Gazette of the Federal Government and in a daily newspaper, at least 30 (thirty) days before the bidding date. (Included by Law No. 6386, of December 9, 1976)

Paragraph 7. The resources for the total or partial payment or real estate acquired shall be necessarily recorded in the annual budgets of the unions concerned. (Included by Law No. 6386, of December 9, 1976)

Article 550. The budgets of unions shall be approved, in secret ballot, by the respective General Meetings or Councils of Representatives up to 30 (thirty) days before the beginning of the financial year to which they refer, and the income and expenses shall be calculated in accordance with the instructions and samples issued by the Minister of Labor. (Wording by Law No. 6386, of December 9, 1976)

Paragraph 1. The budgets, after receiving the approval provided for in this Article, shall be published, in summary, within the period of 30 (thirty) days as from the date of the General Assembly or that of the Council of Representatives, which approved them, observing the following: (Wording by Law No. 6386, of December 9, 1976)

a) the budgets of the confederations, federations and unions which are nationally or interstate based shall be published in the Official Gazette of the Federal Government - Section I-Part II; (Wording by Law No. 6386, of December 9, 1976)

b) the budgets or the state federations and municipal, inter-municipal and state unions shall be published in the Official Gazette of the State or Territory or newspaper of large local circulation. (Wording by Law No. 6386, of December 9, 1976)

Paragraph 2. Budgetary allocation which is insufficient for meeting expenses or which is not included in the current budgets, may be adjusted to the cost flow by means of opening additional credits requested by the Board of Directors to the respective General Meetings or Councils of

Representatives, whose acts shall be published up to the last day of the corresponding fiscal year, in accordance with the regime provided for in the preceding paragraph. (Wording by Law No. 6386, of December 9, 1976)

Paragraph 3. The additional credits shall be classified as follows: (Wording by Law No. 6386, of December 9, 1976)

a) Supplementary – those intended to reinforce allocations already allotted in the budget; and (Included by Law No. 6386, of December 9, 1976)

b) Special - those intended to include allocation in the budget, for the purpose of meeting expenses for which a specific credit has not been included. (Included by Law No. 6386, of December 9, 1976)

Paragraph 4. The opening of additional credits shall be dependent upon the existence of income to compensate for the them, including, but only if not already being used: (Included by Law No. 6386, of December 9, 1976)

a) the financial surplus entered on the balance sheet of the preceding fiscal year; (Included by Law No. 6386, of December 9, 1976)

b) the excess of collection, thus understood as the positive balance of the difference between the revenue provided and the revenue actually realized, taking into account, also, the tendency of the fiscal year; and (Included by Law No. 6386, of December 9, 1976)

c) the total or partial nullity of allocations in the budget or additional credits opened in the fiscal year. (Included by Law No. 6386, of December 9, 1976)

Paragraph 5. For the purposes of union budgets and accounting, the financial fiscal year shall coincide with the calendar year, to which shall belong all expenses paid out and all receivables collected. (Included by Law No. 6386, of December 9, 1976)

Article 551. All financial and patrimonial transactions shall be evidenced by the accounting registers of the unions, executed under the responsibility of a legally licensed accountant, in accordance with good accounting practices and with the instructions issued by the Minster of Labor. (Wording by Law No. 6386, of December 9, 1976)

Paragraph 1. The accounting document to which this Article refers shall be based on documents of receipts and expenses which shall be kept in the files of the accounting service or Secretariat, at the disposal of the bodies responsible for the administration and the financial control of the entity itself, or the control which may be exercised by the bodies or the Federal Government through specific legislation. (Wording by Law No. 6386, of December 9, 1976)

Paragraph 2. The documents with the receipts and expenses to which the preceding paragraph refers, may be incinerated after 5 (five) years have passed from the date on which the competent body paid them off. (Wording by Law No. 6386, of December 9, 1976)

Paragraph 3. The use of a journal, with pages in sequence and typographically numbered is mandatory for keeping ID cards by the method of double-annotation ID card keeping, whether directly or by reproduction, of the Laws or transactions which modify or may modify the patrimonial situation of the entity, the terms of opening and closing being entered, respectively, in the first and last pages. (Wording by Law No. 6386, of December 9, 1976)

Paragraph 4. A union making use of a mechanical or electronic system for its accounting documentation, may substitute cards or continuous forms for the Journal or the auxiliary journals; the annotations, however, shall meet all the requirements and norms related to journals, including the terms of opening and closing, sequential numbering and typography. (Wording by Law No. 6386, of December 9, 1976)

Paragraph 5. In the case of making use of cards or continuous forms, the entity shall adopt its own journal for entering the balance sheet and for the demonstration of the results of the fiscal year, which shall fulfill the same requirements demanded for regular journals. (Wording by Law No. 6386, of December 9, 1976)

Paragraph 6. The cards or continuous forms shall be necessarily submitted for registration and authorization to the Regional Labor Offices located in the territorial base of the entity. (Wording by Law No. 6386, of December 9, 1976)

Paragraph 7. Unions shall maintain a specific register of assets of any nature that belong to them, in cards, which shall fulfill the same formalities demanded for the Journal including those referring to the registration and authentication by the local Regional Labor Office. (Included by Law No. 6386, of December 9, 1976)

Paragraph 8. The accounts of the administrators of the unions shall be approved, in secret ballot by the respective General Meetings or Councils of Representatives, with opinion of the Fiscal Committee, pursuant to the Minister of Labor may establish time periods and procedures for their elaboration and purpose. (Included by Law No. 6386, of December 9, 1976)

Article 552. Actions leading to embezzlement or misappropriation of the money or property of a union shall be considered crime of defalcation and shall be tried, and punished in accordance with the penal legislation. (Wording by Law No. 6386, of December 9, 1976)

SECTION VIII

PENALTIES

Article 553 – Violations to the provisions of this Chapter shall be punished, according to their nature and severity, with the following penalties:

a) fine of one hundred cruzeiros (Cr$ 100) and five thousand cruzeiros (5,000), doubled upon recidivism;

b) suspension of directors for a term not exceeding 30 (thirty) days;

c) dismissal of directors or board members;

d) closing of a Union, Federation or Confederation for a period not exceeding 6 (six) months;

e) cancellation of the recognition letter.

f) fine of 1/30 (one thirtieth) of the regional minimum wage, applicable to the member who fails to comply, without justified cause, with the provisions of the sole paragraph of Article 529. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 1. The imposition of a penalty on the executive officers shall not preclude imposition of the penalties set forth in this Article for the union. (Included by Decree-Law No. 925, of October 10, 1969)

Paragraph 2. The Minister of Labor may order preventive suspension from office or unions of executive officers, based on a formal notice of violation made constituting conclusive or *prima facie* evidence of the facts reported and the authority accused. (Included by Decree-Law No. 925, of October 10, 1969)

Article 554. If the administration is dismissed in accordance with item c of the preceding Article, the Minister of Labor, Industry and Commerce shall appoint a delegate to manage the union and convene a general meeting (of which they shall be President), within a time limit of 90 days, for the election of new members or the Board of Directors and the Fiscal Committee.

Article 555. The letter of approval shall be withdrawn from a union in the following cases:

a) if it no longer meets the requirements for its constitution and operation set forth in this Law;

b) if it fails to carry out order of the President of the Republic made in virtue of the powers conferred upon them;

c) if it prevents the carrying out of economic policy adopted by the Government.

Article 556. The withdrawal of the letter of approval of a union shall not entail the cancellation of its registration nor consequently its dissolution, which shall be effected in accordance with the provisions of the Law regulating the dissolution of civil associations.

Sole Paragraph. In the event of dissolution of a union, due to the fact that the association is included in the laws defining crimes against the international status, the structure and safety of the State and the political and social order, the property belonging to such association, after payment of the debts arising from its liabilities, shall accrue to the Federal Government and shall be used for Social Security purposes.

Article 557. The penalties mentioned in Article 553 shall be imposed as follows: (Wording restored by Decree-Law No. 8.987-A, of 1946)

a) those mentioned in items a and b, by the Director-General of the National Labor Secretariat, subject to appeal to the Minister of State; (Wording restored by Decree-Law No. 8.987-A, of 1946)

b) other penalties, by the Minister or State. (Wording restored by Decree-Law No. 8.987-A, of 1946)

Paragraph 1. In the case of higher-level associations, the penalties shall be imposed by the Minister of State, except for the case of the withdrawal of the letter of approval of a confederation, in which case the penalty shall be imposed by the President of the Republic. (Wording restored by Decree-Law No. 8.987-A, of 1946)

Paragraph 2. No penalty shall not be imposed in any case unless the party being accused is given an opportunity to file a defense. (Wording restored by Decree-Law No. 8.987-A, of 1946)

SECTION IX

GENERAL PROVISIONS

Article 558. Registration shall be mandatory for all unions constituted for identical, similar or allied activities or occupations, in accordance with Article 511 and in accordance with the list of activities and occupations mentioned in Chapter II of this Title. Unions registered in accordance with this Article shall have the right to represent, before administrative or judicial authorities, the individual interests of members in relation to their respective activities or occupations, and shall be entitled to the prerogatives specified in item d and in the Sole Paragraph of Article 513.

Paragraph 1. The registration referred to in this Article shall be effected by the regional branch offices of the Ministry of Labor and Social Security or by other agencies authorized for the purpose by Law. (Wording by Decree-Law No. 925, of October 10, 1969)

Paragraph 2. A union shall be registered through an application, accompanied by a certified copy or its by-laws and a statement of the number of members, the assets of the union and the social services organized by it.

Paragraph 3. Amendments to the union's by-laws shall not come into effect until they have been approved by the authority which granted registration.

Article 559. By way of exception and according to a recommendation made by the Minister of Labor, Industry and Commerce for reasons of public policy, the President of the Republic may by Decree grant the prerogative specified in item d of Article 513 of this Chapter to civil associations constituted for the defense and coordination of economic and occupational interests which are not liable to registration as provided for in the preceding Article.

Article 560. The amalgamation of property belonging to a professional association with that of an approved union, or the property of one approved union with that of another, shall not be considered a transfer of property for the purpose of taxation.

Article 561. The word Union means exclusively a professional association of lower instance approved as provided for in this Law.

Article 562. The expressions federation and confederation followed by the designation of an economic or occupational activity shall be used exclusively by unions of higher-level.

Article 563. (Revoked by Decree-Law No. 925, of October 10, 1969)

Article 564. In view of the fact that it is the special and essential duty of unions to represent and coordinate the respective categories or occupations, it is prohibited for any such organization to engage in any economic activity, whether directly or indirectly.

Article 565. Unions been approved in accordance with this Law shall not become affiliated to international organizations or maintain relations with such organizations without prior authorization, to be granted by decree of the President of the Republic. (Wording by Decree-Law No. 2.802, of June 18, 1946)

Article 566. Employees of the State and employees or quasi-governmental entities shall not form unions.

Sole Paragraph. Employees of government-controlled companies, Caixa Econômica Federal and the foundations created or maintained by the Public Power of the Federal Government, the States or the Municipalities shall be excluded from the prohibition set forth in this Article. (Wording by Law No. 7.449, of December 20, 1985)

Arts. 567-569. (Revoked by Decree-Law No. 229, of February 28, 1967).

CHAPTER II

UNION CLASSIFICATION

Article 570. Unions shall as a rule be constituted for specific economic or professional categories, in accordance with the classification given in the list of activities and occupations mentioned in Article 577 or according to the subsections which may be created by the Minister of Labor, Industry and Commerce, on the recommendation of the Union's Membership Board mentioned in Article 576.

Sole Paragraph. If persons engaged in any activity or occupation are unable to organize an effective union on the basis of the category specification, either because they are too few in number, or on account of the nature of the activity or occupation concerned, or because of the similarities existing between them, they shall be permitted to organize a union together with similar or allied categories, which shall mean categories belonging to the same Panel in the list of activities and occupations.

Article 571. Any one of the activities or occupations joined in the manner specified in the Sole Paragraph of the preceding Article may separate from the principal union and form a separate association, if, in the opinion of the Union's Membership Board, the new association appears to be in a position to have a normal corporate life and to carry out efficient actions as a union.

Article 572. Unions constituted by similar or allied categories, as provided for in the Sole Paragraph of Article 570, shall take a name which, as far as possible, mentions specifically the various activities or occupations which have been Paneled together, in accordance with the list of activities and occupations or in the case of sub-sections in accordance with the instructions of the Union's Membership Board.

Sole Paragraph. In cases covered by the preceding Article, the name of the main union shall be altered by deleting the name of the activity or occupation removed.

Article 573. The grouping of unions in federations shall be subject to the rules set forth in this Chapter for the grouping of activities and occupations in unions.

Paragraphs 1 – 2. (Revoked by Decree-Law No. 229, of February 28, 1967)

Sole Paragraph. Federations of unions for liberal professions may be organized independently of the basic Panel of the confederation, provided that the professions concerned are by Law subject to the same regulations. (New paragraph number by Decree-Law No. 229, of February 28, 1967)

Article 574. Within the same area, industrial companies related to handicraft may constitute unions of first and second instance, separate from the unions of companies of the same nature but of a different type.

Sole Paragraph. The Union's Membership Board, with the approval of the Ministry of Labor, Industry and Commerce, shall specify the size and other characteristics of companies of a handicraft type.

Article 575. the list of activities and occupations shall be revised every 2 (two) years, on the recommendation of the Union's Membership Board, for the purpose of adjusting it to the economic and occupational structure of the country.

Paragraph 1. Before revising the list, the Board shall request the unions and associations to submit suggestions.

Paragraph 2. The proposals for revision shall be submitted to the Minister of Labor, Industry and Commerce for approval.

Article 576. The Union's Membership Board shall consist of the Director-General of the National Labor Secretariat, who shall act as President, and the following members: (Wording by Law No. 5.819, of November 6, 1972)

I - 2 (two) representatives of the National Labor Secretariat; (Wording by Law No. 5.819, of November 6, 1972)

II – 1 (one) representative of the National Workforce Secretariat; (Wording by Law No. 5.819, of November 6, 1972)

III – 1 (one) representative of the National Institute of Technology of the Ministry of Industry and Commerce; (Wording by Law No. 5.819, of November 6, 1972)

IV – 1 (one) representative of the National Institute of Colonization and Agrarian Reform of the Ministry of Agriculture; (Wording by Law No. 5.819, of November 6, 1972)

V – 1 (one) representative of the Ministry of Transportation; (Wording by Law No. 5.819, of November 6, 1972)

VI - 2 (two) representatives from the economic categories; and (Wording by Law No. 5.819, of November 6, 1972)

VII - 2 (two) representatives of the professional categories. (Wording by Law No. 5.819, of November 6, 1972)

Paragraph 1. members of the Union's Membership Board shall be appointed by the Minister of Labor based on: (Included by Decree-Law No. 229, of February 28, 1967)

a) nominations by the appropriate minister, in the case of the representatives or the other ministries; (Included by Decree-Law No. 229, of February 28, 1967)

b) nominations by the Director-General, in the case of the National Labor Secretariat; (Included by Decree-Law No. 229, of February 28, 1967)

c) elections held by the respective confederations at joint meetings, in the case of the representatives from the economic and professional categories, following instructions issued by the Minister of Labor. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 2. Each member shall have a substitute, who shall be appointed at the same time. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 3. Representatives from the economic and professional categories shall hold office for 3 (three) years. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 4. Members of the Board shall receive an attendance allowance at a wage provided for by executive decree. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 5. In their absence, the Director-General of the National Labor Secretariat shall be replaced as President by the deputy director or, in the absence of the latter, by the representative of the mentioned Secretariat on the Board. (Wording by Decree-Law No. 506, of March18, 1969)

Paragraph 6. In addition to the duties specified in this Chapter with reference to membership of the union regime, whether individual or collective, and to the classification of activities and occupations, the Union's Membership Board shall be competent to settle all doubts and disputes relating to the organization of unions, subject to an appeal to the Minister of Labor. (Included by Decree-Law No. 229, of February 28, 1967)

Article 577. the list of activities and occupations in effect shall constitute the basic plan for membership of unions.

CHAPTER III

UNION DUES

SECTION I

FIXING AND COLLECTING UNION DUES

Article 578. The Union dues paid by the participants of the economic or professional categories or the liberal professions represented by the referred entities shall, under the name of union dues, be paid, collected and invested in the manner established in this Chapter, as long as previously and expressly authorized. (Wording by Law No. 13467, of 2017)

Article 579. The deduction of the union dues are subject to prior and express authorization of those employees who participate in a specific economic or professional category, or a liberal profession, in favor the representative union of the same category or profession or, in the absence thereof, in accordance with the provisions of Article 591 of this Consolidation. (Wording by Law No. 13467, of 2017)

Article 580. The union dues shall be paid annually in a single installment and shall consist: of: (Wording by Law No. 6386, of December 9, 1976) (Refer to Law No. 11648, of 2008)

I - in the case of employees, irrespective of the form by which their remuneration is paid, an amount equal to one day's remuneration; (Wording by Law No. 6386, of December 9, 1976)

II - in the case of agents or self-employed professionals and persons engaged in a liberal profession, 30% (thirty percent) of the higher reference value fixed by the Executive Power, in effect during the period in which the union dues are due, rounding off any fraction of a cruzeiro to the next cruzeiro; (Wording by Law No. 7047, of December 1, 1982)

III - For employers, an amount proportional to the capital stock of the firm or enterprise, as registered in the Registry of Commerce or similar bodies, taking into account the tax brackets, in accordance with the following progressive list: (Wording by Law No. 7047, of December 1, 1982)

Capital Classes	Bracket
1. Up to 150 times the higher reference value	0.8%
2. Over 150, up to 1,500 times the higher reference value	0.2%
3. Over 1,500, up to 150,000 times the higher reference value	0.1%

4. Over 150,000 up to 800,000 times the higher reference value	0.02%

Paragraph 1. The union dues provided for in the list shown in item III of this Article shall correspond to the sum of the percentages in the tax brackets over the part of the capital distributed in each category, observing the respective limits. (Wording by Law No. 6386, of December 9, 1976)

Paragraph 2. For the purpose of calculation of the matter in the progressive list of item III of this Article, the reference value established by the Executive Power, in effect on the valid date of the union dues, shall be rounded off to the next higher Cruzeiro. (Wording by Law No. 6386, of December 9, 1976)

Paragraph 3. The minimum amount of union dues paid by employers, regardless of the capital stock of the firm or enterprise, is established at 60% (sixty percent) of the higher reference value, according to the preceding Paragraph, and the capital equivalent to 800,000 (eight hundred thousand) times the higher reference value shall be established in the same manner for the purpose of calculation of the maximum contribution, in respect to the progressive list shown in item III. (Wording by Law No. 7047, of December 1, 1982)

Paragraph 4. Self-employed agents or employees and liberal professionals, organized in a firm or enterprise with registered capital stock, shall collect the union dues in accordance with the progressive list to which item III refers. (Wording by Law No. 6386, of December 9, 1976)

Paragraph 5. The entities or institutions not obliged to register capital stock, shall consider as capital, for the purpose of the calculation provided for in the list shown in item III of this Article, the value resulting from the percentage of 40% (forty percent) over the economic figures registered in the immediate preceding fiscal year, of which the respective union or Regional Labor Office shall be notified, observing the limits established in Paragraph 3 of this Article. (Wording by Law No. 6386, of December 9, 1976)

Paragraph 6. The following are excluded from the provision of Paragraph 5: non-profit entities or institutions, after application filed before the Minister of Labor. (Wording by Law No. 6386, of December 9, 1976)

Article 581. For the purposes of item III of the preceding Article, the enterprises shall allocate part of the respective capital to their branches, sub-offices or agencies, unless they are located in the territorial base of the union representative of the economic activity of the main

company, in the proportion of their respective economic operations, giving due notice to the Regional Labor Offices, in the location of the enterprises, branches, sub-offices or agencies. (Wording by Law No. 6386, of December 9, 1976) (Refer to Law No. 11648, of 2008)

Paragraph 1. If the enterprise carries out several economic activities, and none of them is predominant over the others, each of the mentioned activities shall be incorporated in the appropriate economic category and the union dues shall be payable to the union representative of that category; branches, sub-offices or agencies shall be treated in the manner specified in this Article. (Wording by Law No. 6386, of December 9, 1976)

Paragraph 2. Predominant activity means the activity which leads to the final product, operation or objective, and to which the remaining activities are connected, exclusively in a functional connection.(Wording by Law No. 6386, of December 9, 1976)

Article 582. Employers are required to deduct from the payroll of the employees who previously and expressly authorized their payment to the respective unions the union dues for the month of March of each yea. (Wording by Law No. 13467, of 2017)

Paragraph 1. The wages for one day's work, for the purpose of determining the amount to which item I of Article 580 refers, shall be the equivalent to: (Wording by Law No. 6386, of December 9, 1976)

a) a normal working day's wage, if the payment to the employee is made for a unit time; (Wording by Law No. 6386, of December 9, 1976)

b) or 1/30 (one thirtieth) of the amount received in the preceding month, if the remuneration was paid by chore, by fee or by commission. (Wording by Law No. 6386, of December 9, 1976)

Paragraph 2. If the wage is paid in the form of utilities, or in cases when the employee regularly receives tips, the union dues shall amount to 1/30 (one thirtieth) of the amount taken as the basis for January regarding the Social Security taxes. (Wording by Law No. 6386, of December 9, 1976)

Article 583. The union dues related to employees and independent employees shall be paid in April of each year, and the one related to the agents of self-employed employees and self-employed professionals shall be paid in February, subject to the requirement of the prior and express authorization provided for in Article 579 of this Consolidation. (Wording by Law No. 13467, of 2017)

Paragraph 1. Collection shall be done through forms, in accordance with the instructions issued by the Ministry of Labor. (Included by Law No. 6386, of December 9, 1976)

Paragraph 2. The deposit voucher of the union dues shall be sent to the respective union; in default of the latter, it shall be sent to the respective higher-level entity, and, as the case may be, to the Ministry of Labor. (Included by Law No. 6386, of December 9, 1976)

Article 584. The list of contributors prepared by the unions or, if there are not any, by the federations or confederations coordinating the unions in the related category, shall be taken as a basis for the payment of the union dues by agents or self-employed professionals and by persons engaged in a liberal profession. (Wording by Law No. 6386, of December 9, 1976) (Refer to Law No. 11648, of 2008)

Article 585. Persons engaged in a liberal profession may opt for payment of the union dues exclusively directly to the union for their respective professions, provided that they effectively practice their professions within a firm or enterprise and are registered by them. (Wording by Law No. 6386, of December 9, 1976) (Refer to Law No. 11648, of 2008)

Sole Paragraph. In that case, as long as the employee paying the union dues proves payment and shows evidence of that given by the union of liberal professionals, the employer shall no longer deduct the amount referred to in Article 582 from the employee. (Wording by Law No. 6386, of December 9, 1976)

Article 586. The union dues shall be collected, during the months set forth in this Chapter, by Caixa Econômica Federal, the Bank of Brazil S.A. or by the national banking companies members of the federal taxes collection system, which, in accordance with instructions issued by the National Monetary Council, shall transfer the amounts collected to Caixa Econômica Federal. (Wording by Law No. 6386, of December 9, 1976) (Refer to Law No. 11648, of 2008)

Paragraph 1. Places where the companies mentioned in the head provision of this Article do not exist, the Caixa Econômica Federal shall be included as a collection agent. (Wording by Law No. 6386, of December 9, 1976)

Paragraph 2. In the case of an employer, agent or other persons working on their own account or persons engaged in a liberal profession, collection shall be effected by the persons themselves and shall be paid directly to the collecting company. (Wording by Law No. 6386, of December 9, 1976)

Paragraph 3. The union dues due by regular and independent employees shall be collected by the employer and by the union, respectively. (Wording by Law No. 6386, of December 9, 1976)

Article 587. Employers who choose to collect union dues shall do so in January of each year or, for those who start their businesses after that month, when they apply to the offices for registration or license to perform the respective activity. (Wording by Law No. 13467, of 2017)

Article 588. Caixa Econômica Federal shall keep a checking account entitled "Deposits of Collections of Union Dues", in the name of each one of the unions benefiting, and the Ministry of Labor shall provide the bank with any information regarding administrative matters related to those unions. (Wording by Law No. 6386, of December 9, 1976) (Refer to Law No. 11648, of 2008)

Paragraph 1. Funds in the checking account referred to at the beginning of this Article may be withdrawn by means of a bank order or check with the signatures or the president and treasurer of the union. (Wording by Law No. 6386, of December 9, 1976)

Paragraph 2. Caixa Econômica Federal shall transmit, monthly, to each union, a statement of the respective checking account, and, when requested, to the bodies of the Ministry of Labor. (Wording by Law No. 6386, of December 9, 1976)

Article 589. The following transfers of credits shall be made by Caixa Econômica Federal, under the terms of the instructions issued by the Ministry of Labor, regarding funds coming from union dues: (Wording by Law No. 6386, of December 9, 1976) (Refer to Law No. 11648, of 2008)

Paragraph 1. The employees' union shall indicate to the Ministry of Labor and Employment the union central to which it is affiliated as a beneficiary of the respective union dues, for the purpose of allocating the credits provided for in this Article. (Wording by Law No. 11648, of 2008)

Paragraph 2. The union central referred to in item b of Subparagraph II of the head provision of this Article shall meet the representativeness requirement provided for in the specific legislation on the matter. (Wording by Law No. 11648, of 2008)

I – for employers: (Wording by Law No. 11648, of 2008)

a) 5% (five percent) for the corresponding confederation; (Included by Law No. 11648, of 2008)

b) 15% (fifteen percent) for the federation; (Included by Law No. 11648, of 2008)

c) 60% (sixty percent) for the respective union; and (Included by Law No. 11648, of 2008)

d) 20% (twenty percent) for the 'Special Employment and Salary Account'; (Included by Law No. 11..648, of 2008)

II – for employees: (Wording by Law No. 11648, of 2008)

a) 5% (five percent) for the corresponding confederation; (Included by Law No. 11648, of 2008)

b) 10% (ten percent) for the union central; (Included by Law No. 11648, of 2008)

c) 15% (fifteen percent) for the federation; (Included by Law No. 11648, of 2008)

d) 60% (sixty percent) for the respective union; and (Included by Law No. 11648, of 2008)

e) 10% (ten percent) for the 'Special Employment and Salary Account'; (Included by Law No. 11648, of 2008)

III – (Revoked); (Wording by Law No. 11648, of 2008)

IV – (Revoked). (Wording by Law No. 11648, of 2008)

Article 590. In default of a confederation, the percentage provided for in item I of the preceding Article shall be paid to the federation representative of the Panel. (Wording by Law No. 11648, of 2008) (Refer to Law No. 11648, of 2008)

Paragraph 1 (Revoked). (Wording by Law No. 11648, of 2008)

Paragraph 2 (Revoked). (Wording by Law No. 11648, of 2008)

Paragraph 3. In the absence of a union, nor a union entity with a higher degree or a union central, the union dues shall be fully credited to the 'Special Employment and Salary Account'. (Wording by Law No. 11648, of 2008)

Paragraph 4. In the absence of indication of a union central, pursuant to Paragraph 1 of Article 589 of this Consolidation, the percentages that would be paid to it shall be allocated to the 'Special Employment and Salary Account' (Included by Law No. 11648, of 2008)

Article 591. In the absence of a union, the percentages provided for in item c of Subparagraph I and item d of Subparagraph II of the head provision of Article 589 of this Consolidation shall be credited to the federation corresponding to the same economic or professional category. (Wording by Law No. 11648, of 2008) (Refer to Law No. 11648, of 2008)

Sole Paragraph. In the event of the head provision of this Article, the percentages provided for in items a and b of Subparagraph I and in items a and c of Subparagraph II of the head provision of Article 589 of this Consolidation shall be the confederation's responsibility. (Wording by Law No. 11648, of 2008)

SECTION II

UTILIZATION OF THE UNION DUES

Article 592. The union dues, after expenses for its collection, payment and control have been covered, shall be spent by the unions, in accordance with the respective by-laws, for the following purposes:(Wording by Law No. 6386, of December 9, 1976) (Refer to Law No. 11648, of 2008)

I - Unions of employers and self-employed agents: (Wording by Law No. 6386, of December 9, 1976)

a) technical and legal assistance; (Wording by Law No. 6386, of December 9, 1976)

b) medical, dental, hospital and pharmaceutical assistance; (Wording by Law No. 6386, of December 9, 1976)

c) economic and financial studies; (Wording by Law No. 6386, of December 9, 1976)

d) job placement agencies; (Wording by Law No. 6386, of December 9, 1976)

e) cooperatives; (Wording by Law No. 6386, of December 9, 1976)

f) libraries; (Included by Law No. 6386, of December 9, 1976)

g) nurseries; (Included by Law No. 6386, of December 9, 1976)

h) congresses and conferences; (Included by Law No. 6386, of December 9, 1976)

i) measures for commercial and industrial development in the Country and abroad, as well as other measures to stimulate and improve national production; (Included by Law No. 6386, of December 9, 1976)

j) fairs and exhibits; (Included by Law No. 6386, of December 9, 1976)

l) prevention of work accidents; (Included by Law No. 6386, of December 9, 1976)

m) sports events, (Included by Law No. 6386, of December 9, 1976)

II - Employee unions: (Included by Law No. 6386, of December 9, 1976)

a) legal assistance; (Wording by Law No. 6386, of December 9, 1976)

b) medical, dental, hospital and pharmaceutical assistance; (Wording by Law No. 6386, of December 9, 1976)

c) maternity assistance; (Wording by Law No. 6386, of December 9, 1976)

d) job placement agencies; (Wording by Law No. 6386, of December 9, 1976)

e) cooperatives; (Wording by Law No. 6386, of December 9, 1976)

f) libraries; (Wording by Law No. 6386, of December 9, 1976)

g) nurseries; (Wording by Law No. 6386, of December 9, 1976)

h) congresses and conferences; (Wording by Law No. 6386, of December 9, 1976)

i) funeral assistance; (Wording by Law No. 6386, of December 9, 1976)

j) holiday camps and recreation centers; (Wording by Law No. 6386, of December 9, 1976)

l) prevention of work accidents; (Included by Law No. 6386, of December 9, 1976)

m) sporting and social events; (Included by Law No. 6386, of December 9, 1976)

n) education and professional training; (Included by Law No. 6386, of December 9, 1976)

o) scholarships. (Included by Law No. 6386, of December 9, 1976)

III - Unions of liberal professions: (Wording by Law No. 6386, of December 9, 1976)

a) legal assistance; (Wording by Law No. 6386, of December 9, 1976)

b) medical, dental, hospital and pharmaceutical assistance; (Wording by Law No. 6386, of December 9, 1976)

c) maternity assistance; (Wording by Law No. 6386, of December 9, 1976)

d) scholarships; (Wording by Law No. 6386, of December 9, 1976)

e) cooperatives; (Wording by Law No. 6386, of December 9, 1976)

f) libraries; (Wording by Law No. 6386, of December 9, 1976)

g) nurseries; (Wording by Law No. 6386, of December 9, 1976)

h) congresses and conferences; (Wording by Law No. 6386, of December 9, 1976)

i) funeral assistance; (Wording by Law No. 6386, of December 9, 1976)

j) holiday camps and recreation centers; (Included by Law No. 6386, of December 9, 1976)

l) technical and scientific studies; (Included by Law No. 6386, of December 9, 1976)

m) sporting and social events; (Included by Law No. 6386, of December 9, 1976)

n) education and professional training; (Included by Law No. 6386, of December 9, 1976)

o) awards for technical and scientific works; (Included by Law No. 6386, of December 9, 1976)

IV. Unions of self-employed workers: (Wording by Law No. 6386, of December 9, 1976)

a) technical and legal assistance; (Wording by Law No. 6386, of December 9, 1976)

b) medical, dental, hospital and pharmaceutical assistance; (Wording by Law No. 6386, of December 9, 1976)

c) maternity assistance; (Wording by Law No. 6386, of December 9, 1976)

d) scholarships; (Wording by Law No. 6386, of December 9, 1976)

e) cooperatives; (Wording by Law No. 6386, of December 9, 1976)

f) libraries; (Wording by Law No. 6386, of December 9, 1976)

g) nurseries; (Wording by Law No. 6386, of December 9, 1976)

h) congresses and conferences; (Wording by Law No. 6386, of December 9, 1976)

i) funeral assistance; (Wording by Law No. 6386, of December 9, 1976)

j) holiday camps and recreation centers; (Included by Law No. 6386, of December 9, 1976)

l) professional education and training; (Included by Law No. 6386, of December 9, 1976)

m) sporting and social events. (Included by Law No. 6386, of December 9, 1976)

Paragraph 1. Enforcement provided for in this Article shall set forth the criterion of each entity, which, for that purpose, shall always conform to the peculiarities of the respective Panel or category, and the Ministry of Labor shall be able to allow the inclusion of new programs, provided that the fundamental assistance services of the entity are ensured. (Wording by Law No. 6386, of December 9, 1976)

Paragraph 2. The unions may allocate up to 20% (twenty percent) of their resources from union dues in their annual budgets for administrative activities, regardless of ministerial authorization. (Included by Law No. 6386, of December 9, 1976)

Paragraph 3. The use of the union dues provided for in Paragraph 2, may not exceed the total value of the monthly social allocations entered in the budgets of the unions, unless there is express authorization of the Ministry of Labor. (Included by Law No. 6386, of December 9, 1976)

Article 593. The percentages allocated to the higher-level union entities and union centrals shall be applied in accordance with the provisions of the respective councils of representatives or statutes. (Wording by Law No. 11648, of 2008) (Refer to Law No. 11648, of 2008)

Sole Paragraph. The resources allocated to the union centrals shall be used to fund the activities of general representation of the employees resulting from the powers conferred upon them by Law. (Included by Law No. 11648, of 2008).

Article 594 – The "Union Social Fund" shall be managed and applied by the Union Tax Commission for purposes that meet the general interests of the national union organization or social assistance to employees. (Wording by Decree-Law No. 9.615, of 08/20/1946) (Refer to Law No. 4589, of 1964) (Refer to Law No. 11648, of 2008)

SECTION III

UNION DUES COMMITTEE

Article 595-Article 597. (Revoked by Law No. 4589, of December 11, 1964)

SECTION IV

PENALTIES

Article 598 – Subject to criminal proceedings and penalties provided for in Article 553, fines ranging from ten *cruzeiros* (Cr$ 10.00) to ten thousand *cruzeiros* (Cr$ 10,000.00) shall be imposed for the violations of this Chapter in the Federal District by the competent authority of the 1st instance of the National Labor Secretariat and in the States and in Acre Territory by the regional authorities of the Ministry of Labor, Industry and Commerce. (Refer to Decree-Law No. 8.987-A, of 1946) (Refer to Law No. 6.205, of 1975 and Law No. 6.986, of 1982) (Refer to Law No. 11648, of 2008)

Sole Paragraph. The fine shall vary according to the nature of the violation and the social and economic situation of the offender. (Refer to Decree-Law No. 8.987-A, of 1946)

Article 599. In the case of persons engaged in liberal professions, the penalty shall consist of suspension of professional practice until the necessary payments have been made; it shall be imposed by the public or autonomous disciplinary bodies of the liberal profession concerned, upon notice given by the supervising authorities,. (Refer to Law No. 11648, of 2008)

Article 600. If the union dues are paid voluntarily after the expiry of the time limit provided for by this Chapter, it shall be increased by a fine for delay amounting to 10% (ten percent.) in the first 30 days, with an addition of 2% per month for subsequent delay, in addition to interest of 1% per month and monetary correction, and the offender shall not in this case be liable to any further penalty. (Wording by Law No. 6.181, of 12/11/1974) (Refer to Law No. 11648, of 2008)

Paragraph 1. The proceeds of the aforementioned fine shall accrue to the following successively: (Wording by Law No. 6.181, of December 11, 1974 and Laws Nos. 6986 of April 13, 1982 and 7855 of October 24, 1989)

a) The respective union;

b) The respective Federation, in the absence of a union;

c) The respective Confederation, if no Federation exists.

Paragraph 2. In the absence of the union or entity of higher degree, the amount to which the preceding paragraph refers shall accrue to the account of Employment and Wages. (Wording by Law No. 6.181, of December 11, 1974)

SECTION V

GENERAL PROVISIONS

Article 601. (Revoked by Law No. 13467, of 2017)

Article 602. Employees not working during the month for the deduction of the union dues and who have previously and expressly authorized the payment shall be deducted in the first month following the resumption of work. (Wording by Law No. 13467, of 2017)

Sole Paragraph. This procedure shall also apply to employees who are hired after the month in reference and who were not employed previously and do not provide proof of payment.

Article 603. Employers shall provide the officials responsible for supervision all clarifications needed for the performance of their duties in addition to, whenever required, providing payrolls, and other documents constituting evidence of payments to employees, otherwise being subject to the applicable fine. (Refer to Law No. 11648, of 2008)

Article 604. (Revoked by Law No. 13467, of 2017)

Article 605 – Union entities are required to publish the notices regarding the collection of union taxes, for 3 (three) days, in newspapers with the largest local circulation and up to 10 (ten) days from the date set for bank deposit. (Refer to Law No. 11648, of 2008) (Refer to Law No. 11648, of 2008)

Article 606 – In the case of lack of payment of union dues, the unions shall be responsible for taking legal action, through an action for execution of judgment, and the regional authorities of

Ministry of Labor and Social Security shall issue a certificate which shall be valid as a bond. (Wording by Law No. 925, of October 10, 1969) (Refer to Law No. 11648, of 2008)

Paragraph 1. The Ministry of Labor, Industry and Commerce shall issue the instructions regulating the certificate to which this article refers, which must show the identity of the member, the amount due and the entity that needs to pay the taxes, in accordance with the respective union tax bracket.

Paragraph 2. For the purposes of taking legal action for collecting the taxes, the privileges of the Public Treasury shall be extended to the unions, with exception of jurisdictional prerogative.

Article 607. Proof of payment of union dues and the deposit or the union dues deducted from the employees' wages shall be considered an essential document for participating in tenders for public or administrative services or for supplies to quasi-governmental or autonomous agencies. (Refer to Law No. 11648, of 2008)

Article 608. Federal, state or municipal bodies shall not approve registration or grant operating licenses or licenses for the renewal of activities to companies or offices of agents or other persons working on their account, or persons engaged in liberal professions, or grant licenses for the occupation of premises, unless proof of payment of union dues is provided, pursuant to the preceding Article. (Refer to Law No. 11648, of 2008)

Sole Paragraph. Non-compliance with the provisions of this Article shall result in, by operation of Law, nullity of all acts mentioned herein, as well as the ones mentioned in Article 607.

Article 609. Payment of union dues and all assessment and transactions in the accounts relating thereto shall be exempted from federal, state or municipal seals. (Refer to Law No. 11648, of 2008)

Article 610. Any doubts arising related to compliance with this Chapter shall be settled by the Director-General of the National Labor Secretariat, who shall issue the instructions needed for (Refer to Law No. 11648, of 2008)

TITLE VI

COLLECTIVE BARGAINING AGREEMENTS

Article 611. A Collective Bargaining Agreement is an agreement establishing certain binding principles, through which 2 (two) or more unions representing economic and professional categories stipulate certain working conditions governing individual employment relationships

within their respective spheres of representation. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 1. Unions representing professional categories shall have the right to enter into Collective Agreements with one or more companies in their corresponding economic category, which shall stipulate working conditions, and govern employment relationships within the company or companies concerned. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 2. Federations or, in the absence of federations, confederations representing economic or professional categories may enter into Collective Agreements governing, within their respective spheres of representation, the employment relationships or affiliated categories not organized in unions. (Wording by Decree-Law No. 229, of February 28, 1967)

Article 611-A. The collective bargaining and collective bargaining agreement shall prevail over the Law when, amongst others, they provide for: (Included by Law No. 13467, of 2017)

I – agreement regarding the working day, observing the constitutional limits; (Included by Law No. 13467, of 2017)

II – annual banked hours; (Included by Law No. 13467, of 2017)

III – break during work shifts, complying with the minimum limit of thirty minutes for hours exceeding six hours; (Included by Law No. 13467, of 2017)

IV – adherence to the Employment-Insurance Program (PSE), as dealt with by Law No. 13.189, of November 19, 2015; (Included by Law No. 13467, of 2017)

V – plan of positions, salaries and roles compatible with the employee's personal condition, as well as identification of the positions that fit as positions of trust; (Included by Law No. 13467, of 2017)

VI – business regulation; (Included by Law N. 13467, of 2017)

VII – representative of employees in the workplace; (Included by Law No. 13467, of 2017)

VIII – teleworking, on-call and intermittent work; (Included by Law No. 13467, of 2017)

IX – remuneration for productivity, including tips perceived by the employee, and remuneration for individual performance; (Included by Law No. 13467, of 2017)

X – register of working hours; (Included by Law No. 13467, of 2017)

XI – holiday day exchange; (Included by Law No. 13467 of 2017)

XII – classification of unhealthiness; (Included by Law N. 13467, of 2017)

XIII – extension of working hours in unhealthy environments, without prior license from the competent authorities of the Ministry of Labor; (Included by Law No. 13467, of 2017)

XIV – incentive premiums on goods or services, possibly granted in incentive programs; (Included by Law No. 13,467, of 2017)

XV – share in the company's profits or income. (Included by Law No. 13467, of 2017)

Paragraph 1. When reviewing the collective bargaining or collective bargaining agreement, the Labor Court will follow the provisions of Paragraph 3 of Article 8 of this Consolidation. (Included by Law No. 13467, of 2017)

Paragraph 2. The absence of an express indication of reciprocal counterparts in a collective labor or collective bargaining agreement shall not give rise to its nullity as it does not result in a vice to the legal business. (Included by Law No. 13467, of 2017)

Paragraph 3. If a clause that reduces wages or hours is agreed, the collective labor or collective bargaining agreement shall provide for the protection of employees against unmotivated dismissal during the term of the collective instrument. (Included by Law No. 13467, of 2017)

Paragraph 4. In the event of an action for annulment of a clause of the collective labor or collective bargaining agreement, when there is a compensatory clause, it shall also be annulled, without repeating the undue payment. (Included by Law No. 13467, of 2017)

Paragraph 5. The unions entering into a collective labor or collective bargaining agreement shall participate, as compulsory joinders, in individual or collective proceedings, whose purpose is the annulment of items in these instruments. (Included by Law No. 13467, of 2017)

Article 611-B. The suppression or reduction of the following rights, exclusively, shall be considered unlawful object of a collective labor or collective bargaining agreement: (Included by Law No. 13467, of 2017)

I – professional identification rules, including annotations in the Labor and Social Security ID Card; (Included by Law No. 13467, of 2017)

II - unemployment insurance in case of involuntary unemployment; (Included by Law No. 13467, of 2017)

III - value of monthly deposits and severance pay from the Government Severance Indemnity Fund for Employees (FGTS); (Included by Law No. 13467, of 2017)

IV - minimum wage; (Included by Law No. 13,467, of 2017)

V – nominal value of the thirteenth salary; (Included by Law No. 13,467, of 2017)

VI – pay for night work higher than that for day work; (Included by Law No. 13467, of 2017)

VII – protection of wages in accordance with the Law, constituting a felony withholding; (Included by Law No. 13467, of 2017)

VIII – family allowance; (Included by Law No. 13467, of 2017)

IX – weekly paid rest; (Included by Law No. 13467, of 2017)

X – remuneration for overtime, at least 50% (fifty percent) higher than normal; (Included by Law No. 13467, of 2017)

XI – number of vacation days due to the employee; (Included by Law No. 13467, of 2017)

XII – enjoyment of annual paid vacation with at least a third more than the normal salary; (Included by Law No. 13467, of 2017)

XIII – maternity leave with a minimum duration of one hundred and twenty days; (Included by Law No. 13467, of 2017)

XIV – paternity leave under the terms established by Law; (Included by Law No. 13467, of 2017)

XV – protection of the woman's labor market, through specific incentives, under the terms of the Law; (Included by Law No. 13467, of 2017)

XVI – prior notice proportional to the length of service, being at least thirty days, under the terms of the Law; (Included by Law No. 13467, of 2017)

XVII – health, hygiene and safety of work standards pursuant to the Law or regulatory standards of the Ministry of Labor; (Included by Law No. 13467, of 2017)

XVIII – additional remuneration for painful, unhealthy or dangerous activities; (Included by Law No. 13467, of 2017)

XIX – retirement; (Included by Law No. 13467, of 2017)

XX – insurance against accidents at work, to be paid by the employer; (Included by Law No. 13467, of 2017)

XXI – proceedings, regarding credits resulting from employment relationships, with a statutory term of five years for urban and rural employees, up to a limit of 2 (two) years after the termination of the employment contract; (Included by Law No. 13467, of 2017)

XXII – prohibition of any discrimination with respect to salary and start criteria for disabled employees; (Included by Law No. 13467, of 2017)

XXIII – prohibition of nightly, dangerous or unhealthy work for children under eighteen and of any work for children under sixteen, except as an apprentice, from the age of fourteen; (Included by Law No. 13467, of 2017)

XXIV – legal protection measures for children and adolescents; (Included by Law No. 13467, of 2017)

XXV - equal rights between the employee with permanent employment and the individual employee; (Included by Law No. 13467, of 2017)

XXVI – freedom of professional or union association of the employee, including the right not to suffer, without his express and prior consent, any charge or wage discount established in collective labor or collective bargaining agreement; (Included by Law No. 13467, of 2017)

XXVII – right to strike, the employees being responsible for deciding on the opportunity to exercise it and on the interests that they shall defend through it; (Included by Law No. 13467, of 2017)

XXVIII – legal definition of essential services or activities and legal provisions on meeting the urgent requirements of the community in the event of a strike; (Included by Law No. 13467, of 2017)

XXIX - taxes and other credits from third parties; (Included by Law No. 13467, of 2017)

XXX – the provisions provided for in Articles 373-A, 390, 392, 392-A, 394, 394-A, 395, 396 and 400 of this Consolidation. (Included by Law No. 13467, of 2017)

Sole Paragraph. Rules on working hours and breaks are not considered health, hygiene and safety standards for the purposes of this Article. (Included by Law No. 13467, of 2017)

Article 612. Unions may only enter into a Collective Agreement or Collective Bargaining Agreement if a decision to that effect has been taken by a General Meeting specially convened for that purpose in accordance with the relevant provisions in the By-laws; the quorum for attendance and voting at such a meeting shall, on the first convocation, be 2/3 (two-thirds) of members of the union or the persons concerned (depending on whether the instrument is an agreement or a bargaining agreement) and, on the second convocation, 1/3 (one-third). (Wording by Decree-Law No. 229, of February 28, 1967)

Sole Paragraph. The quorum for attendance and voting in a union with more than 5,000 (five thousand) members shall, on the second convocation, be 1/8 (one-eighth) of the total memberships. (Included by Decree-Law No. 229, of February 28, 1967)

Article 613. A Collective Agreement or Collective Bargaining Agreement shall invariably contain the following information: (Wording by Decree-Law No. 229, of February 28, 1967)

I - the names of the unions, or the unions and companies, parties to the agreement; (Included by Decree-Law No. 229, of February 28, 1967)

II - the term of contract; (Included by Decree-Law No. 229, of February 28, 1967)

III - the categories of classes of employees covered by its provisions; (Included by Decree-Law No. 229, of February 28, 1967)

IV - the agreed conditions that are to govern individual employment relationships during the term of contract; (Included by Decree-Law No. 229, of February 28, 1967)

V - rules for the settlement of disputes arising between the signing parties in connection with its enforcement; (Included by Decree-Law No. 229, of February 28, 1967)

VI - provisions as to the procedure for extending it or revising the clauses, either fully or in part; (Included by Decree-Law No. 229, of February 28, 1967)

VII - the rights and obligations of the employers and employees; (Included by Decree-Law No. 229, of February 28, 1967)

VIII - the penalties to be incurred by the unions, or employers and employees, as the case may be, in the event of noncompliance with its provisions. (Included by Decree-Law No. 229, of February 28, 1967)

Sole Paragraph. Every Collective Agreement or Collective Bargaining Agreement shall be made in writing, without any alterations or erasures, and in as many copies as there are unions or companies that are parties to it, plus one copy for purposes of registration. (Included by Decree-Law No. 229, of February 28, 1967)

Article 614. Unions or companies shall, within 8 (eight) days from signing the agreement, make arrangements, either jointly or separately, for a copy to be filed for purposes of registration and filing with the National Labor Secretariat, if the instrument has a national or interstate nature, or with the regional offices of the Ministry of Labor and Social Security, in the remaining cases. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 1. A Collective Agreement or Collective Bargaining Agreement shall come into effect 3 (three) days after it has been sent to the authorities referred to in this Article. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 2. A certified copy of every Collective Agreement or Collective Bargaining Agreement shall be displayed in a visible place by the entities, in their head offices and the companies within the scope of their businesses, within 5 (five) days from the sending for filing as provided for in this Article. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 3. The duration of a collective labor or collective bargaining agreement exceeding 2 (two) years shall not be allowed, and ultra-activity is prohibited. (Wording by Law No. 13467, of 2017)

Article 615. The process of extending, revising, claiming or canceling a Collective Agreement or Collective Bargaining Agreement, whether fully or in part, shall invariably be subject to the approval of a General Meeting of the unions or signing parties, pursuant to the provisions of Article 612. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 1. Whenever a Collective Agreement or Collective Bargaining Agreement is extended, revised, claimed or canceled, the document shall be filed for purposes of registration and filing before the authority with which the agreement or contract was originally filed under the terms of Article 614. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 2. Any amendment made to a Collective Agreement or Collective Bargaining Agreement as a result of the revision or cancellation of its clauses shall come into effect 3 (three) days after the filing provided for in Paragraph 1. (Included by Decree-Law No. 229, of February 28, 1967)

Article 616. No union representing economic or professional categories and no company, even if it is not represented by a union, may refuse to engage in collective bargaining, if invited to do so. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 1. Whenever a union or company notices refusal to engage in collective bargaining, it shall then inform the National Labor Secretariat or the regional offices of the Ministry of Labor and Social Security, as the case may be, so that a summons may be served on the union or company refusing to bargain. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 2. Whenever any party persists in its refusal to engage in collective bargaining by ignoring the summons served by the National Labor Secretariat or the regional offices of the Ministry of Labor and Social Security or whenever the negotiations fail, the unions or companies

concerned may commence a collective labor dispute. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 3. Whenever a Collective Agreement, Collective Bargaining Agreement or Binding Award is currently in effect, the collective labor dispute shall be filed within 60 (sixty) days before expiration. (Wording by Decree-Law No. 424, of January 21, 1969)

Paragraph 4. It shall not be allowed to commence a collective labor dispute of an economic nature until all possibilities of entering into a Collective Agreement or Collective Bargaining Agreement have been exhausted. (Included by Decree-Law No. 229, of February 28, 1967)

Article 617. Whenever the persons employed in one or more companies decide to enter into a Collective Bargaining Agreement with their company or companies, they shall give notice of their intention in writing to the union representing their professional category, which shall have 8 (eight) days to take charge of the negotiations between the parties; the same procedure shall be observed by the companies concerned in relation to the union representing their economic category. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 1. If the union fails to carry out the duty within 8 (eight) days, the parties concerned may draw the matter to the attention of the federation to which the union belongs or, if there is no such federation, the corresponding confederation, so that it can take charge of the negotiations within the same time limit. On the expiry of this latter period the parties may proceed with negotiations directly up to their conclusion. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 2. The union shall convene a general meeting of the persons directly concerned, whether unionized or not, to discuss the Collective Bargaining Agreement under the terms of Article 612. (Included by Decree-Law No. 229, of February 28, 1967)

Article 618. Companies and institutions not covered by the classification for membership of unions referred to in Article 577 of this Consolidation may enter into Collective Agreements with the unions representing their employees, as provided for in this Title. (Wording by Decree-Law No. 229, of February 28, 1967)

Article 619. No provision of an individual employment contract that conflicts with the terms or a Collective Agreement or Collective Bargaining Agreement shall take precedence over the latter and, therefore, shall be null and void. (Wording by Decree-Law No. 229, of February 28, 1967)

Article 620. The conditions established in a collective employment agreement shall always prevail over those stipulated in a collective bargaining. (Wording by Law No. 13467, of 2017)

Article 621. The items of a Collective Agreement or Collective Bargaining Agreement may include provisions as to the company and operation of joint committees for consultation and collaboration at the level of the company and as to profit sharing. Such provisions shall state how such committees are to be set up, how they are to operate, what their powers and duties are to be and, whenever appropriate, how the profit-sharing scheme is to apply. (Wording by Decree-Law No. 229, of February 28, 1967)

Article 622. Employers and employees entering into individual employment contracts which set forth conditions contrary to the provisions of a Collective Agreement or Collective Bargaining Agreement that applies to them shall be liable to the fine provided for therein. (Wording by Decree-Law No. 229, of February 28, 1967)

Sole Paragraph. The fine to be imposed on the employee shall not exceed half the fine to which the employer would be liable in the same conditions. (Wording by Decree-Law No. 229, of February 28, 1967)

Article 623. Any provision in a Collective Agreement or Collective Bargaining Agreement which directly or indirectly conflicts with any ban or rule part of the Government's economic and financial policy or the wage policy currently in effect shall be null and void and shall not be enforced before any public authority or government Secretariat, even for the purpose of revising the prices or wages of goods or services. (Wording by Decree-Law No. 229, of February 28, 1967)

Sole Paragraph. In the cases covered by this Article the fact that a provision is null and void shall be declared, either automatically or through a claim, by the Minister of Labor and Social Security or by a Labor Court in proceedings brought before it. (Included by Decree-Law No. 229, of February 28, 1967)

Article 624. The validity of any clause increasing or adjusting wage shall, if it results in any increase in fees or wages controlled by any public authority or government Secretariat, be subject to prior consideration by such authority or Secretariat and to express statement regarding the possibility of increasing the fees or wages concerned, and to what extent. (Wording by Decree-Law No. 229, of February 28, 1967)

Article 625. Any disputes arising from enforcement of any Collective Agreement or Collective Bargaining Agreement entered into in accordance with this Title shall be settled by the Labor Courts. (Wording by Decree-Law No. 229, of February 28, 1967)

TITLE VI-A

PRIOR CONCILIATION COMMISSION

Article 625-A. Enterprises and unions may create Prior Conciliation Commissions composed of equal numbers of employee and employer representatives, with the duty of trying to reconcile individual labor conflicts. (Included by Law No. 9958, of January 12, 2000)

Sole Paragraph. The Commissions referred to in the head provision of this Article may be constituted by Panels of enterprises or several labor unions. (Included by Law No. 9958, of January 12, 2000)

Article 625-B. A Commission created within the scope of the enterprise shall be composed of at least 2 (two) and with the maximum of 10 (ten) members, and it shall observe the following standards: (Included by Law No. 9958, of January 12, 2000)

I - half of its members shall be appointed by the employer and the other half shall be elected by the employees, in secret ballot, audited by the union for the professional category; (Included by Law No. 9958, of January 12, 2000)

II - the Commission shall have as many deputy representatives as there are regular representatives; (Included by Law No. 9958, of January 12, 2000)

III - the mandate of its members, both regular and deputy, shall be for one year, renewal being permitted. (Included by Law No. 9958, of January 12, 2000)

Paragraph 1. Dismissal of employees' representatives who are members of the Prior Conciliation Commissions, both regular members and deputies, is forbidden for up to one year after the end of the mandate, unless they commit a serious violation under the terms of the Law. (Included by Law No. 9958, of January 12, 2000)

Paragraph 2. Employees' representatives shall carry out their normal work in the enterprise, being absent from their activities only when summoned to act as conciliator, and the time spent in that activity shall be counted as time of actual work. (Included by Law No. 9958, of January 12, 2000)

Article 625-C. A Commission created within the scope of the union shall have its creation and operation standards defined in a collective convention or agreement.(Included by Law No. 9958, of January 12, 2000)

Article 625-D. Any labor claim shall be submitted to the Prior Conciliation Commission in the location in which the services are rendered if the Commission has been created within the scope

of the enterprise or the union of the professional category in reference. (Included by Law No. 9958, of January 12, 2000)

Paragraph 1. The claim shall be in writing by any of members of the Commission, and a signed and dated copy shall be delivered by the member to the interested parties. (Included by Law No. 9958, of January 12, 2000) (Refer to ADIN 2139) (Refer to ADIN 2160) (Refer to ADIN 2237)

Paragraph 2. If the conciliation does not succeed, a declaration of the frustrated conciliation attempt shall be provided to the employee and the employer with the description of its object, which shall be signed by members of the Commission and shall be attached to the possible labor complaint. (Included by Law No. 9958, of January 12, 2000) (Refer to ADIN 2139) (Refer to ADIN 2160) (Refer to ADIN 2237)

Paragraph 3. In the case of a relevant reason resulting in the impossibility to comply with the head provision of this Article, the circumstance shall be declared in the complaint filed before the Labor Courts shall. (Included by Law No. 9958, of January 12, 2000) (Refer to ADIN 2139) (Refer to ADIN 2160) (Refer to ADIN 2237)

Paragraph 4. If there are an Enterprise Commission and a Union Commission in the same place for the same category, the interested party shall choose one of them to submit their claim to, being the one that first considers the request competent. (Included by Law No. 9958, of January 12, 2000) (Refer to ADIN 2139) (Refer to ADIN 2160) (Refer to ADIN 2237)

Article 625-E. Once the conciliation is accepted, the conclusion shall be written and signed by the employee, the employer or his representative and by members of the Commission, all parties being provided a copy thereof. (Included by Law No. 9958, of January 12, 2000)

Sole Paragraph. The conclusion of the conciliation in writing is an enforceable instrument and shall have a general release effect, except for the installments as expressly reserved. (Included by Law No. 9958, of January 12, 2000)

Article 625-F. Prior Conciliation Commissions shall have a period of 10 days to hold the session to attempt conciliation, as from the date of the interested party's claim.. (Included by Law No. 9958, of January 12, 2000)

Sole Paragraph. Once the period has elapsed without a session being held, the declaration to which paragraph 2 of Article 625-D refers shall be provided on the last day of the period. (Included by Law No. 9958, of January 12, 2000)

Article 625-G. The period of limitations shall be suspended from the date the claim is brought up to the Prior Conciliation Commissions, and the shall resume with the frustrated attempt

at conciliation or from the elapse of the period provided for in Article 625-F. (Included by Law No. 9958, of January 12, 2000)

Article 625-H. The provisions of this Tile shall apply to Inter-Union Centers of Labor Conciliation in operation or those that shall be created, as applicable, provided that the principles of parity and of collective negotiation are observed in their constitution. (Included by Law No. 9958, of January 12, 2000)

Article 626. The competent authorities of the Ministry of Labor, Industry and Commerce, or the authorities which perform duties by delegation, shall be responsible for supervision of strict compliance with the rules for the protection of labor.

Sole Paragraph. The Labor Court's Inspectors of the Social Insurance Institutions and the Quasi-governmental Entities in general connected to the Ministry of Labor, Industry and Commerce shall be competent to exercise the supervision provided for in this Article, in accordance with instructions to be issued by the Minister of Labor, Industry and Commerce.

Article 627. For the guidance of persons responsible for compliance with the laws for the protection of labor, inspection shall follow the double visits criterion in the following cases:

a) on the promulgation or enactment of new laws, regulations or ministerial instructions, exclusively for the purpose of instructing the persons responsible for complying with these laws, regulations or ministerial instructions;

b) on the occasion of the first inspection of companies or workplaces which have been recently incorporated or established.

Article 627-A. A special procedure for tax proceedings may be created, aiming at providing guidance on compliance with labor protection laws, as well as preventing and remedying violations of legislation through a Term of Commitment, in the manner to be provided for in the Labor Inspection Regulation. (Included by Provisional Presidential Decree No. 2164-41, of 2001)

Article 628. Except as provided for in Articles 627 and 627-A, any verification in which the Labor Auditor comes to the conclusion that there is a violation of legal principles shall result, under the penalty of administrative responsibility, in the issuance of a violation notice. (Wording by Provisional Presidential Decree No. 2164-41, of 2001)

Paragraph 1. Every company shall be required to keep a journal named “Labor Inspection”, in such form as may be approved by ministerial order. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 2. A Labor Court's Inspector shall register their visit of inspection in this journal and shall state the date on which and time at which the visit began and ended, their findings and, whenever appropriate, any irregularities discovered or orders given, with the corresponding periods for compliance; they shall also make a legible annotation, giving information of their official status. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 3. Whenever it is proved that A Labor Court's Inspector has acted in bad faith by omitting any detail from the journal or by including any detail in it, they shall be deemed to have committed a serious breach of their duties and shall accordingly be suspended for a maximum of 30 (thirty) days; if the violation recurs, an administrative inquiry shall invariably be held. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 4. A Labor Court's Inspector’s report on a non-existent company or the enterprise with a non-existent address, as well as fake notice of violations, shall be deemed to have committed a serious misconduct, punishable under the terms of Paragraph 3. (Included by Decree-Law No. 229, of February 28, 1967)

Article 629. The notice of violation of a violation shall be written in duplicate, under the terms of samples and instructions issued; one copy shall be handed to the offender in return for a receipt or sent to them by registered post within 10 (ten) days of its preparation, together with a sealed envelope for the acknowledgment of receipt; an official failing to observe this procedure shall be subject to the consequences. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 1. The value of the notice of violation as evidence shall not depend on it being signed by the offender or by any witnesses; the notice of violation shall be written in the premises inspected, unless a valid reason to the contrary is stated in the notice of violation itself, in which case it shall be prepared within 24 (twenty-four) hours; an official failing to observe this procedure shall be liable to the consequences. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 2. Once the notice of violation on a violation has been prepared, it shall not be canceled and the course of proceedings shall not be suspended; the Labor Court's Inspector shall submit the notice of violation to the competent authority, even if an error has been made. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 3. The offender shall have 10 (ten) days, considered from the receipt of the notice of violation, to prepare their defense. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 4. The notice of violation shall be registered, with a brief account of the main elements, in a special journal to be kept by each inspection service, so that a follow-up is ensured. (Included by Decree-Law No. 229, of February 28, 1967)

Article 630. A Labor Court's Inspector shall not exercise the powers or perform the duties of their office without providing their official identity card prepared by the competent authority and duly countersigned. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 1. It is prohibited to issue an official identity card to any person who is not empowered by reason of his post or office to carry out inspection duties in the field of labor legislation. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 2. The identity card referred to in this Article shall be returned for cancellation, subject to the penalties provided for by Law, if the holder is transferred to another public post, dismissed from their duties or resigns, or if they are granted leave of absence for more than 60 (sixty) days or is suspended. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 3. A Labor Court's Inspector shall have free access to all sectors of a company subject to labor legislation and every employer, through their managers or agents, shall be obliged to provide the Labor Court's Inspector with the explanations required for carrying out their duties and provide them, upon request, any documents proving strict compliance with the provisions governing the protection of labor. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 4. All documents subject to inspection shall, under the penalties provided for by Law, be kept in the workplaces concerned, and shall only be allowed to be provided on a day and at a time stipulated by the Labor Court's Inspector beforehand by way of exception and subject to the approval of the competent authority. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 5. Within their work area Labor Court's Inspectors shall be entitled to free transport by any public or private transport companies, upon providing their official identity card. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 6. Any person failing to comply with Paragraphs 3, 4 and 5 shall be deemed to have resisted or interfere withed inspection and their actions shall be the subject to a notice of violation punishable by a fine equal to ½ (half) to up to 5 (five) times the regional reference value of the minimum wage, taking to account not only any extenuating or aggravating circumstances but also the offender's financial situation and the means available for them to comply with the Law. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 7. For the purposes of Paragraph 5 the competent authority shall publish a list, in the months of January and July each year, of the Labor Court's Inspectors holding official identity cards. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 8. Upon request, police authorities shall provide Labor Court's Inspectors with the assistance they require for the proper exercise of their statutory powers. (Included by Decree-Law No. 229, of February 28, 1967)

Article 631. Every public official, whether federal, state or municipal, and every legal representative of a union may communicate the Ministry of Labor, Industry and Commerce on violations.

Sole Paragraph. Upon receiving such information, the competent authority shall make the necessary investigations and shall issue a notice of violation as may be appropriate.

Article 632. The defendant shall be entitled to request that witnesses be heard and investigations made as necessary for the clarification of the case; nevertheless, the authority shall decide regarding the need for such evidence.

Article 633. (Revoked by Law No. 13874, of 2019)

Article 634. In default of any special provision, fines shall be imposed by the regional authorities competent for labor matters, in the manner provided for by this Title.

Sole Paragraph. The imposition of a fine shall not exempt the offender from any liabilities which they may incur on account of a violation of the criminal laws.

Paragraph 1. The imposition of a fine shall not exempt the offender from any liabilities which they may incur on account of a violation of the criminal laws. (Wording by Law No. 13467, of 2017)

Paragraph 2. The amounts of administrative fines established in local currency shall be adjusted annually by the Reference Wage (TR), released by the Central Bank of Brazil, or by the index that replaces it. (Included by Law No. 13467, of 2017)

CHAPTER II

APPEALS

Article 635. Any person being imposed a fine for a violation of the Labor Laws and regulations shall be entitled, if no provision has been made for any special procedure, to appeal to the Director-General of the competent Secretariat or service of the Ministry of Labor and Social Security. (Wording by Decree-Law No. 229, of February 28, 1967)

Sole Paragraph. The reasons for a decision shall be given. (Included by Decree-Law No. 229, of February 28, 1967)

Article 636. Every appeal shall be filed, within 10 (ten) days of receipt of the notice, before the authority that imposed the fine; after processing the appeal, the mentioned authority shall refer it to the immediate higher authority. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 1. No action on an appeal shall be taken unless the appellant provides evidence of having deposited the fine. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 2. Notice shall be given by an announcement in the official press only if the offender's whereabouts is uncertain or unknown. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 3. Notice given under the terms of this Article shall also indicate a time limit of 10 (ten) days for the offender to p the fine; under penalty of collection by distraint. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 4. The deposit or payment guidelines shall be issued in 3 (three) copies and the payment of the fine shall be made within 5 (five) days to the competent federal bureaus that shall record the credit to the Ministry of Labor and Social Security. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 5. The second copy of the guidelines of payment shall be returned by the offender to the bureau that issued it, up to the sixth day after its issuance, in order for the bureau to make a register of the procedure. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 6. The fine shall be reduced by 50% (fifty percent) if the offender does not appeal and pays the amount to the Treasury within 10 (ten) days, from receipt of the notice or its publishing in the official press. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 7. For enforcement of Paragraph (6), the offender shall attach proof of the date of receipt of the notice to the notification or to the page of the official press that published it. (Included by Decree-Law No. 229, of February 28, 1967)

Article 637. The authorities responsible for any decision taken in proceedings for a violation of the Labor Laws which entails the filing of the case, subject to the Sole Paragraph of Article 635, shall automatically refer the matter to the immediate higher authority. (Wording by Decree-Law No. 229, of February 28, 1967)

Article 638. The Minister of Labor, Industry and Commerce shall have power to request that matters relating to supervision of the rules set forth in this Consolidation be referred to them for evaluation and decision, within a time limit of 90 (ninety) days from the final decision in the case or in the course of the proceedings.

CHAPTER III

DEPOSITS, REGISTRATION AND COLLECTION

Article 639. If the appeal is granted, the deposit shall be used to pay the fine.

Article 640. The Regional Labor Offices, acting on instructions from the Minister of State, may arrange for fines to be paid voluntarily, before proceedings are instituted for collection by distraint. (Wording by Decree-Law No. 229, of February 28, 1967)

Article 641. If the offender fails to appear before an authority, or fails to deposit the amount of the fine or penalty, the appropriate annotation shall be made in a special register, kept in the Secretariat where the fine or penalty was imposed, or where the claim was originally filed; a certified true copy of the mentioned annotation shall be sent to the competent authority for the purpose of collection by judicial proceedings, and the document in reference shall be considered a proof of bond.

Article 642. The judicial proceedings for collecting fines imposed by labor administrative authorities shall be in compliance with the legislation applicable to collection of the Federal Government's overdue tax liabilities, and they shall be instituted in the Federal District and in capital cities of the States where there are Regional Labor Courts, by the State Labor Prosecution Service and in other locations, by the State and Acre Territory Prosecution Service, in accordance with the provisions of Decree-Law No. 960 of December 17, 1938.

Sole Paragraph. In the state of São Paulo, collection shall continue to be under the responsibility of the Prosecution Service of the State Labor Secretariat, under the terms of the agreement in effect.

TITLE VII-A

(Included by Law No. 12.440, of 2011)

PROOF OF NO LABOR DEBTS

Article 642-A. The Labor Debt Clearance Certificate (CNDT), issued free of charge and digitally, is issued to prove there are no unpaid debts before the Labor Court. (Included by Law No. 12.440, of 2011)

Paragraph 1. The interested party shall not be issued with a clearance certificate when they are involved with: (Included by Law No. 12.440, of 2011)

I – failure to comply with the obligations established in an unappealable judgment of

conviction rendered by the Labor Court or in labor judicial agreements, including with respect to Social Security payments, fees, costs, emoluments or payments determined by Law; (Included by Law No. 12.440, of 2011)

II – failure to comply with obligations arising from the execution of agreements signed before the Labor Prosecution Service or the Prior Conciliation Commission. (Included by Law No. 12.440, of 2011)

Paragraph 2. Once the existence of debts guaranteed by lien or with suspended liability is verified, a Labor Debt Certificate shall be issued in the name of the interested party with the same effects as the CNDT. (Included by Law No. 12.440, of 2011)

Paragraph 3. CNDT will certify the company in relation to all its companies, agencies and branches. (Included by Law No. 12.440, of 2011)

Paragraph 4. The CNDT's validity period is 180 (one hundred and eighty) days, counted from the date of its issuance. (Included by Law No. 12.440, of 2011)

TITLE VIII

LABOR COURTS

CHAPTER I

INTRODUCTION

Article 643. Disputes arising from relations between employers and employees, as well as between independent employees and those who are paid for their services, in activities which are governed by social legislation shall be settled by the Labor Courts, in accordance with this Title and in the manner provided for by the rules of labor judicial procedures. (Wording by Law No. 7494 of June 17, 1986)

Paragraph 1. Matters concerning Social Security shall be decided by the bodies and authorities provided for in Chapter V of this Title and in the social insurance legislation. (Refer to Law No. 3.807, of 1960)

Paragraph 2. Matters relating to work accidents shall continue to be under the jurisdiction of the ordinary courts in the manner provided for by Decree No. 24,637 of July 10, 1934

Paragraph 3. Labor Courts are also competent to process and judge the proceedings between port employees and port operators or the Labor Management Body – OGMO arising from the employment relationship. (Included by Provisional Presidential Decree No. 2164-41, of 2001)

Article 644. Labor Courts shall consist of the following bodies: (Wording by Decree-Law No. 9797, of September 9, 1946)

a) the Superior Labor Court; (Wording by Decree-Law No. 9797, of September 9, 1946)

b) the Regional Labor Courts; (Wording by Decree-Law No. 9797, of September 9, 1946)

c) the Conciliation and Arbitration Boards or State Judges. (Wording by Decree-Law No. 9797, of September 9, 1946)

Article 645. The Services of the Labor Courts is relevant and mandatory, no one shall avoid it, except for a justified reason.

Article 646. The various bodies of the Labor Courts shall work in perfect coordination, with mutual collaboration, under the guidance of the Chief Justice of the Superior Labor Court.

CHAPTER II

CONCILIATION AND ARBITRATION BOARDS

(Refer to the Federal Constitution of 1988)

SECTION I

COMPOSITION AND PROCEDURE

Article 647. Every Conciliation and Arbitration Board shall consist of: (Refer to the Federal Constitution of 1988)

a) a labor judge, who shall be the President; (Wording by Decree-Law No. 9797, of September 9, 1946)

b) 2 (two) members, one representing the employers and the other, the employees. (Wording by Decree-Law No. 9797, of September 9, 1946)

Sole Paragraph. There shall be a substitute for each member. (Wording by Decree-Law No. 9797, of September 9, 1946)

Article 648. Relatives and others up to the third degree of consanguinity shall not be members of the same board. (Refer to the Federal Constitution of 1988)

Sole Paragraph. The member who was appointed or took up office first shall have priority; if both were appointed or took up office on the same date the decision shall be drawn by lot.

Article 649. The boards may hold conciliation hearings, review cases and judge regardless of the number of members present, provided that the President, who shall have a casting vote in the

event of a tie, is present. (Wording by Decree-Law No. 8737, of 1946) (Refer to the Federal Constitution of 1988)

Paragraph 1. When judging appeals, all members of a board shall be present. (Wording by Decree-Law No. 8737, of 1946) (Refer to the Federal Constitution of 1988)

Paragraph 2. The President shall act alone with respect to the execution and payment of decisions. (Wording by Decree-Law No. 8737, of 1946)

SECTION II

JURISDICTION AND COMPETENCE OF THE BOARDS

Article 650. The jurisdiction of each Conciliation and Arbitration Board shall cover the whole territory of the County where it is located, but may be extended or restricted only by Federal Law. (Wording by Law No. 5442, May 24, 1968) (Refer to the Federal Constitution of 1988)

Sole Paragraph. The local laws of Judicial Organization shall not influence jurisdiction of the Conciliation and Arbitration Boards already created, except as otherwise provided by by Federal Law. (Paragraph included by Decree-Law No. 8737, of 1946) (Refer to the Federal Constitution of 1988)

Article 651. Jurisdiction of the Conciliation and Arbitration Boards shall be decided with reference to the location where the employee, the plaintiff or the defendant perform services for the employer, even if the contract has been enter into in another location or abroad. (Refer to the Federal Constitution of 1988)

Paragraph 1. When an agent or commercial traveler is a party of a labor dispute, jurisdiction shall be of the Board in the location where the company has an agency or branch to which the employee is subordinate, in the absence of that, the Board of the location where the employee resides or the nearest location. (Wording by Law No. 9.851, of October 27, 1999) (Refer to the Federal Constitution of 1988).

Paragraph 2. In the absence of an international agreement containing a provision to the contrary, jurisdiction of the Conciliation and Arbitration Boards under this Article shall cover disputes which arise in agencies or branches in foreign countries, if the employee concerned is Brazilian. (Refer to the Federal Constitution of 1988)

Paragraph 3. If the employer requires work to be performed in a location other than the one specified in the employment contract, the employee shall be entitled to file a complaint either before

the court within the jurisdiction of the contract or before the court within jurisdiction of the services performed.

Article 652. The Labor Courts are responsible for: (Wording by Law No. 13467, of 2017)

a) reconcile and judge:

I – labor disputes in which recognition of employee stability is sought;

II – labor disputes concerning remuneration, vacations and indemnities due to termination of the individual employment contract;

III – labor disputes resulting from the contracts of works in which the contractor is an employee or craftsman;

IV – other labor disputes concerning the individual employment contract;

V – proceedings between port works and port operators or the Labor Management Body – OGMO resulting from the employment relationship; (Included by Provisional Measure No. 2164-41, of 2001)

b) process and judge investigations for determining serious misconduct;

c) hear appeals against their own decisions;

d) impose fines and other penalties related to acts within its competence; (Wording by Decree-Law No. 6353, of 03/20/1944.)

f) decide on the ratification of an out-of-court agreement on the Labor Court's jurisdiction. (Included by Law No. 13467, of 2017)

Sole Paragraph. Disputes regarding the payment of wages and those arising from the bankruptcy of the employer shall be given priority; whenever the complaint deals also with other matters, if the person concerned so requests, the President of the board may separate such disputes from the mentioned other matters and hear them as separate cases. (Refer to the Federal Constitution of 1988)

Article 653. The Conciliation and Arbitration Boards shall have the following additional powers and duties: (Refer to the Federal Constitution of 1988)

a) to request competent authorities to take any measures which may be necessary to clarify the cases submitted to them, and to take action against any authority which fails to comply with such a request;

b) to take measures and carry out legal procedures required by letters rogatory sent by a Regional Labor Court or by the Superior Labor Court;

c) to give judgment on challenges brought against their members;

d) to give judgment on motions regarding jurisdictions;

e) to send out letters rogatory and to comply with any which may be sent to them;

f) in general, in the interest of justice in matters relating to labor, to exercise all such powers and perform all such duties as may be in their jurisdiction.

SECTION III

PRESIDENTS OF THE BOARDS

(Refer to the Federal Constitution of 1988)

Article 654. Labor judges start in their careers as deputy labor judges. Subsequent appointments shall be made through promotion or, alternately, by seniority and merit. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 1. In the 7th and 8th Regions of the Labor Courts, in locations outside their respective headquarters, there shall be substitutes to the labor judge President of the Board, with no right to access appointed by the President of the Republic, amongst Brazilians, bachelors in Law, of recognized moral integrity, specialized in Labor Law, for a period of 2 (two) years, who may be reappointed. (Wording by Decree-Law No. 229, of February 28, 1967) (Refer to the Federal Constitution of 1988) (Refer to Decree-Law No. 388, of 1968)

Paragraph 2. Substitutes for labor judges will receive, when in office, salaries equal to those of the judges they replace. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 3. The deputy judges shall be appointed after passing a public selection through exams and certificates carried out by the Regional Labor Court of the Region, valid for 2 (two) years and extendable once, for the same period, at the same court's discretion, and organized in accordance with the instructions issued by the Chief Justice of the Superior Labor Court. (Wording by Law No. 6090, of July 16, 1974)

Paragraph 4. Registered candidates shall only be admitted to the selection after prior evaluation by the Regional Labor Court of the respective Region of the following requirements: (Wording by Decree-Law No. 229, of February 28, 1967)

a) A candidate shall be at least 25 (twenty-five) years old, but younger than 45 (forty-five) years old; (Wording by Decree-Law No. 229, of February 28, 1967)

b) A candidate shall have a good reputation for the performance of their duties. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 5. Vacant posts of President of Boards or those created by Law shall be filled within each Region: (Wording by Decree-Law No. 229, of February 28, 1967) (Refer to the Federal Constitution of 1988)

a) When another President is removed, seniority in office prevailing, if there is more than one request, provided that the removal is required, within 15 (fifteen) days of the opening of the vacancy by the Chief Judge of the Regional Court, who shall issue the respective act. (Wording by Law No. 6090, of July 16, 1974)

b) by promotion of the deputy, whose acceptance shall be optional, in accordance with the criteria of alternate seniority. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 6. Labor Judges, Presidents of the Board, Deputy Judges and Court deputies shall be installed before the Chief Judge of the Court of the respective Region. In States that do not have a seat of a Regional Labor Court, the installation shall take place before the Chief Judge of the Court of Justice, who shall submit the term to the Chief Judge of the Regional Court of the jurisdiction of the person installed. In the Territories, the installation shall take place before the Chief Judge of the Regional Court of the respective Region. (Wording by Decree-Law No. 229, of February 28, 1967) (Refer to the Federal Constitution of 1988)

Article 655 – The Presidents and the Deputy PRESIDENTS shall take up their offices before the Chief Judge of the Regional Court of their respective jurisdiction. (Wording by Decree-Law No. 8737, of 1946)

Paragraph 1. In the states where courts do not have headquarters, the investiture shall take place before the Chief Judge of the Court of Appeal, who shall send the respective document to the Chief Judge of the Regional Court of the Jurisdiction of the newly appointed. (Wording by Decree-Law No. 8737, of 1946)

Paragraph 2. In the Territories, the investiture shall take place before the Judge of Law of the capital, which shall proceed as provided for in Paragraph 1. (Wording by Decree-Law No. 8737, of 1946)

Article 656. A Deputy Labor Judge, provided that they are not a Deputy President of the Board, may be appointed to act on Conciliation and Arbitration Boards. (Wording by Law No. 8432, of June 11, 1992)

Paragraph 1. For the purpose mentioned in the head provision of this Article, the Regional territory may be divided into zones, including the jurisdiction of one or more Boards, at the discretion of the respective Regional Labor Court. (Included by Law No. 8432, of June 11, 1992)

Paragraph 2. The appointment referred to in the head provision of this Article shall be the duty of the Chief Judge of the Regional Labor Court or, if there is not a specific provision for such, of whoever shall be indicated. (Included by Law No. 8432, of June 11, 1992)

Paragraph 3. When Deputy Labor Judges are deputies of Presidents of the Boards, they shall receive their payments. (Included by Law No. 8432, of June 11, 1992)

Paragraph 4. The Chief Judge of the Regional Labor Court or, if there is not any specific provision, whoever they appoint, shall see to the distribution and transfer of the Deputy Judges between the different zones of the Region in the case in which such zones have been created in the manner of Paragraph 1 of this Article. (Included by Law No. 8432, of June 11, 1992)

Article 657. Presidents of the Boards and Deputy Presidents shall receive salary as established by Law. (Wording by Decree-Law No. 8737, of 1946) (Refer to the Federal Constitution)

Article 658. The main duties of The Presidents of the Boards, besides those that arise from the performance of their functions are: (Wording by Decree-Law No. 8737, of January 19, 1946) (Refer to the Federal Constitution)

a) to maintain impeccable public and private conduct; (Wording by Decree-Law No. 8737, of January 19, 1946)

b) to refrain from attending requests or recommendations related to the proceedings that have been or shall be submitted for their decision; (Wording by Decree-Law No. 8737, of January 19, 1946)

c) to reside within the limits of their jurisdiction, not absenting themselves without authorization of the Chief Judge of the Regional Court; (Wording by Decree-Law No. 8737, of January 19, 1946)

d) to order and perform all the duties arising from their functions, within the established time limits, being subject to a reduction in salary corresponding to one day’s salary for each day in delay. (I by Decree-Law No. 8737, of January 19, 1946)

Article 659. In addition to those specified in this TITLE and those arising from his office, the following powers and duties shall belong exclusively to the President of the board: (Refer to the Federal Constitution of 1988)

I - to preside over the hearings of the board; (Refer to the Federal Constitution of 1988)

II - to carry out their own decisions, those adopted by the board and any others which they may be instructed to carry out by letters regulatory; (Refer to the Federal Constitution of 1988)

III - to swear in members appointed to the boards, the secretary and the other clerical staffs; (Refer to the Federal Constitution of 1988)

IV - to convene the substitutes for members, when the latter are unable to act;

V. if any member fails to attend three consecutive meetings, without sufficient reason, to bring the matter to the President of the competent Regional Court for the purposes of Article 727;

VI - to forward appeals filed by the parties; they shall give reasons for the decision appealed against before transmitting the appeal to the Regional Court or shall submit the appeal to the board for decision, under the terms of Article 894; (Refer to the Federal Constitution of 1988)

VII - to sign the payment sheets of members and officials of the board;

VIII - not later than February 15th of each year, to submit to the Chief Judge of the Regional Court a report on the work of the preceding year;

IX. - To order a preliminary measure, until the final decision of labor claims which aim to annul a transfer under the terms of the paragraphs of Article 469 of this Consolidation; (Included by Law No. 6203, of April 17, 1975)

X - To order a preliminary measure, until the final decision of labor claims seeking to reintegrate a union official back into work after being removed, suspended or dismissed by an employer. (Included by Law No. 9270, of April 17, 1996)

SECTION IV

MEMBERS OF THE BOARDS

(Refer to the Federal Constitution of 1988)

Article 660. Members of the boards shall be appointed by the Chief Judge of the Regional Court of their jurisdiction. (Refer to the Federal Constitution of 1988)

Article 661. The following shall be required for the performance of the function of a member of the Board or deputy: (Refer to the Federal Constitution of 1988)

a) to be Brazilian; (Wording by Decree-Law No. 229, of February 28, 1967)

b) to maintain moral integrity;

c) to be over 25 (twenty-five) years of age and younger than 70 (seventy) years of age; (Wording by Decree-Law No. 229, of February 28, 1967)

d) to have full civil and political rights;

e) to be released from the obligation of military service;

f) to have had more than 2 (two) years of effective professional practice and to be a member of a professional association.

Sole Paragraph. The proof of professional practice to which item f of this Article refers shall be provided by means of a declaration of the respective Professional Association.

Article 662. The choice of members of the Boards and their deputies shall be made amongst the names on the lists that, for that purpose, is sent by first level unions to the Chief Judge of the Regional Court. (Refer to the Federal Constitution of 1988)

Paragraph 1. For this purpose, each employers' association and employees' union, with a territorial base within the area of the Board, shall proceed, totally or partly on the occasion determined by the Chief Judge of the Regional Court, to choose 3 (three) names for the list, holding an election pursuant to the provisions of Article 524 and Paragraphs 1 to 3. (Wording by Law No. 5657, of June 4, 1971)

Paragraph 2. Once the lists are received by the Chief Judge of the Regional Court, they shall designate the names of members of the Board and their respective deputies within five days, conferring upon them a certificate, which shall be provided when they take office.

Paragraph 3. Within 15 days of the date of taking office, the investiture of a Member of the Board or of a deputy may be challenged by any interested party, not as supersedeas, by means of a complaint directed to the Chief Judge of the Regional Court.

Paragraph 4. Once the complaint is received, the Chief Judge of the Court shall immediately appoint a rapporteur, who, may arrange for witnesses to be heard and order measures, if necessary, in the fastest manner, finally sending the complaint to the Court for a decision in the first session. (Wording by Law No. 2.244, of June 23, 1954)

Paragraph 5. If the Court finds the challenge proper, the President shall provide the appointment of new Members of the Board or deputies. (Wording by Decree-Law No. 229, of February 28, 1967)

Paragraph 6. In the absence of a recommendation from the unions, the names for representatives of the respective professional economic categories on the Conciliation and Arbitration Boards, or in locations without unions, shall be freely appointed by the Chief Judge of the Regional Labor Court, observing the requirements for the performance of their offices. (Paragraph included by Decree-Law No. 229, of February 28, 1967) (Refer to the Federal Constitution of 1988)

Article 663. The term of office of members of the boards and their substitutes shall be 3 (three) years; a person who has served without interruption for half or the mentioned period may, they so request, be released from further service. (Wording by Law No. 2.244, of June 23, 1954) (Refer to the Federal Constitution of 1988)

Paragraph 1. If a member is released from service as provided for in this Article, or in the event of a member's inability to act, death or resignation, such member's place shall be taken by their substitute, who shall be called by the President of the board. (Wording by Law No. 2.244, of June 23, 1954) (Refer to the Federal Constitution of 1988)

Paragraph 2. In the absence of a substitute on account of inability to act, death or resignation, a new member and substitute shall be appointed, from the persons on the lists mentioned in Article 662; the persons appointed shall serve until the expiry of the term of office of the board.

Article 664. members of the boards and their substitutes shall take office before the President of the board in which they are to serve. (Refer to the Federal Constitution of 1988)

Article 665. During their term of office members of the boards and their substitutes shall have the same prerogatives as members of juries.

Article 666. Members of boards and their substitutes shall receive the payment fixed by Law for each hearing they attend, subject to a maximum of 20 (twenty) hearings per month. (Refer to the Federal Constitution of 1988)

Article 667. In addition to those mentioned in Article 665, members of the boards shall have the following prerogatives: (Refer to the Federal Constitution of 1988)

a) to attend meetings of the court to which they belong;

b) to advise the parties to settle their dispute by conciliation;

c) to vote on decisions regarding cases and matters relating to the internal regulations of the court, which are submitted to them for discussion;

d) to request that the documents be submitted to them for a period of 24 (twenty-four) hours;

e) through the President, to make questions to the litigants, witnesses and experts for the clarification of the case,

CHAPTER III

STATE JUDGES

Article 668. In locations not included within the area of jurisdiction of a Conciliation and Arbitration Board, the State Judges shall be the bodies responsible for the administration of justice in labor matters, with the jurisdiction provided for them by the local Judiciary Act. (Refer to the Federal Constitution of 1988)

Article 669. Jurisdiction of the State Judges when responsible for the administration of justice in labor matters shall be the same as that of the Conciliation and Arbitration Boards in accordance with Section II of the preceding Chapter.

Paragraph 1. In locations where there is more than 1 State Judge, jurisdiction shall be decided, between the civil judges, by allocation or according to the local judiciary Section, in accordance with the local Judiciary Act.

Paragraph 2. If the criterion of jurisdiction in the Judiciary Act differs from that provided for in the preceding Paragraph, the senior civil judge shall take jurisdiction.

CHAPTER IV

REGIONAL LABOR COURTS

SECTION I

COMPOSITION AND OPERATIONS

Article 670 – The Regional Courts on the 1st and 2nd Regions shall be composed of eleven lifelong court judges and six temporary labor lay judges; those of the 3rd and 4th Regions, of eight lifelong court judges and 2 (two) temporary labor lay judges; those of the 5th and 6th Regions of seven lifelong court judges and 2 (two) temporary labor lay judges; those of the 7th and 8th Regions

of six lifelong court judges and 2 (two) temporary labor lay judges, all appointed by the President of the Republic. (Wording by Law No. 5442, of May 24, 1968)

Paragraph 1. There is a first substitute and a second substitute for the President and one substitute for each member. (Included by Decree-Law No. 9.398, of 06/21/1946) (Refer to Decree-Law No. 9.519, of 1946)

Paragraph 2. In the Regional Courts composed of 6 or more lifelong Judges and less than 11 Judges in total, one of them shall be chosen from amongst lawyers and one from amongst members of the Prosecution Service connected to Labor Courts and the other from amongst Labor Judges, Presidents of the Boards of the respective Region, in the manner provided for in the preceding paragraph. (Wording by Law No. 5442, of May 24, 1968)

Paragraph 3. (VETOED).

Paragraph 4. The lay judges referred to in this Article shall represent employers and employees equally. (Included by Law No. 5442, of May 24, 1968)

Paragraph 5. There shall be one deputy for each lay judge. (Included by Law No. 5442, of May 24, 1968)

Paragraph 6. The Regional Courts, in their respective internal regulations, shall provide for the replacement of their judges, observing, when calling lower court judges, the criteria of free choice and seniority, alternately. (Included by Law No. 5442, of May 24, 1968)

Paragraph 7. The Regional Courts shall elect the respective Chief Judge and Deputy Chief Judge, as well as The Presidents of the Panels, where available, from amongst their lifelong justices. (Included by Law No. 5442, of May 24, 1968)

Paragraph 8. The Regional Courts of the 1st and 2nd Regions shall be divided into Panels, such panel being composed of at least 12 Judges. Each Panel shall be composed of three lifelong Judges and 2 (two) lay judges, a representative of the employees and another of the employers. (Included by Law No. 5442, of May 24, 1968)

Article 671. The rules set forth in Article 648 regarding disqualification shall apply likewise to the work of the Regional Courts, and cases shall be settled in the same manner.

Article 672. The Regional Courts, in their full composition, shall deliberate with, besides the President, the presence of one half plus one of their judges, of which at least one of the shall be a representative of the employees and another shall be a representative of the employers. (Wording by Law No. 5442, of May 24, 1968)

Paragraph 1. The Panels may only deliberate with at least three of their judges present, the two lay judges being amongst them. The President of a Panel may call other Judges from the class to which an absent or impeded judge belongs in order to complete this quorum. (Wording by Law No. 5442, of May 24, 1968)

Paragraph 2. In the Regional Courts, decisions shall be made by a majority vote of the judges present, except for the case of a declaration of unconstitutionality of a Law or act of the public power in Full Court (Article 111 of the Constitution). (Wording by Law No. 5442, of May 24, 1968)

Paragraph 3. The Chief Judge of the Regional Court, except for the case of a declaration of unconstitutionality of a Law or act of the public power, shall only have a casting vote in administrative sessions. The President shall vote as the other judges, having the casting vote. (Paragraph included by Law No. 5442, of May 24, 1968)

Paragraph 4. If the voting comes to a tie in the judgment of appeals against a decision or order of the Chief Judge, the Deputy Chief Judge or the Rapporteur, the appealed decision or order shall prevail. (Paragraph included by Law No. 5442, of May 24, 1968)

Article 673. The procedures for the sittings of the Regional Courts shall be governed by their respective internal regulations.

SECTION II

JURISDICTION AND COMPETENCE

Article 674 – For the purposes of the jurisdiction of the Regional Courts, the national territory is divided into the following eight regions: (Wording by Law No. 5.839, of May 12, 1972)

1st Region – States of Guanabara, Rio de Janeiro and Espírito Santo;

2nd Region – States of São Paulo, Paraná and Mato Grosso;

3rd Region – States of Minas Gerais and Goiás and the Federal District;

4th Region – States of Rio Grande do Sul and Santa Catarina;

5th Region – States of Bahia and Sergipe;

6th Region – States f Alagoas, Pernambuco, Paraíba and Rio Grande do Norte;

7th Region – States of Ceará, Piauí and Maranhão;

8th Region – States of Amazonas, Pará and Acre and Federal Territories of Amapá, Rondônia and Roraima.

Sole Paragraph. Courts are based in the following cities: Rio de Janeiro (1st Region), São Paulo (2nd Region), Belo Horizonte (3rd Region), Porto Alegre (4th Region), Salvador (5th Region), Recife (6th Region), Fortaleza (7th Region) and Belém (8th Region). (Wording by Law No. 5.839, of May 12, 1972)

Article 675. (Revoked by Law No. 5442, of May 24, 1968.)

Article 676. The number of regions, the jurisdiction and the category of the Regional Courts, as provided for by the preceding Articles, shall only be altered by the President of the Republic.

Article 677. Jurisdiction of the Regional Courts shall be decided in the manner specified in Article 651 and its Paragraphs and, in the cases of collective labor disputes, in the locations they occur.

Article 678. When the Regional Courts are divided into Panels, the following competencies shall be given: (Wording by Law No. 5442, of May 24, 1968)

I - to the Full Court, especially: (Included by Law No. 5442, of May 24, 1968)

a) to conduct conciliation proceedings and give judgment in first instance regarding collective labor disputes;

b) to process and give judgment in the first instance:

1) judicial disposition of a collective labor grievance;

2) extension of decisions rendered in collective labor disputes;

disputes;

3) writ of mandamus;

4) challenges to investiture of lay judges and their deputies on the Conciliation and Arbitration Boards;

c) to process and give judgment in the last instance:

1) appeals against fines imposed by the Panels;

2) severance actions of the Conciliation and Arbitration Boards, State Judges that took office in the Labor Jurisdiction, Panels and their own decisions;

3) conflicts of jurisdiction between their Panels, State Judges that took office in the Labor Jurisdiction, Conciliation and Arbitration Boards, or between themselves and the aforementioned;

d) to give judgment in a single or last instance:

1) procedures and appeals of administrative nature related to their auxiliary services and respective public servants;

b) claims against administrative acts of their President or any of their members, as well as against Judges of the first instance and their public servants;

II - The Panels shall: (Included by Law No. 5442, of May 24, 1968)

a) give judgment on ordinary appeals provided for in Article 895, item a;

b) give judgment on appeals of petition or instrument, those denying decisions on appeals of their jurisdiction;

c) impose fines and other penalties related to matters within their jurisdictional competence, and to give judgment on appeals filed against decisions of the Boards and State Judges imposing fines and penalties.

Sole Paragraph. Decisions of the Panels shall not be appealed to the Full Court, except for the case of sub-paragraph I, item c, subitem 1 of this Article. (Included by Law No. 5442, of May 24, 1968)

Article 679. Regional Courts not divided into Panels shall be competent to give judgment on matters to which the preceding Article refers, except for the matter provided for in subparagraph I, item c subparagraph I, as well as conflicts of jurisdiction between Panels. (Wording by Law No. 5442, of May 24, 1968)

Article 680. Both the Regional Courts and their Panels shall be competent to: (Restored by Law No. 5442, of May 24, 1968)

a) order the Boards and the State Judges to carry out procedures and measures as may be necessary for giving judgment on the cases submitted to them;

b) supervise the enforcement of their own decisions;

c) declare void any proceedings constituting a violation of their decisions;

d) give judgment on suspicion motions against their members;

e) give judgment on challenges brought against their members;

f) request the competent authorities to take any measures necessary to clarify cases submitted to them, and to initiate proceedings against any authority which fails to comply with any such request;

h) in general, in the interests of justice in matters relating to labor, exercise all powers and perform all duties as may arise from their jurisdiction.

SECTION III

PRESIDENTS OF THE REGIONAL COURTS

Article 681. The Chief Judges and the Deputy Chief Judges of the Regional Labor Courts shall be take office before the respective Courts. (Wording by Law No. 6.320, of April 5, 1976)

Sole Paragraph. (Revoked by Law No. 6.320, of April 5, 1976)

Article 682. The following powers and duties shall belong exclusively to the Chief Judge of a Regional Court, in addition to those conferred and imposed upon them by this Title and their offices: (Wording by Decree-Law No. 8737, of January 19, 1946)

I - (Revoked by Law No. 5442, of May 24, 1968)

II - to appoint members of boards and their substitutes; (Wording by Decree-Law No. 8737, of January 19, 1946)

III - to install The Presidents and Deputy Presidents of boards and the judges, substitute judges and public servants of the Regional Court, and to grant them and members and substitute members or boards their regular holidays or leave of absence; (Wording by Decree-Law No. 8737, of January 19, 1946)

IV - to preside over the meetings of the court; (Wording by Decree-Law No. 8737, of January 19, 1946)

V - to preside over conciliation hearings in collective labor disputes; (Wording by Decree-Law No. 8737, of January 19, 1946)

VI - to enforce their own decisions and those of the Regional Court; (Wording by Decree-Law No. 8737, of January 19, 1946)

VII - to call substitutes to replace judges whenever they can not attend; (Wording by Decree-Law No. 8737, of January 19, 1946)

VIII. to make a complaint to the Chief Justice of the Superior Court of Labor against the PRESIDENTS and members, under the terms of Article 727 and its Sole Paragraph; (Wording by Decree-Law No. 8737, of January 19, 1946)

IX – to verify the appeals filed by the parties; (Wording by Decree-Law No. 8737, of January 19, 1946)

X - in the cases of collective labor disputes, request the competent authorities for the necessary armed forces if there is a threat to public order; (Wording by Decree-Law No. 8737, of January 19, 1946)

XI - to carry out inspections of boards not less than once a year, or partial inspections whenever necessary, and to request the Chief Judge of the Court of Appeals, whenever advisable, to carry out an inspection of the State Judges who manage the Labor Courts; (Wording by Decree-Law No. 8737, of January 19, 1946)

XII. to distribute cases and appoint the judges who shall be rapporteurs; (Wording by Decree-Law No. 8737, of January 19, 1946)

XIII. to appoint one of the public servants of the Court and the Boards of a given location to work as distributing clerk; (Wording by Decree-Law No. 8737, of January 19, 1946)

XIV. to sign the pay-sheets for judges and public servants of the Regional Court. (Wording by Decree-Law No. 8737, of January 19, 1946)

Paragraph 1. If the President of a Board and the Deputy President in the same location are both absent or prevented from attending, the Chief Judge of the Regional Court may appoint a substitute from another location from amongst the Deputy PRESIDENTS available, in order of seniority. (Wording by Decree-Law No. 8737, of January 19, 1946)

Paragraph 2. If any Judge representing class interests and their respective deputy are both absent or prevented from attending, the Chief Judge of the Regional Court may appoint a substitute from another location, having regard to the occupational or economic category or the representative and to the order of seniority of the substitutes available. (Wording by Decree-Law No. 8737, of January 19, 1946)

Paragraph 3. If any Judge representing class interests and their respective deputy are both absent or prevented from attending, the Chief Judge of the Regional Court may appoint one of the temporary members of the Conciliation and Arbitration Board to perform in the sessions of the Court, having regard to the occupational or economic category of the representative. (Included by Law No. 3.440, of August 27, 1958)

Article 683. Deputy Presidents shall preside when the Chief Judges of Regional Courts are absent or prevented from attending, and shall act as assistants to The Presidents whenever required. (Wording by Decree-Law No. 8737, of January 19, 1946)

Paragraph 1. In the case of the vacation of 30 (thirty) days, leave of absence, death or resignation, the Chief Justice of the Superior Labor Court shall himself/herself designate the Deputy President. (Wording by Decree-Law No. 8737, of January 19, 1946)

Paragraph 2. In other cases, the Deputy President shall be designated by the President or the council or by notice from the secretary of the council and shall take up their duties at once, the Chief Justice of the Superior Labor Court being notified of the decision. (Wording by Decree-Law No. 8737, of January 19, 1946)

SECTION IV

JUDGES REPRESENTING CLASS INTERESTS IN THE REGIONAL COURTS

Article 684. Judges representing class interests in the Regional Courts shall be appointed by the President of the Republic.

Sole Paragraph. The provisions of Article 661 shall apply to the judges representing class interests of employers and employees in the Regional Courts. (New paragraph number by Law No. 5442, of May 24, 1968)

Article 685. Judges and their substitutes representing class interests of employers and employees in the Regional Courts shall be selected from persons on lists forwarded for this purpose to the Chief Justice of the Superior Labor Court by higher-level unions with head offices in the regions concerned.

Paragraph 1. For the purposes of this Article, when the Chief Justice of the Superior Labor Court so requests, the Board of Representatives of each higher-level unions shall prepare a list of 3 (three) names selected by a majority vote.

Paragraph 2. The Chief Justice of the Superior Labor Court shall submit the names on the lists to the President of the Republic through the Minister of Justice and Internal Affairs. (Wording by Law No. 2.244, of June 23, 1954)

Article 686. (Suppressed by Legislative Decree No. 9797, of September 9, 1946)

Article 687. Judges representing class interests in the Regional Courts shall take office before the Chief Judge of the Regional Court concerned.

Article 688. The provisions of Article 663 shall apply to the judges representing class interests in the Regional Courts; new appointments shall be made from the names on the lists mentioned in Article 685 or pursuant to the provisions of article Article 686; Articles 665 and 667 shall also apply.

Article 689. The judges and substitute members of the Regional Court shall receive the payment fixed by Law for each sitting which they attend, subject to a maximum of fifteen sittings per month. (Wording by Decree-Law No. 8737, of January 19, 1946)

Sole Paragraph. If any member delays a case beyond the time limits fixed in the internal regulations of the Regional Courts, they shall be liable, automatically, to a deduction equal to 1/30 (one-thirtieth) of the monthly payments to which they are entitled with respect to every case delayed. (Included by Decree-Law No. 8737, of January 19, 1946)

CHAPTER V

SUPERIOR LABOR COURT

SECTION I

PRELIMINARY PROVISIONS

Article 690. The Superior Labor Court, which shall be located in the capital of the Republic and have jurisdiction throughout the national territory, shall be the highest instance for Labor Courts. (Wording by Law No. 2.244, of June 23, 1954)

Sole Paragraph. The Court shall function either as a Full Court or in separate Sections; employees and employers shall have an equal number of representatives. (Wording by Law No. 2.244, of June 23, 1954)

Article 691. (Suppressed by Decree-Law No. 8737 of January 19, 1946)

Article 692. (Suppressed by Decree-Law No. 8737 of January 19, 1946)

SECTION II

COMPOSITION AND OPERATIONS OF THE SUPERIOR LABOR COURT

Article 693. The Superior Labor Court shall be composed of seventeen judges, with the title of Justices, as follows: (Wording by Law No. 5442, of May 24, 1968) (Refer to the Federal Constitution)

a) eleven lifelong justices, chosen from amongst career labor magistrates, appointed by the President of the Republic, who shall be approved by the Federal Senate, and shall be Brazilians over 35 years of age, with notable legal knowledge and flawless reputation; (Wording by Law No. 5442, of May 24, 1968)

b) six justices representing class interests, with three-year mandates, who shall be appointed by the President of the Republic in accordance with the provisions in Paragraphs 2 and 3 of this Article, representing employers and employees in an equal manner; (Wording by Law No. 5442, of May 24, 1968)

Paragraph 1. The Chief Justice, the Deputy Chief Justice and the Labor Court's Inspector and the Presidents of the Sections shall be elected from amongst the independent judicial magistrates of the Superior Labor Court, in the manner set forth in the internal regulations. (Wording by Law No. 2.244, of June 23, 1954)

Paragraph 2. For the purposes of the triennial appointment of the judges representing class interests, the Chief Justice of the Superior Labor Court shall publish a notice at least 15 (fifteen) days in advance inviting each of the higher-level unions to prepare a list of three names in accordance with a majority vote of its Board of Representatives; such lists shall be submitted through the intermediation of the mentioned Court to the Minister of Justice within the time appointed in the notice. (Wording by Law No. 2.244, of June 23, 1954)

Article 694. The life-long judges shall be chosen as follows: seven, from magistrates of Labor Courts; two from practicing attorneys; and two from members of the Prosecution Service providing services to Labor Courts. (Wording by Law No. 5442, of May 24, 1968) (Refer to the Federal Constitution)

Article 695. (Suppressed by Decree-Law No. 9797, of September 9, 1946)

Article 696. If any member of the Court is absent without good cause for more than three consecutive ordinary meetings, they shall be deemed to have resigned. (Wording by Decree-Law No. 8737, of January 19, 1946)

Paragraph 1. In the case of the situation provided for in this Article, the Chief Justice of Court shall immediately communicate the fact to the Minister of Justice and Internal Affairs so that the resigning judge shall be substituted, without prejudice to the applicable penalties. (Included by Law No. 2.244, of June 23, 1954)

Paragraph 2. For the purposes of the preceding Paragraph the substitute shall be appointed from amongst the persons on the lists mentioned in Paragraph 2 of Article 693. (Included by Law No. 2.244, of June 23, 1954)

Article 697. If the term of office of any of the justices of the Court is interrupted on account of leave of absence for more than 30 days, or in the case of a vacancy, while the office is not filled, the Justices of the Court may appoint a substitute by means of a convocation of judges of the same

category from any of the Regional Labor Courts, in the manner provided for in the Regulation of the Superior Labor Court. (Wording by Law No. 6.289, of December 11, 1975)

Article 698. (Suppressed by Decree-Law No. 8737, of January 19, 1946)

Article 699. Nine judges in addition to the Chief Justice shall constitute a quorum at plenary sittings of the Superior Labor Court. (Wording by Law No. 2.244, of June 23, 1954)

Sole Paragraph. The Sections of the Court shall consist of 5 (five) judges, and three members in addition to the Chief Justice shall constitute a quorum; it shall also be the duty of the Chief Justice to act as a rapporteur or auditor of the cases submitted to them, in accordance with the internal regulations. (Included by Law No. 2.244, of June 23, 1954)

Article 700. The Court shall meet on days fixed by the Chief Justice in advance, who may convene extraordinary meetings whenever necessary. (Wording by Decree-Law No. 8737, of January 19, 1946)

Article 701. The meetings of the Court shall be public and shall begin at 2 (two) p.m. and end at 5 (five) p.m.; nevertheless, they shall be extended whenever there is express need for that. (Wording by Decree-Law No. 8737, of January 19, 1946)

Paragraph 1. Extraordinary meetings shall not be held unless notice has been given to members at least 24 (twenty-four) hours in advance. (Wording by Decree-Law No. 8737, of January 19, 1946)

Paragraph 2. The meetings of the Court may be held in camera, if that is decided by a majority of the members for reasons of public interest. (Wording by Decree-Law No. 8737, of January 19, 1946)

SECTION III

COMPETENCE OF THE FULL COURT

(Refer to Law 7.701, of 1988)

Article 702 – The Full Court is responsible for: (Wording by Law No. 2.244, of June 23, 1954) (Refer to Law No. 7.701, of 1988)

I – in a single instance: (Wording by Law No. 2.244, of June 23, 1954)

a) deciding on constitutional matters, when submitting a claim, to invalidate a Law or act of the public power; (Wording by Law No. 2.244, of June 23, 1954)

b) reconciling and judging collective bargaining agreements that exceed the jurisdiction of the Regional Labor Courts, as well as extend or review their own normative decision, in the cases provided for by Law; (Wording by Law No. 2.244, of June 23, 1954)

c) ratifying the agreements enter into regarding labor disputes referred to in the prior item; (Wording by Law No. 2.244, of June 23, 1954)

d) judging appeals against the President's orders, in the cases provided for by Law; (Wording by Law No. 2.244, of June 23, 1954)

e) judging motion for suspension against the President and other justices of the Court, regarding actions pending their decision; (Wording by Law No. 2.244, of June 23, 1954)

f) establishing or amending summaries and other statements of uniform case law, by the vote of at least two thirds of its member, if the same matter has already been decided in an identical manner by unanimous vote in at least two thirds of the Sections in at least ten different sessions in each of them, being able, still, by majority of 2 two thirds of its members, to restrict the effects of that declaration or to decide that it will only be effective after its publishing in the Official Gazette; (Wording by Law No. 13467, of 2017)

g) approving fee lists, in accordance with the Law; (Wording by Law No. 2.244, of June 23, 1954)

h) drafting the Internal Regulations of the Court and performing administrative duties provided for by Law, resulting from the Federal Constitution.

II – in the last instance: (Wording by Law No. 2.244, of June 23, 1954)

a) judging the ordinary appeals against decisions rendered by the Regional Courts in cases within their original jurisdiction; (Wording by Law No. 2.244, of June 23, 1954)

b) judging the appeals against to the decisions dealt with in paragraph "b" and "c" of item I of this Article; (Wording by Law No. 2.244, of June 23, 1954)

c) judging appeals against decisions of the Sections, when they differ from each other or against a decision rendered by the Full Court itself, or which are contrary to the Federal Law; (Wording by Decree-Law No. 229, of February 28, 1967)

d) judging appeals against derogatory orders of the Section's PRESIDENTS, under the terms of appeals in the manner established in the internal regulations; (Wording by Law No. 2.244, of June 23, 1954)

e) judging the motion for clarifications opposed to its agreements. (Wording by Law No. 2.244, of June 23, 1954)

Paragraph 1. When adopted by the majority of two thirds of the judges of the Full Court, the decision rendered in the appeals referred to in Subparagraph II, Item “c”, of this Article, shall have the power of prejudgment, pursuant to Paragraphs 2 and 3, of Article 902. (Paragraph included by Law No. 2.244, of June 23, 1954)

Paragraph 2. It is the responsibility of each of the Court’s Panels: (Paragraph included by Law No. 2.244, of June 23, 1954)

a) judge, in a single instance, conflicts of jurisdiction between Regional Labor Courts and those arising between judges of Law or conciliation and judgment boards from different regions; (Item included in Law No. 2.244, of June 23, 1954)

b) judge, in the last instance, the last review brought against decisions of the Regional Courts and the Conciliation and Judgment Boards or judges of Law, in the cases provided for by Law; (Item included by Law No. 2.244, of June 23, 1954)

c) judge the interlocutory appeals of orders that deny the filing of ordinary or last appeals; (Item included by Law No. 2.244, of June 23, 1954)

d) judge the motions for clarifications against their decisions; (Item included in Law No. 2.244, of June 23, 1954)

e) judge the incidents and allegations of falsehood, suspicion and others in cases pending their decision. (Item included by Law No. 2.244, of June 23, 1954)

Paragraph 3. The judgment sessions for establishing or altering the summaries and other case law statements shall be public, disclosed at least thirty days in advance, and shall enable oral arguments by the Prosecutor General of Labor, by the Federal Council of the Bar Association of Brazil, by the Attorney General of the Federal Government and by trade union confederations or national class entities. (Included by Law No. 13467, of 2017)

Paragraph 4. Alteration of summaries and other statements of case law by the Regional Labor Courts shall comply with the provisions of item () of subparagraph I and paragraph 3 of this Article, with an equivalent list of those entitled to oral argument, observing the scope of their jurisdiction. (Included by Law No. 13467, of 2017)

SECTION IV

COMPETENCE OF THE CHAMBER OF LABOR COURTS

Article 703. (Suppressed by Decree-Law No. 8737, of January 19, 1946)

Article 704. (Suppressed by Decree-Law No. 8737, of January 19, 1946)

Article 705. (Suppressed by Decree-Law No. 8737, of January 19, 1946)

SECTION V

COMPETENCE OF THE CHAMBER OF SOCIAL SECURITY

Article 706. (Suppressed by Decree-Law No. 8737, of January 19, 1946)

SECTION VI

POWERS AND DUTIES OF THE CHIEF JUSTICE OF THE SUPERIOR LABOR COURT

Article 707. The Chief Justice of the Court shall: (Wording by Decree-Law No. 8737, of January 19, 1946)

a) preside over meetings of the Court, fix the dates of ordinary meetings and convene any extraordinary meetings; (Wording by Decree-Law No. 8737, of January 19, 1946)

b) supervise all services of the Court; (Wording by Decree-Law No. 8737, of January 19, 1946)

c) issue instructions and adopt measures to ensure the efficient functioning of the Court and other bodies of the Labor Courts; (Wording by Decree-Law No. 8737, of January 19, 1946)

d) give effect to decisions from the Court by ordering the Regional Courts and other bodies of the Labor Courts to issue and carry out the necessary procedures and measures; (Wording by Decree-Law No. 8737, of January 19, 1946)

e) submit to the Court the processes to be reviewed by it, and appoint, in accordance with the internal regulations, a member to be the rapporteur of each case; (Wording by Decree-Law No. 8737, of January 19, 1946)

f) give judgment on appeals brought by parties and any other matters which are under their duty to review; (Wording by Decree-Law No. 8737, of January 19, 1946)

g) decide on any changes in the allocation of personnel of the Labor Courts and make *sua sponte* any transfers of employees, such as between Regional Courts, Conciliation and Arbitration Boards and other bodies, and likewise grant requests for transfer as they find compatible with the service, without detriment to the staff requirements of each body; (Wording by Decree-Law No. 8737, of January 19, 1946)

h) grant regular vacation and leave of absence to the employees of the Court, as well as impose any disciplinary penalties required which exceed the competence of other authorities; (Wording by Decree-Law No. 8737, of January 19, 1946)

i) install members of the Court and grant regular vacation and leave of absence to the Chief Judges of Regional Courts; (Wording by Decree-Law No. 8737, of January 19, 1946)

j) present a report on the activities of the Court and the other bodies of the Labor Courts to the Minister of Labor, Industry and Commerce not later than the March, 31 of each each year. (Wording by Decree-Law No. 8737, of January 19, 1946)

Sole Paragraph. The Chief Justice shall have 1 (one) secretary, appointed by them from amongst the officials assigned to the Court, and shall be assisted by employees appointed under the same conditions. (Wording by Decree-Law No. 8737, of January 19, 1946)

SECTION VII

POWERS AND DUTIES OF THE DEPUTY CHIEF JUSTICE

Article 708. It shall be the duty of the Deputy Chief Justice of the Court: (Wording by Law No. 2.244, of June 23, 1954)

a) to substitute for the Chief Justice and the Labor Court's Inspector if they are absent or unable to act; (Wording by Law No. 2.244, of June 23, 1954)

b) (Suppressed by Law No. 2.244, of June 23, 1954.)

Sole Paragraph. In the absence of both the Chief Justice and the Deputy Chief Justice, the most senior life-long Justice is called or, in the event of equal seniority, the eldest judicial magistrate shall preside. (Wording by Law No. 2.244, of June 23, 1954)

SECTION VIII

DUTIES OF THE LABOR INSPECTOR

Article 709. Duties of the Inspector of the Labor Courts. The Inspector, elected amongst the Justices composing the Superior Labor Court, shall be competent: (Wording by Decree-Law No. 229, of February 28, 1967)

I - to carry out duties of inspection and permanent supervision regarding the Regional Courts and their Chief Judges; (Wording by Decree-Law No. 229, of February 28, 1967)

II - to decide claims against acts contrary to good procedural practices by the Regional Courts and their Chief Judges, when a specific appeal does not exist; (Wording by Decree-Law No. 229, of February 28, 1967)

III - (Revoked by Law No. 5442, of May 24, 1968.)

Paragraph 1. Decisions made by the Inspector, in the cases of this Article, shall be appeal through an interlocutory appeal to the Full Court. (Included by Decree-Law No. 229, of February 28, 1967)

Paragraph 2. when they are not involved with inspections or on vacation, the Inspector shall not be a member of the Court Panels, but shall participate by voting in sessions of the Full Court, although they shall neither be a rapporteur nor review processes, but vote on issues of constitutionality, on administrative processes and on the actions they were working on before been appointed to the office. (Wording by Law No. 7121, of September 8, 1983)

CHAPTER VI

LABOR COURTS AUXILIARY SERVICES

SECTION I

SECRETARIATS OF THE CONCILIATION AND ARBITRATION BOARDS

Article 710. Each Board shall have 1 (one) secretariat, which shall be managed by a public servant appointed by the President to act as secretary; the mentioned public servant shall receive the allowances for special duties provided for in the Internal Regulations in addition to the salary corresponding to their career level. (Wording by Decree-Law No. 8737, of January 19, 1946)

Article 711. The duties of the secretariats of the Boards shall be as follows:

a) receive, file, keep and preserve cases and other documents sent to them:

b) keep registers of the filing entry number and the filing exit number;

c) keep a register of decisions;

d) inform the parties concerned and their legal advisors regarding the progress of their respective cases and to provided the files;

e) give the parties access to the files inside the secretariat;

f) calculate the costs payable by the parties in their respective cases;

g) provide certificates regarding the records in the books and files of the secretariat;

h) proceed with distraint and other procedures;

I) perform other duties as may be assigned to them by the Chief Justice of the board concerned, for the better performance of the services for which it is responsible.

Article 712. The secretary of a Conciliation and Arbitration Board shall in particular: (Wording by Decree-Law No. 8737, of January 19, 1946)

a) supervise the work of the secretariat to ensure good quality of the service; (Wording by Decree-Law No. 8737, of January 19, 1946)

b) carry out and cause others to carry out the orders of the President and the superior authorities; (Wording by Decree-Law No. 8737, of January 19, 1946)

c) submit to the President for evaluation and signature all files and papers which shall be reviewed and signed; (Wording by Decree-Law No. 8737, of January 19, 1946)

d) open official correspondence addressed to the Board and to its President, and submit the mentioned correspondence for decision of the President; (Wording by Decree-Law No. 8737, of January 19, 1946)

e) register verbal complaints in the cases of individual labor disputes; (Wording by Decree-Law No. 8737, of January 19, 1946)

f) ensure rapid dispatch of business, especially at the stage of enforcement proceedings, and promptly carry out all judicial measures received from higher authorities; (Wording by Decree-Law No. 8737, of January 19, 1946)

g) act as secretary at the hearings of the Board and keep the minutes; (Wording by Decree-Law No. 8737, of January 19, 1946)

h) sign certificates and other procedural instruments; (Wording by Decree-Law No. 8737, of January 19, 1946)

i) inform the litigants of complaints and other procedures of which they shall be informed and sign the relevant notices; (Wording by Decree-Law No. 8737, of January 19, 1946)

j) carry out any other duties assigned to them by the President of the Board. (Wording by Decree-Law No. 8737, of January 19, 1946)

Sole Paragraph. If any employee fails without good cause to carry out the acts for which they are responsible within the established time limits, one day's salary shall be deducted from their salary with respect to every day of delay. (Paragraph included by Decree-Law No. 8737, of January 19, 1946)

SECTION II

DISTRIBUTING CLERKS

Article 713. A distributing clerk shall be appointed to locations where there is more than one Conciliation and Arbitration Board.

Article 714. The duties of the distributing clerk shall be as follows:

a) to distribute to each board alternately, strictly in the order of receipt, the cases submitted to them for this purpose by the persons concerned;

b) to give a receipt to the persons concerned for each case distributed;

c) to keep 2 (two) card indexes of the cases distributed, one classified by the names of the plaintiffs and the other by the names of the defendants, both in alphabetical order;

d) to give information regarding the cases distributed, either verbally or by a certificate in writing, to any person who fills in an application for the purpose;

e) to refrain from distributing cases when so instructed by the President of a Board, and to keep the cards for these cases in a special card index, information which may be consulted by the persons concerned, but shall not be mentioned in certified copies.

Article 715. The distributing clerks shall be appointed by the Chief Judge of the Regional Court, from amongst the employees of the boards and the Regional Court in the location concerned; they shall be directly supervised by the Chief Judge of the Regional Court.

SECTION III

OFFICES OF THE STATE COURTS

Article 716. The offices of the State Judges responsible for the administration of the Labor Courts shall for this purpose have the same powers and duties as those assigned by Section I to the secretariats of the Conciliation and Arbitration Boards.

Sole Paragraph. In the case of courts which have more than one office, complaints shall be allocated alternately and successively to the various offices.

Article 717. The clerks of the State Judges responsible for the administration of justice in labor matters shall in particular have the powers and duties of the secretaries of the boards; the other employees of the offices of the courts shall have those powers and duties of the secretariats of boards, according to the list in Article 711.

SECTION IV

SECRETARIATS OF THE REGIONAL COURTS

Article 718. Each Regional Court shall have 1 (one) secretariat, which shall be managed by a public servant appointed to act as secretary who shall receive the allowances for special duties provided for by Law. (Wording by Decree-Law No. 8737, of January 19, 1946)

Article 719. The Secretariat of a Regional Court shall have the following duties, in addition to those specified in Article 711 for the secretariats of Boards:

a) to submit the files to the Chief Judge and, after they have been dealt with, to refer them to the respective notice of rapporteurs;

b) to compile and keep a card index of the case law of the Court for consultation by the persons concerned.

Sole Paragraph. The other duties of the secretariat, and the rules for the organization and performance of its work, shall be set forth in the internal regulations of the Regional Court.

Article 720. The secretaries of the Regional Courts shall have the duties assigned by Article 712 to the secretaries of the Boards, in addition to the duties specified in the internal regulations of the courts.

SECTION V

COURT OFFICIALS

Article 721. The Process Servers and Bailiffs of the Labor Courts shall be responsible for carrying out all formal acts for the enforcement of the decisions of the Conciliation and Arbitration Boards and the Regional Labor Courts which have been ordered by the respective Presidents. (Wording by Decree-Law No. 5442, of May 24, 1968)

Paragraph 1. For the purpose of distributing the mentioned acts, each Process Server or Bailiff shall be working in connection with a Conciliation and Arbitration Board, except when there is a specific body within the Regional Labor Courts responsible for serving the summons and subpoenas. (Wording by Decree-Law No. 5442, of May 24, 1968)

Paragraph 2. In locations with more than one Board, taking into account the provisions of the precedent article, the duty of taking the necessary action shall be transferred to another Official when, after the period of 9 (nine) days, without a reason, the Process Server or Bailiff does not carry out the required action, in which case the Official shall be subject to the penalties of the Law. (Wording by Decree-Law No. 5442, of May 24, 1968)

Paragraph 3. In the case of appraisals, the Bailiff shall have the time limit provided for in Article 888 to carry out their duty. (Wording by Decree-Law No. 5442, of May 24, 1968)

Paragraph 4. Chief Judges of the Regional Labor Courts shall have power to instruct any Process Server or Bailiff to carry out measures for the enforcement of the decisions of these Courts, at their discretion. (Wording by Decree-Law No. 5442, of May 24, 1968)

Paragraph 5. Whenever a Process Server or Bailiff is absent or unable to act, the President of a Board may instruct any employee to carry out the measure required. (Wording by Decree-Law No. 5442, of May 24, 1968)

CHAPTER VII

PENALTIES

SECTION I

LABOR LOCKOUTS AND STRIKES

Article 722. If any employer, whether individually or together with other employers, suspends work in their company without the prior authorization of the competent Court, violates, or refuses to carry out, a decision issued in a collective labor dispute, they shall be liable to the following penalties: (Wording by Law No. 7855, of October 24, 1989)

a) fine of five thousand cruzeiros to fifty thousand cruzeiros; (Refer to Law No. 6.986, of 1982 and Law No. 6.205, of 1975)

b) removal from any office of occupational representation which they may hold;

c) suspension, for not less than 2 (two) nor more than 5 (five) years, of the right to be elected to any office of occupational representation.

Paragraph 1. If the employer is a legal person, the penalties mentioned under Items b and c shall be imposed upon the managers responsible for the company.

Paragraph 2. If the employer is a concession-holder for a public service, the penalties shall be doubled. In this case, if the concession-holder is a legal person, the Chief Judge of the Court that rendered the decision may order the managers responsible for the company to be dismissed, under the penalty of cancellation of the concession, without prejudice to compliance with the decision and enforcement of the penalties incurred.

Paragraph 3. Without prejudice to the penalties imposed by this Article, the employer shall pay the wages due to their employees during the period of suspension of work.

Article 723. (Revoked by Law No. 9.842,of October 7, 1999)

a) (Revoked by Law No. 9.842, of July 10, 1999.)

b) (Revoked by Law No. 9.842, of July 10, 1999.)

c) (Revoked by Law No. 9.842, of July 10, 1999.)

Article 724. (Revoked by Law No. 9.842, of July 10, 1999.)

a) (Revoked by Law No. 9.842, of July 10, 1999.)

b) (Revoked by Law No. 9.842, of July 10, 1999.)

Article 725. (Revoked by Law No. 9.842, of July 10, 1999.)

Paragraph 1. (Revoked by Law No. 9.842, of July 10, 1999.)

Paragraph 2. (Revoked by Law No. 9.842, of July 10, 1999.)

SECTION II

PENALTIES FOR MEMBERS OF THE LABOR COURTS

Article 726. Any person refusing, without good reason, to perform the duties of a member of a Conciliation and Arbitration Board or of a Regional Court, shall be liable to the following penalties:

a) in the case of an employers' representative, a fine of one hundred cruzeiros (Cr$ 100.00) to one thousand cruzeiros (Cr$ 1,000.00) and suspension of the right of professional representation from 2 (two) to 5 (five) years; (Refer to Law No. 6.986, of 1982 and Law No. 6.205, of 1975)

b) in the case of the employees' representative, a fine of one hundred cruzeiros (Cr$ 100.00) and suspension of the right of professional representation from 2 (two) to 5 (five) years. (Refer to Law No. 6.986, of 1982 and Law No. 6.205, of 1975.)

Article 727. Any member of a Conciliation and Arbitration Board or Regional Court, without good reason, failing to attend 3 (three) consecutive meetings, shall be removed from office, without prejudice to the penalties set forth in the preceding Article.

Sole Paragraph: If the President is absent as mentioned in this Article they shall be removed from office and shall waive their salary for the days on which their failed to attend the consecutive hearings or meetings.

Article 728. The provisions of Title XI of the Penal Code shall apply to chief justices, PRESIDENTS, members, judges, and public servants of the Labor Courts

SECTION III

OTHER PENALTIES

Article 729 – An employer who fails to comply with a final and unappealable decision on the restart or reinstatement of the employee, in addition to paying the employee's wages, will incur a fine of ten cruzeiros (Cr$ 10.00) to fifty *cruzeiros* (Cr$ 50.00) per day, until satisfaction of judgment. (Refer to Law No. 6.986, of 1982 and Law No. 6.205, of 1975.)

Paragraph 1. An employer who prevents or tries to prevent the employee from serving as a member of a Labor Court or to give testimony, will incur a fine of five hundred cruzeiros (Cr$ 500.00) to five thousand cruzeiros (Cr$ 5,000.00) (Refer to Law No. 6.986, of 1982 and Law No. 6.205, of 1975.)

Paragraph 2. The same penalty of the preceding paragraph will incur an employer who dismisses their employee for having served as a member or testimony as a witness, without

prejudice to the indemnity established by Law (Refer to Law No. 6.986, of 1982 and Law No. 6.205, of 1975.)

Article 730 – Those who refuse to testify as witnesses, without justified reason, will incur a fine of fifty cruzeiros (Cr$ 50.00) to five hundred cruzeiros (Cr$ 500.00). (Refer to Law No. 6.986, of 1982 and Law No. 6.205, of 1975.)

Article 731. Those who, after submitting an oral complaint to the distributing clerk, fails to appear before the Board or Court, within the time limit specified in the Sole Paragraph of Article 786, to have the complaint registered, shall waive for a period of 6 (six) months the right to file a complaint before the Labor Courts.

Article 732. The claimant shall be liable to the penalty specified in the preceding Article if on 2 (two) consecutive occasions they give cause for the filing of the case under Article 844.

Article 733. Violations of the provisions of this Title, for which there are no penalties imposed, shall be punished with a fine of Cr $ 50.00 (fifty cruzeiros) to Cr $ 5,000.00 (five thousand cruzeiros), which is doubled in recidivism. (Refer to Laws 6,986, of 1982 and 6,205, of 1975

CHAPTER VIII

GENERAL PROVISIONS

Article 734 – The Minister of Labor, Industry and Commerce, may review, *sua sponte*, within the period of 30 (thirty) days, from its publishing in the official body, or through representation submitted within the same period: (Refer to Law No. 3.807, of 1960 and Law No. 5.890, of 1973)

a) the decisions of the Social Security Chamber, when rendered by the casting vote or which violate express provisions of Law or modify case law previously observed;

b) the decisions of the President of the National Labor Court in matters of Social Security.

Sole Paragraph. The Minister of Labor, Industry and Commerce may bring matters of administrative nature to their knowledge, concerning Social Security institutions, whenever there is public interest.

Article 735. Public administrative bodies and unions shall provide the labor Judges, the Labor Courts and the Labor Prosecution Service with the information and the necessary data for the evidentiary stage and the judgment of the cases submitted to them.

Sole Paragraph. Refusal by a public servant to provide the mentioned information and data shall entail enforcement of the penalties provided for in the Public Servants Statute regarding disobedience.

TITLE IX

LABOR PROSECUTION SERVICE

CHAPTER I

GENERAL PROVISIONS

Article 736. The Labor Prosecution Service shall be composed of direct officials of the Executive Power; aiming to ensure strict observance of the Federal Constitution, Laws and other acts enacted by public authorities, within the scope of their powers and duties.

Sole Paragraph. In matters related to its functions, the Labor Prosecution Service shall be governed by the provisions of this Consolidation, and, in matters not expressly provided for herein, by the rules governing the Federal Prosecution Service.

Article 737. The Labor Prosecution Service shall consist of the Labor Prosecution Office and the Social Security Prosecution, the former Office acting as a coordinating body between the Labor Courts and the Ministry of Labor, Industry and Commerce, both directly subordinate to the Minister of State. (Wording by Decree-Law No. 8737, of January 19, 1946)

Article 738. The prosecutors, in addition to the salaries set out in the list of Decree-Law No. 2874, of December 16, 1940, will continue to receive the percentage of 8%, over the Federal Government’s overdue tax liabilities or fines imposed by administrative and judiciary labor and social security authorities. (Refer to Constitutional Amendment No. 1, of 1969)

Sole Paragraph. This percentage shall be calculated over the sums actually collected and shared according to the instructions issued by the respective prosecutors general.

Article 739. The Labor Prosecutor General and the prosecutors shall not register the time of their arrival on duty.

CHAPTER II

THE LABOR PROSECUTION OFFICE

SECTION I

ORGANIZATION

Article 740 – The Labor Prosecution Office comprises:

a) (1 one) Office of the Prosecutor General, which shall work with the Superior Labor Court;

b) (8 eight) Regional Prosecution Offices, which shall work with the Regional Labor Courts.

Article 741. The Regional Prosecution Offices shall be directly subordinate to the Labor Prosecutor General:

Article 742. The Office of the Prosecutor General shall be composed of 1 (one) Labor Prosecutor General and prosecutors.

Sole Paragraph. The Regional Prosecution Offices shall consist of 1 (one) Federal Circuit Prosecutor assisted whenever necessary by deputy prosecutors.

Article 743. In each regional prosecution office there shall be a substitute for the deputy prosecutor or, if there is no assistant, a substitute for the Federal Circuit Prosecutor; the substitute shall be appointed in advance by a Decree of the President of the Republic, without cost to the public treasury.

Paragraph 1. The substitute shall take office before the Federal Circuit Prosecutor concerned, who shall be the authority competent to call them.

Paragraph 2. If the Federal Circuit Prosecutor is absent or unable to act, their place shall be taken by the deputy prosecutor or, if there is more than one deputy prosecutor, by the one designated by the Federal Circuit Prosecutor.

Paragraph 3. If the deputy prosecutor is absent or unable to act, their place shall be taken by the substitute prosecutor.

Paragraph 4. If a substitute fails to attend when called, they shall be automatically removed from office, unless the failure is due to illness duly proved.

Paragraph 5. The substitute shall not be entitled to any rights or advantages other than the salary of the post, which shall be payable only during the substitution.

Article 744. The Labor Prosecutor General shall be appointed from amongst persons who are bachelors in legal and social sciences and have held for not less than 5 (five) years an office as a magistrate or in the Prosecution Service or as a lawyer.

Article 745. The other prosecutors shall meet the requirements set forth in the preceding Article, except for the professional experience time, which is to be reduced to 2 (two) years.

SECTION II

DUTIES OF THE OFFICE OF THE PROSECUTOR GENERAL

Article 746. The duties of the Office of the Prosecutor General shall be: (Wording by Decree-Law No. 8737, of January 19, 1946)

a) deal in writing with all cases and references relating to labor which are within the Superior Labor Court's jurisdiction; (Wording by Decree-Law No. 8737, of January 19, 1946)

b) attend the meetings of the mentioned Court, give oral opinions on the matters discussed and ask for any requirements and procedures which seem appropriate, having the right to review relevant documents whenever a new matter arises and has not been addressed in the opinion; (Wording by Decree-Law No. 8737, of January 19, 1946)

c) ask for meetings of the Court to be extended when such action is required in order for trial to finish; (Wording by Decree-Law No. 8737, of January 19, 1946)

d) certify the decisions of the Court, through the signature of the Labor Prosecutor General; (Wording by Decree-Law No. 8737, of January 19, 1946)

e) take any legal steps and carry out any inquiries requested by the Court; (Wording by Decree-Law No. 8737, of January 19, 1946)

f) appeal against decisions of the Court in the cases specified by Law; (Wording by Decree-Law No. 8737, of January 19, 1946)

g) apply to the competent Court for collection by distraint of fines imposed by the labor administrative and judicial authorities; (Wording by Decree-Law No. 8737, of January 19, 1946)

h) file complaints before the competent authorities against persons who fail to comply with decisions of the Court; (Wording by Decree-Law No. 8737, of January 19, 1946)

i) provide the authorities of the Ministry of Labor, Industry and Commerce with any information requested concerning disputes submitted to the Court, and forward to the competent bodies certified copies of decisions with which they are required to conform or comply; (Wording by Decree-Law No. 8737, of January 19, 1946)

j) request any authorities to provide inquiries, expert evaluations, proceedings, certificates and explanations which may be necessary for the performance of its duties;

l) defend the Labor Courts' jurisdiction; (Included by Decree-Law No. 8737, of January 19, 1946)

m) to raise matters of jurisdiction. (Included by Decree-Law No. 8737, of January 19, 1946)

SECTION III

DUTIES OF THE REGIONAL PROSECUTION OFFICES

Article 747. The Regional Prosecution Offices shall perform the duties specified in the preceding Article, within the jurisdiction of the respective Regional Courts.

SECTION IV

POWERS AND DUTIES OF THE LABOR PROSECUTOR GENERAL

Article 748. As Head of the Office of the Prosecutor General of Labor, the Prosecutor General shall: (Wording by Decree-Law No. 8737, of January 19, 1946)

a) direct the services of the Office of the Prosecutor General and guide and supervise the Regional Prosecution Offices, issuing any necessary instruction; (Wording by Decree-Law No. 8737, of January 19, 1946)

b) attend the meetings of the Superior Labor Court, either in person or represented by a prosecutor appointed by them; (Wording by Decree-Law No. 8737, of January 19, 1946)

c) certify decisions of the Court; (Wording by Decree-Law No. 8737, of January 19, 1946)

d) appoint a prosecutor to replace them if they are absent or prevented from acting, and appoint the secretary of the Office of the Prosecutor General; (Wording by Decree-Law No. 8737, of January 19, 1946)

e) submit to the Minister of Labor, Industry and Commerce, not later than March 31, a report on the work of the Office of the Prosecutor General during the preceding year together with any remarks or suggestions which they may consider appropriate; (Wording by Decree-Law No. 8737, of January 19, 1946)

f) grant vacation to prosecutors and other officials of the Office of the Prosecutor General and impose disciplinary penalties upon them and, regarding the prosecutors, in accordance with the laws applicable to the Federal Prosecution Service; (Wording by Decree-Law No. 8737, of January 19, 1946)

g) appear in first instance Courts or appoint prosecutors for that purpose; (Wording by Decree-Law No. 8737, of January 19, 1946)

I) engage and dismiss supernumerary staff for the secretariat and extend the paid working hours of officials and supernumerary employees. (Wording by Decree-Law No. 8737, of January 19, 1946)

SECTION V

POWERS AND DUTIES OF THE PROSECUTORS

Article 749. The duties of the prosecutors subordinate to the Office of the Prosecutor General shall be: (Wording by Decree-Law No. 8737, of January 19, 1946)

a) to attend the meetings of the Superior Labor Court, as and when appointed by the Labor Prosecutor General; (Wording by Decree-Law No. 8737, of January 19, 1946)

b) perform any other duties which may be assigned to them by the Labor Prosecutor General;

Sole Paragraph. In connection with the cases in which they appear, the prosecutors shall have the right to request the Labor Prosecutor General to take any legal steps or make any investigations which may be necessary. (Wording by Decree-Law No. 8737, of January 19, 1946)

SECTION VI

POWERS AND DUTIES OF THE FEDERAL CIRCUIT PROSECUTORS

Article 750. The duties of a Federal Circuit Prosecutor shall be: (Wording by Decree-Law No. 8737, of January 19, 1946)

a) direct the services of the Regional Prosecution Office: (Wording by Decree-Law No. 8737, of January 19, 1946)

b) attend the meetings of the Regional Court, either in person or represented by a deputy prosecutor appointed by them; (Wording by Decree-Law No. 8737, of January 19, 1946)

c) submit to the Labor Prosecutor General every six months a report on the work of the Law office concerned, together with data and information regarding the administration of justice in labor matters in the region; (Wording by Decree-Law No. 8737, of January 19, 1946)

d) request administrative or judicial authorities to take any legal steps necessary for carrying out measures ordered by the Labor Prosecutor General, and to supervise the execution thereof; (Wording by Decree-Law No. 8737, of January 19, 1946)

e) supply the Labor Prosecutor General with the necessary information regarding cases in progress, and consult them in case of doubt; (Wording by Decree-Law No. 8737, of January 19, 1946)

f) appear in court at the Regional Court's location; (Wording by Decree-Law No. 8737, of January 19, 1946)

g) certify the Court's decisions; (Wording by Decree-Law No. 8737, of January 19, 1946)

h) appoint a prosecutor to replace them if they absent or prevented from acting, and appoint the secretary of the Law office. (Wording by Decree-Law No. 8737, of January 19, 1946)

Article 751. The duties of an assistant Federal Circuit Prosecutor shall be: (Wording by Decree-Law No. 8737, of January 19, 1946)

a) attend the meetings of the Regional Court, as and when appointed by the Federal Circuit Prosecutor; (Wording by Decree-Law No. 8737, of January 19, 1946)

b) perform any other duties which may be assigned to them by the Federal Circuit Prosecutor. (Wording by Decree-Law No. 8737, of January 19, 1946)

SECTION VII

THE SECRETARIAT

Article 752. The secretariat of the Office of the Prosecutor General shall work under the management of a head appointed by the Labor Prosecutor General and shall have the staff appointed by the Minister of Labor, Industry and Commerce. (Wording by Decree-Law No. 8737, of January 19, 1946)

Article 753. The duties of the Secretariat shall be:

a) receive, register and send the files or documents received;

b) classify and file opinions and other documents;

c) provide information regarding cases or documents submitted to the Law Office for opinion;

d) perform the clerical work of the Law Office;

e) purchase the necessary office supplies;

f) perform any other duties which may be assigned to it by the Labor Prosecutor General for better rendering the services for which they are responsible.

Article 754. In the Regional Prosecution Offices the work specified in the preceding Article shall be performed by public servants appointed for that purpose.

CHAPTER III

SOCIAL SECURITY PROSECUTION OFFICE

SECTION I

ORGANIZATION

Article 755 – The Social Security Prosecution Office is made up of one prosecutor general and prosecutors.

Article 756 – Appointment of the prosecutor general and the other prosecutors shall follow the provisions of Articles 744 and 745.

SECTION II

THE COMPETENCE OF THE SOCIAL SECURITY PROSECUTION OFFICE

Article 757 – The duties of the Social Security Prosecution Office shall be: (Wording by Decree-Law No. 8737, of January 19, 1946) (Refer to Law No. 72, of 1966)

a) notify, in writing, cases subject to the decision of the Superior Council for Social Security; (Wording by Decree-Law No. 8737, of January 19, 1946)

b) notify, in writing, requests to review the decisions of the same Council; (Wording by Decree-Law No. 8737, of January 19, 1946)

c) attend the sessions of the same Council, giving an oral opinion on the matter under discussion and requesting measures deemed convenient, being guaranteed the right to review the process being judged, whenever a new matter, not addressed in the opinion, is raised; (Wording by Decree-Law No. 8737, of January 19, 1946)

d) give opinion, when requested, on the proceedings subject to the deliberation of the Minister of State, the Technical Council of the National Secretariat of Social Security or the Director the same Secretariat in which there is a legal matter to be reviewed; (Wording in Decree-Law No. 8737, of January 19, 1946)

e) operate, as the first instance, for proceedings filed against the Federal Government, in the Federal District, for the annulment of acts and decisions of the Superior Council for Social Security or the National Secretariat of Social Security, as well as the Minister of Labor, Industry and Commerce, in Social Security matters; (Wording by Decree-Law No. 8737, of January 19, 1946)

f) provide the Prosecution Service with information requested due to actions filed in the States and Territories for the execution or cancellation of acts and decisions of the bodies of authorities referred to in the preceding paragraph; (Wording by Decree-Law No. 8737, of January 19, 1946)

g) propose in court, in the Federal District, any procedure necessary to comply with the decisions of the Superior Council for Social Security and the National Secretariat of Social Security, as well as the Minister of Labor, Industry and Commerce, in Social Security matters; (Wording by Decree- Law No. 8737, of January 19, 1946)

h) appeal against the decisions of the competent Social Security bodies and authorities and request a review of the decisions of the Superior Council for Social Security, which seem contrary to the Law. (Included by Decree-Law No. 8737, of January 19, 1946)

SECTION III

THE DUTIES OF THE PROSECUTOR GENERAL

Article 758 – As head of the Social Security Prosecution Office, the Prosecutor-General shall be: (Wording by Decree-Law No. 8737, of January 19, 1946) (Refer to Law No. 72, of 1966.)

a) direct the services of the Prosecution Office, issuing the necessary instructions; (Wording by Decree-Law No. 8737, of January 19, 1946)

b) attend the sessions of the Superior Council for Social Security, in person or represented by a prosecutor appointed by them; (Wording by Decree-Law No. 8737, of January 19, 1946)

c) appoint the prosecutor to replace them in the event of absences and impediments and the head of the Prosecution Office; (Wording by Decree-Law No. 8737, of January 19, 1946)

d) granting vacations to prosecutors and other employees assigned to the Prosecution Office and impose disciplinary penalties, in compliance with the laws in effect for the Prosecution Service; (Wording by Decree-Law No. 8737, of January 19, 1946)

e) operate, as the first instance, or appoint prosecutors required to do so; (Wording by Decree-Law No. 8737, of January 19, 1946)

f) admit and dismiss the supernumerary staff from the Office and extend the paid hours of staff and supernumerary staff; (Wording by Decree-Law No. 8737, of January 19, 1946)

g) submit, by March 31 of each year, to the Minister of Labor, Industry and Commerce, a report on the work of the Prosecution Office in the prior year, with the observations and suggestions deemed convenient. (Wording by Decree-Law No. 8737, of January 19, 1946)

SECTION IV

THE DUTIES OF THE PROSECUTIONS

Article 759 – Prosecutors and other employees are responsible for carrying out the duties assigned to them by the attorney general. (Refer to Law No. 72, of 1966)

Sole Paragraph. The prosecutors are allowed, in the processes in which they notify, to request the prosecutor general to take the necessary steps and investigations.

SECTION V

THE SECRETARIAT

Article 760 – The Social Security Prosecution Office shall have a Secretariat headed by a chief appointed by the Attorney General. (Wording by Decree-Law No. 8737, of January 19, 1946) (Refer to Law No. 72, of 1966

Article 761 – The Secretariat shall have the personnel appointed by the Minister of Labor, Industry and Commerce. (Wording by Decree-Law No. 8737, of January 19, 1946) (Refer to Decree-Law No. 72, of 1966)

Article 762 – The Secretariat of the Social Security Prosecution Office is responsible for performing services identical to those referred to in Article 753. (Refer to Law No. 72, of 1966)

TITLE X

LABOR JUDICIAL PROCEDURE

CHAPTER I

PRELIMINARY PROVISIONS

Article 763. The procedure in the Labor Courts with respect to individual and collective labor disputes and the imposition of penalties shall be governed by the rules set forth in this Title throughout the Brazilian territory.

Article 764. All disputes, whether individual or collective, which are referred to a Labor Court shall be submitted to conciliation proceedings.

Paragraph 1. For the purposes of this Article the labor judges and Courts shall always try to persuade the parties to accept a settlement of the dispute by conciliation.

Paragraph 2. In the event of failure to reach an agreement, the conciliation proceedings shall be converted into arbitration proceedings, and a decision shall be issued in the manner provided for in this Title.

Paragraph 3. Even after the termination of the conciliation proceedings, the parties shall be entitled to enter into an agreement, which shall dismiss the case.

Article 765. Labor Courts and judges shall have full discretion in the conduct of proceedings, ensuring that proceedings be fast and may take any measures necessary to clarify facts.

Article 766. In disputes relating to the fixing of wages, the terms of settlement shall be such as to ensure both a fair wage for the employees and a fair return to the companies concerned.

Article 767. Compensation or retention shall only be claimed for defense.

Article 768. A dispute in which the decision is enforced before the bankruptcy court shall be given priority at all stages in the proceedings.

Article 769. In cases not expressly provided for, the ordinary Procedural Law regarding proceedings shall apply subsidiarily to labor procedural law, except for provisions not compatible with those of this Title.

CHAPTER II

PROCEEDINGS IN GENERAL

SECTION I

INSTRUMENTS, REGISTERS AND TIME LIMITS

Article 770. Proceedings shall be published, except when contrary to the public interest, and shall be put into effect on working days between 6 (six) a.m. and 8 (eight) p.m.

Sole Paragraph. Distraint proceedings may be effected on Sunday or a public holiday, subject to the express permission of the judge or President.

Article 771. Instruments and registers may be written, typewritten or stamped.

Article 772. Instruments and registers, which shall be signed by the parties concerned, shall be signed with fingerprint if the parties are unable to sign, by a justified reason, in the presence of 2 (two) witnesses, whenever there is not a proxy.

Article 773. registers relating to the various stages in proceedings shall be kept in the form of notes, dated and initialed by the secretaries or clerks. (Refer to Law Nos. 409, of 1943 and 6.563, of 1978)

Article 774. In the absence of any provision to the contrary, the time limits specified in this Title shall be considered from the date on which notice is given verbally or in writing, from the date on which the notice is published in the official gazette or in the gazette publishing the orders of the Labor Courts or from the date on which the notice is posted at the place where the Board, Court or Court is located. (Wording by Law No. 2.244, of June 23, 1954)

Sole Paragraph. If notification is given by post and the addressee fails to receive or refuses to accept the notification, the postal authorities shall return it to the Court from which it was dispatched within 48 (forty-eight) hours, subject to liability. (Wording by Decree-Law No. 8737, of January 19, 1946)

Article 775. The time limits established in this Title shall be counted in business days, excluding the day of the beginning and including the day of the end. (Wording by Law No. 13467, of 2017)

Paragraph 1. Time limits can be extended, for as long as strictly necessary, in the following cases: (Included by Law No. 13467, of 2017)

I – when the court deems it necessary; (Included by Law No. 13467, of 2017)

II – due to force majeure, duly proven. (Included by Law No. 13467, of 2017)

Paragraph 2. It shall be up to the court to extend the procedural Time limits and change the order of production of evidence, adapting them to the requirements of the dispute in order to make the protection of the Law more effective. (Included by Law No. 13467, of 2017)

Article 775-A. The procedural period shall be suspended on the days between December 20 and January 20, both dates included. (Included by Law No. 13.545, of 2017)

Paragraph 1. With the exception of individual vacations and holidays instituted by Law, judges, members of the Prosecution Service, the Public Defender's Office and the Public Attorney's Office and the assistants of Justice will exercise their powers during the period provided for in the head provision of this Article. (Included by Law No. 13.545, of 2017)

Paragraph 2. During the suspension of the time limts, there shall be no hearings or judgment sessions. (Included by Law No. 13.545, of 2017)

Article 776. The expiry of the time limits shall be certified by an annotation made in the file by the clerk or secretary. (Refer to Law Nos. 409, of 1943 and 6.563, of 1978)

Article 777. Forms and documents submitted, instruments and registers, appeal petitions or statements of grounds for appeal, and any other papers relating to a case shall constitute the file of the case, which shall be kept under the responsibility of the clerk or secretary. (Refer to Law Nos. 409, of 1943 and 6.563, of 1978)

Article 778. A file of a Labor Court case shall not be removed from the office or secretariat except when it must be transmitted to the competent bodies in the event of an appeal or request. (Wording by Law No. 6.598, of December 1, 1978)

Article 779. The parties or their agents shall have complete freedom to consult the documents in the offices or secretariats.

Article 780. The documents in the file of a case shall not be removed until after the conclusion of the case; a copy shall be left in the file.

Article 781. The parties may request request certificates with respect to cases in progress or filed; the certificates shall be issued by the clerk or secretary. (Refer to Law Nos. 409, of 1943 and 6.563, of 1978)

Sole Paragraph. Certificates of cases heard in camera shall not be issued without order of the judge or President.

Article 782. Complaints, objections, requests, instruments or procedures, and documents related to the Labor Courts shall be exempt from seals.

SECTION II

CASE DISTRIBUTION

(Refer to the Federal Constitution)

Article 783. Complaints shall be distributed to the Conciliation and Arbitration Boards or the State Judges, in the cases specified in Paragraph 1 of Article 669, strictly in order of submission to the distributing clerk if any.

Article 784. Complaints shall be registered in a special book, dully initialled on every page by the authority to which the distributing clerk is subordinate.

Article 785. The distributing clerk shall issue a receipt to the person concerned, containing the names of the plaintiff and the defendant, the date of distribution, the object of the complaint and the Board or Court to which it is distributed.

Article 786. An oral complaint shall be distributed before it is registered in writing.

Sole Paragraph. When an oral complaint is distributed, the plaintiff shall appear, except for the cases of force majeure, before the office or secretariat, within a time limit of 5 (five) days, in order to register the complaint in writing; failure to do so shall entail the penalty specified in Article 731.

Article 787. A complaint in writing shall be submitted in duplicate, and shall be accompanied by the documents on which it is based.

Article 788. After distributed, the complaint shall be transmitted by the distributing clerk to the competent Board or Court, accompanied by the distribution notice.

SECTION III

COSTS AND COURT FEES

Article 789. In individual and collective labor disputes, in lawsuits and proceedings within the jurisdiction of the Labor Courts, as well as in demands proposed before the State Justice, in the exercise of labor jurisdiction, the costs related to the cognizance stage shall be based on 2 % (percent), observing the minimum of R$ 10.64 (ten reais and sixty-four) cents and the maximum of four times the higher limit of the benefits of the General Social Security regime, and they shall be calculated: (Wording by Law No. 13467, of 2017)

I – when there is an agreement or condemnation over the respective value; (Wording by Law No. 10.573, of August 27, 2002)

II – when the proceeding is terminated, without judgment on the merits, or the request is exonerated, over the amount in dispute; (Wording by Law No. 10.537, of August 27, 2002)

III – in the case of the granting a request made in a declaratory judgment action and in a constitutive action, over the amount in dispute; (Wording by Law No. 10.537, of August 27, 2002)

IV – when the value is undetermined, the judge shall determine it. (Wording by Law No. 10.537, of August 27, 2002)

Paragraph 1. The costs shall be paid by the losing party, after the unappeallable final decision. In the case of an appeal, the costs shall be paid and receipt of payment shall be provided within the limitation period. (Wording by Law No. 10.537, of August 27, 2002)

Paragraph 2. If the sentence is not liquidated, the amount shall be arbitrated by the Court and it shall determine the amount of the procedural costs. (Wording by Law No. 10.537, of August 27, 2002)

Paragraph 3. Whenever there is an agreement, if it is not otherwise provided for, the costs shall be paid in equal parts to the litigants. (Wording by Law No. 10.537, of August 27, 2002)

Paragraph 4. In collective bargaining agreements, the overdue parties shall be jointly liable to the payment of costs, calculated on the amount arbitrated in the decision, or by the Chief Judge of the Court. (Wording by Law No. 10.537, of August 27, 2002)

Article 789-A. In the execution stage, costs are due, and always the responsibility of the judgment debtor and paid at the end, in accordance with the following list: (Included by Law No. 10,537, dated 8/27/2002.)

I – purchase at a judicial sale, award and redemption proceedings: 5% (five percent) over the respective amount, up to a maximum of one thousand, R$ 1,915.38 (nine hundred and fifteen reais and thirty-eight cents); (Included by Law No. 10.537, of August 27, 2002)

II – acts of bailiffs, by certified procedures: (Included by Law No. 10.537, of August 27, 2002)

a) in urban areas: R$ 11.06 (Eleven reais and six cents); (Included by Law No. 10.537, of August 27, 2002)

b) in rural areas: R$ 22.13 (Twenty two reais and thirteen cents); (Included by Law No. 10.537, of August 27, 2002)

III – interlocutory appeals: R$ 44.26 (Forty-four reais and twenty-six cents); (Included by Law No. 10.537, of August 27, 2002)

IV – appeals against complaints: R$ 44.26 (Forty-four reais and twenty-six cents); (Included by Law No. 10.537, of August 27, 2002)

V – motion to stay execution execution, third-party motions and motion to purchase at a judicial sale: R$ 44.26 (Forty-four reais and twenty-six cents); (Included by Law No. 10.537, of August 27, 2002)

VI – motion to review: R$ 55.35 (Fifty-five reais and thirty-five cents); (Included by Law No. 10.537, of August 27, 2002)

VII – challenge to the liquidation decision: R$ 55.35 (Fifty-five reais and thirty-five cents); (Included by Law No. 10.537, of August 27, 2002)

VIII – storage expense in judicial deposit – per day: 0.1% (One tenth percent) of the evaluation value; (Included by Law No. 10537, of August 27, 2002)

IX – settlement calculations performed by the accountant of the court – over the settled value: 0.5% (Five tenths percent) up to the limit of R$ 638.46 (six hundred and thirty-eight reais and forty-six cents). (Included by Law No. 10,537, of August 27, 2002)

Article 789-B. The fee shall be borne by the Applicant, in the amounts set out in the following list: (Included by Law No. 10.537, of August 27, 2002)

I – documents transfer authentication by means of a copy presented by the parties - per sheet: R$ 0.55 (fifty-five cents of reais); (Included by Law No. 10.537, of August 27, 2002)

II - photocopy of documents - per sheet: R$ 0.28 Twenty-eight cents of reais); (Included by Law No. 10.537, of August 27, 2002)

III – authentication of documents – per sheet: R$ 0.55 (fifty-five cents of reais); (Included by Law No. 10.537, of August 27, 2002)

IV – letters of sentence, adjudication, redemption and conclusion – per sheet: fifty-five cents of reais (R$ 0.55); (Included by Law No. 10.537, of August 27, 2002)

V – certificates – per sheet: R$ 5.53 (five reais and fifty-three cents). (Included by Law No. 10.537, of 27.8.2002)

Article 790. In the Labor District Courts, in the Courts of Law, in the Courts and in the Superior Labor Court, the form of payment of costs and fees shall be made pursuant to instructions to be issued by the Superior Labor Court. (Wording by Law No. 10.537, of August 27, 2002)

Paragraph 1. In the case of employee without the benefit of free justice, or exemption from costs, the union intervening in the process shall be jointly and severally liable to the payment of the due costs. (Wording by Law No. 10.537, of August 27, 2002)

Paragraph 2. In the case of non-payment of costs, the respective amount shall be executed, according to the procedure established in Chapter V of this Title. (Wording by Law No. 10.537, of August 27, 2002)

Paragraph 3. Judges, judging bodies and PRESIDENTS of the Labor Courts of any instance are entitled to grant, by request or *sua sponte*, the benefit of free justice, including with regard to copies and instruments, to those who receive a salary equal to or less than 40% (forty percent) of the maximum limit of the benefits of the General Social Security regime. (Wording by Law No. 13467, of 2017)

Paragraph 4. The benefit of free justice shall be granted to the party that proves insufficient resources to pay procedural fees. (Included by Law No. 13467, of 2017)

Article 790-A. The following are exempt from the payment of costs, in addition to the beneficiaries of free justice: (Included by Law No. 10.537, of August 27, 2002)

I – the Federal Government, the States, the Federal District, the Municipalities and their respective autonomous agencies and federal, state and municipal public foundations that do not exploit economic activity; (Included by Law No. 10.537, of August 27, 2002)

II – the Labor Prosecution Service. (Included by Law No. 10.537, of August 27, 2002)

Sole Paragraph. The exemption provided for in this Article does not apply to the inspection bodies of professional practice, nor does it exempt the legal entities referred to in item I from the obligation to reimburse the legal expenses incurred by the winning party. (Included by Law No. 10.537, of August 27, 2002)

Article 790-B. Responsibility for the payment of expert fees is incumbent on the losing party, even though they shall be entitled to free justice. (Wording by Law No. 13467, of 2017)

Paragraph 1. When setting the amount of expert fees, the court shall respect the maximum limit established by the Superior Council for Labor Courts. (Included by Law No. 13467, of 2017)

Paragraph 2. The court may grant a payment plan of the expert fees. (Included by Law No. 13467, of 2017)

Paragraph 3. The court shall not be able to demand advances of amounts to carry out expert evaluations. (Included by Law No. 13467, of 2017)

Paragraph 4. Only in the event that the beneficiary of free justice has not obtained in court credits capable of supporting the expense referred to in the head provision, even if in another

proceeding, the Federal Government shall be responsible for the charge. (Included by Law No. 13467, of 2017)

SECTION IV

THE PARTIES AND THEIR PROXIES

Article 791 – Employers and employees may in person file claims before the Labor Courts and keep track of the claims until the end.

Paragraph 1. Regarding individual labor disputes, employers and employees may be represented by a union, lawyer, attorney or others, licensed by the Bar Association of Brazil.

Paragraph 2. Regarding collective labor disputes, interested parties may have the assistance of a lawyer.

Paragraph 3. A proxy with powers to act before the courts may be effected, by means of a simple record in the minutes of the hearing, at the oral request of the interested attorney, with the consent of the represented party. (Included by Law No. 12.437, of 2011)

Article 791-A. The lawyer, even if acting in their own cause, shall be owed the costs of loss of suit, set between a minimum of 5% (five percent) and a maximum of 15% (fifteen percent) over the amount that results from the settlement of the sentence, the economic profit obtained or, if it is not possible to measure it, over the updated value of the dispute. (Included by Law No. 13467, of 2017)

Paragraph 1. The costs are also due in the lawsuits against the Public Treasury and in the lawsuits in which the party is assisted or replaced by the union of its category. (Included by Law No. 13467, of 2017)

Paragraph 2. When setting the costs, the court will observe: (Included by Law No. 13467, of 2017)

I – the professional's degree of zeal; (Included by Law No. 13,467, of 2017)

II - the place where the service was provided; (Included by Law No. 13467, of 2017)

III - the nature and importance of the cause; (Included by Law No. 13467, of 2017)

IV - the work done by the lawyer and the time required for their service. (Included by Law No. 13467, of 2017)

Paragraph 3. In the event of partial validity, the court will arbitrate costs for loss of suits by both parties, with no compensation between costs. (Included by Law No. 13467, of 2017)

Paragraph 4. In the event of defeat of the beneficiary of free justice, provided that they have not obtained credits in court, even in another proceeding, credits capable of supporting the expense, the obligations arising from their losing shall be under condition precedent and can only be executed if, in the 2 (two) years following the final decision that certified them, the creditor demonstrates that the situation of insufficient resources that justified the granting of gratuity creased to exist, extinguishing, after that period, such obligations of the beneficiary. (Included by Law No. 13467, of 2017)

Paragraph 5. Costs of loss of suit are due in the counterclaim. (Included by Law No. 13467, of 2017)

Article 792. (Included by Law No. 13467, of 2017)

Article 793. Labor claims for minors under 18 years of age shall be filed by their legal representatives and, if they fail to do so, by the Labor Prosecution Office, by the union, by the State Prosecution Service or by a curator appointed in court. (Wording stated by Law No. 10.288, of 2001)

SECTION IV-A

(Included By Law No. 13467, Of 2017)

LIABILITY FOR PROCEDURAL DAMAGE

Article 793-A. Anyone who litigates in bad faith as a claimant, defendant or intervener is liable to damages. (Included by Law No. 13467, of 2017)

Article 793-B. Litigants in bad faith are those who: (Included by Law No. 13467, of 2017)

I – claim defense against an express text of law or uncontroversial fact; (Included by Law No. 13467, of 2017)

II - alter the truth of the facts; (Included by Law No. 13467, of 2017)

III - use the proceeding to achieve an illegal objective; (Included by Law No. 13467, of 2017)

IV - show unjustified resistance to the progress of the proceedings; (Included by Law No. 13467, of 2017)

V - proceed in a reckless manner in any incident or act in the proceeding; (Included by Law No. 13467, of 2017)

VI - cause a manifestly unfounded incident; (Included by Law No. 13467, of 2017)

VII - file an appeal with a manifestly delaying intention. (Included by Law No. 13467, of 2017)

Article 793-C. *Sua sponte* or upon request, the court shall order the litigant in bad faith to pay a fine, which should be greater than 1% (one percent) and less than 10% (ten percent) of the corrected amount of the dispute, to indemnify the opposing party for the losses that it suffered and to bear the attorney's fees and all the expenses it incurred. (Included by Law No. 13467, of 2017)

Paragraph 1. When there are 2 (two) or more litigants in bad faith, the court will condemn each one in proportion to their respective interest in the cause or jointly and severally those who have come together to harm the opposing party. (Included by Law No. 13467, of 2017)

Paragraph 2. When the value of the dispute is negligible or priceless, the fine may be fixed at up to twice the maximum limit of the benefits of the General Social Security regime. (Included by Law No. 13467, of 2017)

Paragraph 3. The amount of the indemnity shall be fixed by the court or, if it s not possible to measure it, paid by arbitration or by the common procedure, in the case registers. (Included by Law No. 13467, of 2017)

Article 793-D. The fine provided for in Article 793-C of this Consolidation applies to the witness who intentionally changes the truth of the facts or omits facts essential to the judgment of the case. (Included by Law No. 13467, of 2017)

Sole Paragraph. The fine provided for in this Article shall be enforced in the same proceedings. (Included by Law No. 13467, of 2017)

SECTION V

NULLITY

Article 794. In cases subject to the jurisdiction of the Labor Courts a decision of nullity shall not be issued unless the defective proceedings entail manifest prejudice upon the litigants.

Article 795. A decision of nullity shall not be issued except upon request by the parties, who shall claim nullity the first time they have to speak at a hearing or in the preliminary proceedings.

Paragraph 1. Nullity, however, on the ground of lack of jurisdiction or the court shall be declared *sua sponte*. In this case the decision acts shall be considered null and void.

Paragraph 2. If a judge or court declares themselves or itself to lack jurisdiction, they or it shall at the same time order the case to be transmitted promptly to the competent authority and shall give reasons for their decision.

Article 796. Nullity shall not be declared:

a) if it is possible to fix the problem or repeat procedures;

b) if it is claimed by the person who was responsible for it.

Article 797. The judge or Court who or which declares nullity of any proceedings shall specify the procedures covered by the declaration of nullity.

Article 798. The nullity of any proceedings shall affect exclusively subsequent actions which are dependent or consequent upon the proceedings in reference.

SECTION VI

EXCEPTIONS

Article 799. In cases within the jurisdiction of the Labor Courts, exceptions shall not be admitted except on the ground or disqualification or lack of jurisdiction. (Wording by Decree-Law No. 8737, of January 19, 1946)

Paragraph 1. Other exceptions shall be entered as part of the defense. (Wording by Decree-Law No. 8737, of January 19, 1946)

Paragraph 2. No appeal shall lie against decisions regarding exceptions on the ground of disqualification or lack of jurisdiction, except when, in the latter case, the decision puts an end to the dispute; but the parties may enter the exceptions again in an appeal from the final decision. (Wording by Decree-Law No. 8737, of January 19, 1946)

Article 800. In the event of objection to venue within five days of the notification, before the hearing and in a document that shows the existence of this exception, the procedure established in this Article shall be followed. (Wording by Law No. 13467, of 2017)

Paragraph 1. Once the petition is filed, the process shall be suspended and there shall be no hearing referred to in Article 843 of this Consolidation until the exception is decided. (Included by Law No. 13467, of 2017)

Paragraph 2. The proceedings shall be immediately sent to the judge, who will summon the claimant and, if any, the co-consultants, for manifesting within a common period of five days. (Included by Law No. 13467, of 2017)

Paragraph 3. If the production of oral evidence is deemed necessary, the court will designate a hearing, guaranteeing the right of the movant and their witnesses to be heard, by means of a letter of request, in the court indicated as having jurisdiction, accordingly. (Included by Law No. 13467, of 2017)

Paragraph 4. Once the objection to venue is decided, the proceeding will resume its course, with the appointment of a hearing, presentation of defense and procedural instruction before the competent court. (Included by Law No. 13467, of 2017)

Article 801. A judge, President or member shall declare themselves disqualified and may be challenged for any one or the following reasons in relation to the litigants:

a) personal enmity;

b) intimate friendship;

b) relationship by consanguinity or marriage to the third civil degree;

e) special interest in the case.

Sole Paragraph. If the challenger has been a party in any proceedings in which they have accepted the judge, they shall not be entitled subsequently to file a motion on the ground of disqualification unless new reasons arise. Furthermore, disqualification shall not be admitted if it is found in the course of the case that the challenger failed to file a motion on that ground at an earlier stage, though they were aware of the disqualification, or that they accepted the judge who is challenged after becoming aware of the disqualification, or finally that they willfully brought up the reason for the disqualification on purpose.

Article 802. When a motion is filed on the ground of disqualification, the judge or Court shall appoint a hearing within 48 (forty-eight) hours for the purpose of reviewing the exception and giving a decision thereon.

Paragraph 1. In the Conciliation and Arbitration Boards and the Regional Courts, if a motion on the ground of disqualification is allowed, the substitute for the disqualified member shall be

convened for the same or the next hearing or sitting and shall continue to act in the case until the final decision. If any member declares themselves to be disqualified, the same procedure shall be followed.

Paragraph 2. If a State Judge is disqualified, they shall be replaced in the manner provided for in the local judiciary regime.

SECTION VII

CONFLICT OF JURISDICTION

Article 803. Conflicts of jurisdiction may arise between:

a) Conciliation and Arbitration Boards and State Judges empowered to act in the administration of Labor Courts;

b) regional labor courts;

c) Labor Courts and Ordinary Courts;

d) Chambers of the Superior Labor Court. (Refer to Decree-Law No. 8737, of 1946)

Article 804. A conflict of jurisdiction shall arise:

a) when both authorities claim jurisdiction;

b) when both authorities disclaim jurisdiction.

Article 805. A conflict of jurisdiction may be raised by:

a) the Labor Judges and Courts;

b) the Labor Prosecutor General or the Federal Circuit Prosecutors of the Labor Courts;

c) the party concerned or their representatives.

Article 806. it is prohibited for a party to raise a conflict of jurisdiction if they have already entered a motion on the ground of lack of jurisdiction.

Article 807. When raising a conflict of jurisdiction, the party concerned shall prove that such conflict exists.

Article 808. Cases of conflict of jurisdiction under Article 803 shall be settled as follows: (Wording by Decree-Law No. 6353 of March 20, 1944.)

a) by the Regional Courts in their respective regions, between Boards and State Judges, or between a Board and other Boards;

b) by the Labor Courts Chamber, between Regional Courts, or between Boards and State Judges under the jurisdiction of different Regional Courts:

c) by the Full Labor Council, between the Labor Courts Chambers and the Social Security Chamber; (Refer to Decree-Law No. 9797, of 1946)

d) by the Federal Supreme Court, between the Labor Courts authorities and the authorities of the Ordinary Courts;

Article 809. The following rules shall be observed in a conflict of jurisdiction between a Board and a State Judge:

II - The judge or President shall cause the evidence of the conflict of jurisdiction to be taken from the file and shall transmit the case to the President of the competent Regional Court as soon as possible.

II - As soon as the file is received by the Regional Court, the President shall decide regarding its distribution, and the rapporteur may order at once that the Board or Courts, in the case of real lack of jurisdiction, stop procedures in the case, and may at the same time request any information which they consider necessary. The the Prosecution Office shall then be heard, after which the rapporteur shall submit the case for decision at the first meeting of the council.

III - When a decision is given, it shall be communicated to the conflicting authorities, and the case shall continue in the court found competent,

Article 810. The rules set forth in the preceding Article shall apply to a conflict of jurisdiction between Regional Courts.

Article 811. In a conflict of jurisdiction in a labor matter between the Labor Courts authorities and the Ordinary Courts, the file, prepared in accordance with Subparagraph I of Article 809, shall be transmitted directly to the Chief Justice of the Federal Supreme Court.

Article 812. Procedural order for conflicts of jurisdiction between the Chambers of the Superior Labor Court shall be established in its internal regulations. (Refer to Decree-Law No. 9797, of September 9, 1946)

SECTION VIII

HEARINGS

Article 813. The hearings in the Labor Courts shall be public and shall be held at the seat of the court on business days at a time fixed in advance, between 8 (eight) a.m. and 6 (six) p.m.; the hearings shall not last for more than 5 (five) consecutive hours, except for urgent cases.

Paragraph 1. In special cases another place may be appointed for the hearings by means of a public notice posted at the seat of the court, not less than 24 (twenty-four) hours in advance.

Paragraph 2. Whenever necessary, extraordinary hearings may be convened subject to the observance of the time limit specified in the preceding Paragraph.

Article 814. The clerks or secretaries shall be present at the hearings and shall be in their places before the hearing begins. (Refer to Law Nos. 409, of 1943 and 6.563, of 1978)

Article 815. At the time fixed the judge or President shall declare the hearing open, and the secretary or clerk shall call the parties, witnesses and other persons who are to appear. (Refer to Law Nos. 409, of 1943 and 6.563, of 1978)

Sole Paragraph. If the judge or President fails to appear within 15 (fifteen) minutes of the time fixed, the persons present may leave, and a note of the incident shall be made in the register of hearings.

Article 816. The judge or President shall keep order at the hearings and may order any person who disturbs the hearing to leave court.

Article 817. The register of the hearings shall be kept in a special book; each register shall contain information of the cases heard and the settlement of each, and of any relevant incidents.

Sole Paragraph. Certified copies of annotations in the register of hearings may be issued to persons who fill in an application for the purpose.

SECTION IX

EVIDENCE

Article 818. The burden of proof lies with: (Wording by Law No. 13467, of 2017)

I – the claimant, as to the fact regarding their right; (Included by Law No. 13,467, of 2017)

II - the defendant, as to the existence of an impediment, modification or extinction of the claimant's right. (Included by Law No. 13467, of 2017)

Paragraph 1. In the cases provided for by Law or in view of the peculiarities of the case related to the impossibility or the excessive difficulty of fulfilling the charge under the terms of this

Article or to the greater ease of obtaining proof of the contrary fact, the court may assign the burden of proof in a different way, provided that it does so by reasoned decision, in which case it should give the party the opportunity to discharge the burden that has been assigned to it. (Included by Law No. 13467, of 2017)

Paragraph 2. The decision referred to in Paragraph 1 of this Article shall be rendered before the opening of the investigation and, at the request of the party, shall result in the postponement of the hearing and shall make it possible to prove the facts by any means admitted in the Law. (Included by Law No. 13467, of 2017)

Paragraph 3. The decision referred to in Paragraph 1 of this Article cannot cause a situation in which the discharge of the burden by the party is impossible or excessively difficult. (Included by Law No. 13467, of 2017)

Article 819. The statements and evidence of parties and witnesses who cannot speak Portuguese shall be taken through an interpreter appointed by the judge or President.

Paragraph 1. The procedure specified in this Article shall be followed in the case of deaf and dumb or dumb persons who cannot write.

Paragraph 2. Expenses arising from the provisions of this Article shall be borne by the losing party, unless the beneficiary of free justice. (Wording by Law No. 13.660, of 2018)

Article 820. The parties and the witnesses shall be examined by the judge or President and may be cross-examined through the judge or President at the request of members, the parties, or the representatives or lawyers of the parties.

Article 821. Each of the parties shall be entitled to call not more than 3 (three) witnesses, except for the case of an inquiry, when the number of witnesses may be increased to 6 (six). (Wording by Decree-Law No. 8737, of January 19, 1946)

Article 822. Deductions shall not be made from the wages of witnesses on account of absence from work due to their attendance to provide evidence, provided that they were duly entered on the lists or summoned.

Article 823. If the witness is a civil or military official, and is called to provide evidence during their hours of service, a request shall be sent to their superior officer for their attendance at a specified hearing.

Article 824. The judge or President shall ensure that the evidence of a witness is not heard by the other witnesses awaiting to provide evidence in the case.

Article 825. The witnesses shall appear at the hearing without the service of a notice or summons.

Sole Paragraph. If a witness fails to appear, then a summons shall be served upon them, *sua sponte* or at the request of the party concerned, and they shall be liable to be brought by force, in addition to the penalties specified in Article 730, if without sufficient reason they fail to comply with the summons.

Article 826. Each party is allowed to provide an expert or technician. (Refer to Law No. 5584, of 1970)

Article 827. The judge or President may examine the sworn experts or the specialists, and shall initial the opinion given by the former in order for it to be attached to the proceedings.

Article 828. Every witness, before taking the statutory oath, shall give the following personal information, name, nationality, occupation, age, address, and in the case of the employee the period of employment with that employer; they shall be subject to the criminal laws, if they make any false statement.

Sole Paragraph. A summary of the evidence of the witnesses shall be made at the hearing by the secretary of the Board or the public servant appointed for that purpose; it shall be signed by the Chief Judge of the Court and by the witnesses concerned.

Article 829. A witness related to the third civil degree, an intimate friend, or an enemy of any the of the parties shall not take the oath and heir statement shall be of value exclusively for purposes of information.

Article 830. A copy of the document offered for evidence may be declared authentic by the lawyer themselves, under their personal responsibility. (Wording by Law No. 11.925, of 2009)

Sole Paragraph. Should the authenticity of the copy be challenged, the party that provided it shall be summoned to present duly authenticated copies or the original, with the competent servant being responsible for checking and certifying the conformity between these documents. (Included by Law No. 11.925, of 2009)

SECTION X

DECISION AND EFFECTIVENESS

Article 831. If the parties reject the conciliation proposals, a decision shall be issued.

Sole Paragraph. In the case of conciliation, the terms agreed upon shall be deemed to have the force of a decision not subject to appeal, except for Social Security contributions that are due. (Wording by Decree-Law No. 10.035 of October 25, 2000)

Article 832. The decision shall give the names of the parties, a summary of the demands and the defense, an evaluation of the evidence, the grounds for the decision and the final conclusion. (Wording by Decree-Law No. 10.035 of October 25, 2000)

Paragraph 1. If the decision grants the demands, it shall specify the time limit and the conditions for compliance.

Paragraph 2. The decision shall always specify the costs to be paid by the losing party.

Paragraph 3. Cognitive or ratification judgments shall always indicate the juridical nature of the certified parts of the sentence or ratified agreement, including the limit of liability of each party for the collection of the Social Security contribution, if applicable. (Included by Decree-Law No. 10.035 of October 25, 2000)

Paragraph 3-A. For the purposes of Paragraph 3 of this Article, except for the event that the claim for action is expressly limited to the recognition of funds of an exclusively indemnity nature, the part referring to funds of a remunerative nature may not be based on a value lower than: (Included by Law No. 13.876, of 2019)

I - the minimum wage, for the skills that integrate the employment relationship recognized in the cognitive or ratification judgment; or (Included by Law No. 13.876, of 2019)

II - the difference between the remuneration recognized as due in the cognitive or ratification judgment and the one actually paid by the employer, whose total amount referring to each competence shall not be less than the minimum wage. (Included by Law No. 13.876, of 2019)

Paragraph 3-B. If there is a salary floor for the category defined by collective bargaining agreement or convention, its value shall be used as the calculation basis for the purposes of Paragraph 3-A of this Article. (Included by Law No. 13.876, of 2019)

Paragraph 4. The Federal Government shall be notified of the confirmatory decisions that contain partial indemnification under the terms of Article 20 of Law No. 11033, of December 21, 2004, and shall be allowed to file an appeal related to the due contributions. (Wording by Law No. 11.457, of 2007) (In effect)

Paragraph 5. Should the Federal Government be notified in the sentence, it may appeal against the discrimination referred to in Paragraph 3 of this Article. (Included by Law No. 11.457, of 2007) (In effect)

Paragraph 6. The agreement entered into after the judgment has become final or after the sentence has been settled shall not prejudice the Federal Government's credits. (Included by Law No. 11.457, of 2007) (In effect)

Paragraph 7. The Minister of Finance may, by means of a reasoned act, dispense the opinion of the Federal Government regarding decision agreements ratification in which the amount of the indemnity part involved causes loss of scale resulting from the performance of the legal body. (Included by Law No. 11.457, of 2007) (In effect)

Article 833. If the decision contains obvious clerical or typing mistakes or errors of calculation, the mentioned mistakes or errors may be rectified, before the decision is carried out, either *sua sponte* or at the request of the parties concerned or the Labor Courts Prosecution Office.

Article 834. Except for the cases specified in this Consolidation, a decision shall be deemed to have been published and served upon the litigants or their employers at the hearing at which it was rendered.

Article 835. The agreement or decision shall be fulfilled within the provided for time limit and under the provided for conditions.

Article 836. It is forbidden for the Labor Courts bodies to entertain issues already decided, except for the cases expressly provided for in this Title and the action for relief from judgment, which shall be admitted under the provisions of Chapter IV of Title IX of Law No. 5.869, of January 11, 1973 - Code of Civil Procedure, subject to the prior deposit of 20% (twenty percent) of the value of the dispute, unless proof of legal misery by the plaintiff. (Wording by Law No. 11.495, of 2007)

Sole Paragraph. The execution of the decision rendered in the action for relief from judgment shall take place in the case registers of the action that gave rise to it, and shall be instructed with the relief from judgment decision and the respective unappealable decision certificate. (Included by Provisional Presidential Decree No. 2.180-35, of 2001)

CHAPTER III

INDIVIDUAL LABOR DISPUTES

SECTION I

GUIDANCE FOR COMPLAINTS AND NOTICES

Article 837. In locations with only 1 (one) Conciliation and Arbitration Board or 1 (one) civil court clerk, complaints shall be submitted directly to the secretariat of the Board or the office of the Court.

Article 838. In locations with more than 1 (one) Board or more than 1 (one) Court or civil court clerk, the complaint shall be distributed in the first place in the manner specified in Chapter II, Section II, of this Title.

Article 839. The complaint may be filed:

a) by the employers or employees in person or by their legal representatives or by unions;

b) through the regional Labor Courts Prosecution Offices.

Article 840. Complaints may be submitted either orally or in writing.

Paragraph 1. If written, the claim shall contain the name of the court, the identification of the parties, a brief statement of the facts resulting in the dispute, the request, which shall be certain, determined and indicating its value, the date and signature of the complainant or their representative. (Wording by Law No. 13467, of 2017)

Paragraph 2. If verbal, the claim shall be transcribed into a written form, in 2 (two) copies dated and signed by the clerk or secretary, observing whenever applicable, the provisions of Paragraph 1 of this Article. (Wording by Law No. 13467, of 2017)

Paragraph 3. Requests that do not comply with the provisions of Paragraph 1 of this Article shall be dismissed without resolution of the merits. (Included by Law No. 13467, of 2017)

Article 841. When the complaint is received and registered, the clerk or secretary shall within 48 (forty-eight) hours send the second copy of the complaint or the register to the defendant, and at the same time shall summon them to appear at the first court hearing vacant on the list after the expiry of 5 (five) days.

Paragraph 1. The notice shall be served by registered letter exempt from postal charges. If the defendant refuses to accept delivery of the letter or cannot be found, the notice shall be served on them by publication in the official gazette or the official gazette in which the notices of the judiciary are published or in default shall be posted at the main office of the Board or Court.

Paragraph 2. The plaintiff shall be notified at the time of the submission of the complaint or in the manner specified in the preceding item.

Paragraph 3. Once the answer is filed, even if electronically, the claimant cannot, without the defendant's consent, withdraw the acton. (Included by Law No. 13467, of 2017)

Article 842. If 2 (two) or more complaints are submitted with reference to the same matter by employees in the same company or company, they may be consolidated in a single case.

SECTION II

ARBITRATION HEARINGS

Article 843. The plaintiff and the defendant shall be present at the arbitration hearing in person, independently of the attendance of their representatives, except for the cases of employment claims with multiple plaintiffs or Compliance Actions, when the employees may be represented by the union of their category. (Wording by Law No. 6.667, of July 3, 1979)

Paragraph 1. The employer shall be entitled to be represented by the agent or any other employee who knows the facts of the case; their statements shall be binding upon the principal.

Paragraph 2. If the employee is unable to appear in person on account of illness or some other sufficient reason duly proved, they shall be entitled to be represented by another employee belonging to the same occupation or by their union.

Paragraph 3. The representative referred to in Paragraph 1 of this Article need not be employed by the party complained against. (Included by Law No. 13467, of 2017)

Article 844. If the claimant fails to attend the hearing, the case shall be dismissed, and if the defendant fails to attend, judgment shall be given by default, and failure to attend shall he considered admission.

Paragraph 1. If there is a relevant reason, the judge may suspend the trial, scheduling a new hearing. (Wording by Law No. 13467, of 2017)

Paragraph 2. In the event of the claimant's absence, they shall be sentenced to pay the costs calculated in accordance with Article 789 of this Consolidation, even if they are the beneficiary of free justice, unless it is proven, within fifteen days, that the absence occurred for legally justified reasons (Included by Law No. 13467, of 2017)

Paragraph 3. The payment of the costs referred to in Paragraph 2 is a condition for filing a new demand. (Included by Law No. 13467, of 2017)

Paragraph 4. The default does not produce the effect mentioned in the head provision of this Article if: (Included by Law No. 13467, of 2017)

I - there are multiple defendants and any of them challenge the action; (Included by Law No. 13467, of 2017)

II - the dispute deals with unalienable rights; (Included by Law No. 13467, of 2017)

III - the complaint lacks instrument considered indispensable by the Law as proof of the act; (Included by Law No. 13467, of 2017)

IV - the allegations in fact made by the claimant are improbable or contradict the evidence in the case file. (Included by Law No. 13467, of 2017)

Paragraph 5. Even if the defendant is absent and the lawyer is present at the hearing, the defense and the documents eventually submitted shall be accepted. (Included by Law No. 13467, of 2017)

Article 845. The claimant and the defendant shall appear at the hearing accompanied by their witnesses, and they shall then submit any further evidence in their possession.

Article 846. Upon opening the hearing, the judge or the President shall propose conciliation. (Wording by Law No. 9.022, of April 5, 1995)

Paragraph 1. If an agreement is prepared and signed by the President and the litigants, the time limit and other conditions for compliance shall be mentioned therein. (Included by Law No. 9.022, of April 5, 1995, published and effective on April 6, 1995)

Paragraph 2. amongst the conditions to which the preceding paragraph refers, one which establishes that a party who does not comply with the agreement shall be obliged to fully meet the claim or pay a conventional indemnity, without prejudice to fulfillment of the agreement may be established. (Included by Law No. 9.022, of April 5, 1995, published and effective on April 6, 1995)

Article 847. If there is no agreement, the defendant shall have twenty minutes to add their defense, after reading the complaint, when it is not dismissed by both parties. (Wording by Law No. 9.022, of 04/05/1995)

Sole Paragraph. The party may file a written defense through the electronic judicial system until the hearing. (Included by Law No. 13467, of 2017)

Article 848. In the event of failure to reach an agreement, the hearing of the case shall continue, and the President shall be entitled to examine the litigants *sua sponte* or at the request of any member. (Wording by Law No. 9.022, of April 5, 1995)

Paragraph 1. Upon finishing the examination, any of the litigants may leave and the hearing of the case continue in the presence of their representative.

Paragraph 2. The witnesses, experts and specialists (if any) shall then be heard.

Article 849. Arbitration hearings shall be continuous; nevertheless, if for reasons of force majeure it is impossible to finish the hearing on the same day, the judge or President shall order it to be continued on the first free day, without a new notice.

Article 850. After the evidentiary stage, the parties may submit their final allegations, within a period of not more than 10 (ten) minutes each. The judge or President shall then provide conciliation proposals once more and, if they are rejected, a decision shall be rendered.

Sole Paragraph. After proposing a settlement of the dispute, the President of the Board shall take the votes of members, and if they are not unanimous may give a casting vote or render the decision which is best meets the requirements of the Law and the fair balance between the different votes, and take into account the interests of the community.

Article 851. The revision of the case and the arbitration proceedings shall be summarized in a register, which shall contain the full text of the decision. (Wording by Decree-Law No. 8737, of January 19, 1946)

Paragraph 1. In cases within the exclusive competent jurisdiction of the Boards, the President may determine that oral evidence need not be registered, but the conclusions of the Court, as to the facts shall always be entered in the register. (Included by Decree-Law No. 8737, of January 19, 1946)

Paragraph 2. Within a maximum time limit of 48 (forty-eight) hours, the minutes shall be attached to the file of the case and signed by the President or Class Judge, and the members present at the hearing. (New paragraph number by Decree-Law No. 8737, of January 19, 1946)

Article 852. The decision shall be communicated to the litigants, either in person or through their representatives, at the same hearing. In the event of default, it shall be served in the manner set forth in Paragraph 1 of Article 841.

SECTION II-A

SUMMARY PROCEDURE

(Included by Law No. 9957, of 2000)

Article 852A. Individual wage disputes whose value does not exceed 40 times the minimum wage effective on the date of the filing of the complaint shall be subject to summary procedure. (Included by Law No. 9957, 2000)

Sole Paragraph. Claims in which the Public Administration is a party as direct administration, autonomous agency or foundation shall be excluded from the summary procedure. (Included by Law No. 9957, of 2000)

Article 852B. In claims to be tried in summary procedure: (Included by Law No. 9957, of 2000)

I - the petition shall be certain or straight forward and shall indicate the corresponding value; (Included by Law No. 9957, of 2000)

II – service by publication shall not be done, and it is the claimant's responsibility to correctly indicate the name and address of the defendant; (Included by Law No. 9957, of 2000) (Refer to ADIN 2139) (Refer to ADIN 2160) (Refer to ADIN 2237)

III – The complaint shall be reviewed in a maximum period of fifteen days from its filing, possibly by special agenda, if necessary, in accordance with the judicial operations of the Board of Conciliation and Judgment. (Included by Law No. 9957, of 2000)

Paragraph 1. If the claimant does not comply with the provisions of sub-paragraphs I and II of this Article, the claim shall be dropped and the claimant shall be sentenced to the payment of the costs on the value of the dispute. (Included by Law No. 9957, of 2000)

Paragraph 2. The parties and attorneys shall communicate any address changes occurring during the course of the process, the summons being considered effective if sent to the place previously indicated, in the absence of any communication. (Included by Law No. 9957, of 2000)

Article 852-C. Claims subject to summary judgment shall be heard and judged in a single hearing, by a presiding or deputy judge, who may be called to act simultaneously with the presiding judge. (Included by Law No. 9957, of 2000)

Article 852-D. The judge shall direct the process with freedom to determine the evidence to be produced, the burden of proof of each litigant being considered, possibly limiting or excluding evidence considered excessive, impertinent or delaying, as well as to review evidence and give special value to the rules of common or technical experience. (Included by Law No. 9957, of 2000)

Article 852-E. Upon opening the session, the judge shall clarify to the parties present the advantages of conciliation and use adequate means of persuasion for a conciliatory solution of the litigation, at any stage of the hearing. (Included by Law No. 9957, of 2000)

Article 852-F. The essential actions, fundamental statements of the parties and concisely useful information to the solution of the case brought by the testimonial evidence shall be registered in the register of the hearing. (Included by Law No. 9957, of 2000)

Article 852-G. All incidents and exceptions that may interfere in the hearing and the proceedings shall be resolved immediately. Other matters shall be resolved in the judgment. (Included by Law No. 9957, of 2000)

Article 852-H. All evidence shall be produced during trial, even that which was not previously required. (Included by Law No. 9957, of 2000)

Paragraph 1. The opposing party will immediately be heard about the documents provided by the other party, without interruption of the hearing, unless it is absolute impossible, at the judge's discretion. (Included by Law No. 9957, of 2000)

Paragraph 2. The witnesses, up to the maximum of two for each party, shall attend the trial, regardless of summons. (Included by Law No. 9957, of 2000)

Paragraph 3. A witness shall only be summoned if when invited, they do not attend. If the summoned witness does not attend, the judge may determine that they immediately be forced to attend. (Included by Law No. 9957, of 2000)

Paragraph 4. Only when the proof of the fact requirements, or if legally imposed, shall technical evidence be granted, requiring the judge to at once establish the period of time, the object of the expertise and the appointment of the expert. (Included by Law No. 9957, of 2000)

Paragraph 5. (VETOED). (Included by Law No. 9957, of 2000)

Paragraph 6. The parties shall be summoned to give their opinions on the expert report within the normal period of five days. (Included by Law No. 9957, of 2000)

Paragraph 7. If the hearing is interrupted, it shall be continued within a maximum period of thirty days, unless there is a justified relevant reason in the proceedings given by the judge. (Included by Law No. 9957, of 2000)

Article 852-I. The decision shall mention why the Court is convinced of the facts with a summary of the relevant facts brought forth at the hearing, and the report shall not be needed. (Included by Law No. 9957, of 2000)

Paragraph 1. In each case, the judgment shall adopt the decision that is considered the most just and fair, assisting the social purposes of the Law and the requirements of the common good.

Paragraph 2. (VETOED) (Included by Law No. 9957, of 2000)

Paragraph 3. The parties shall be summoned for the sentence at the same hearing in which it was rendered. (Included by Law No. 9957, of 2000)

SECTION III

INQUIRY IN CASE OF A SERIOUS VIOLATION

Article 853. For the purpose of commencing an inquiry for reviewing of a serious violation in the case of an employee guaranteed right to tenure, the employer shall submit a complaint in writing to the Board or State Judge within 30 (thirty) days from the date of the suspension of the employee.

Article 854. The inquiry shall be conducted before the Board or State Judge in accordance with the rules set forth in this Chapter, subject to compliance with the provisions of this Section.

Article 855. If the employee's tenure is previously recognized, the award in the inquiry held by the Board or State Judge shall not be cause for the salaries owed by the employer until the filing of the inquiry to become moot.

SECTION IV

THE INCIDENT OF DISREGARD OF THE CORPORATE VEIL

(Included By Law No. 13467, of 2017)

Article 855-A. The incident of disregard of the corporate veil provided for in Articles 133 to 137 of Law No. 13.105, of March 16, 2015 – Code of Civil Procedure applies to labor proceedings. (Included by Law No. 13467, of 2017)

Paragraph 1. Regarding the interlocutory decision that accepts or rejects the incident: (Included by Law No. 13467, of 2017)

I – in the cognizance stage, there is no immediate appeal, in the form of Paragraph 1 of Article 893 of this Consolidation; (Included by Law No. 13467, of 2017)

II – in the execution phase, there is an interlocutory appeal, regardless of the guarantee of the judgment; (Included by Law No. 13467, of 2017)

III – there is an internal interlocutory appeal by the rapporteur in an incident originally established in the court. (Included by Law No. 13467, of 2017)

Paragraph 2. Commencement of the incident shall suspend the proceedings, without prejudice to the granting of precautionary relief under the precautionary nature referred to in Article 301 of Law 13.105, of March 16, 2015 (Code of Civil Procedure); (Included by Law No. 13467, of 2017)

CHAPTER III-A

NONLITIGIOUS PROCEEDINGS TO SETTLE OUT OF COURT

(Included By Law No. 13467, of 2017)

Article 855-B. The process of ratification of an out-of-court settlement shall begin by joint petition, and the representation of the parties by a lawyer is mandatory. (Included by Law No. 13467, of 2017)

Paragraph 1. The parties may not be represented by a common lawyer. (Included by Law No. 13467, of 2017)

Paragraph 2. The employee is allowed to be assisted by the lawyer of the union of their category. (Included by Law No. 13467, of 2017)

Article 855-C. The provisions of this Chapter are subject to the terms established in Paragraph 6 of Article 477 of this Consolidation and does not preclude enforcement of the fine provided for in Paragraph 8 of Article 477 of this Consolidation. (Included by Law No. 13467, of 2017)

Article 855-D. Within fifteen days of the distribution of the petition, the judge will review the agreement, call a hearing if deemed necessary and render a sentence. (Included by Law No. 13467, of 2017)

Article 855-E. The petition for ratification of an out-of-court settlement suspends the statutory period of action for the rights specified therein. (Included by Law No. 13467, of 2017)

Sole Paragraph. The statute of limitations shall be resumed on the business day following that of the final decision that denies the approval of the agreement. (Included by Law No. 13467, of 2017)

CHAPTER IV

COLLECTIVE LABOR DISPUTES

SECTION I

COMMENCING PROCEEDINGS

Article 856. Proceedings shall be commenced upon a complaint in writing to the Chief Judge of the Court. They may also be commenced on the initiative of the President or at the request of the Labor Courts Prosecution Office, whenever there is suspension of work.

Article 857. collective labor disputes shall only be commenced by unions, excluded the events of Article 856, whenever there is suspension of work. (Wording by Decree-Law No. 7321, of February 14, 1945)

Sole Paragraph. Whenever an economic or professional category is not represented by a union, representative powers may be assumed by the corresponding federation or, in the absence of a federation, the appropriate confederation, within the scope of its competence. (Wording by Law No. 2693, of December 23, 1955)

Article 858. The complaint shall be filed with many copies as there is respondents in the case; it shall contain the following information:

a) the identification of the claimants and respondents and the nature of the businesses or services;

b) the reasons for the dispute and the basis of conciliation.

Article 859. The representation of the unions for commencing the proceedings shall be subject to the approval of the General Meeting in which the interested members participate for the solution of the collective labor dispute; this approval shall be by a 2/3 (two thirds) majority of all of the members upon the first convocation, or by 2/3 (two thirds) majority of those present upon the second convocation. (Included by Law No. 9957, of 2000)

Sole Paragraph. (Revoked by Decree-Law No. 7321, of February 14, 1945)

SECTION II

CONCILIATION AND ARBITRATION

Article 860. When the complaint is received and registered, if it is found to be in good and due form, the Chief Judge of the Court shall appoint a day for the conciliation hearing, within the next 10 (ten) days, and shall notify the parties of the dispute, in the manner provided for by Article 841.

Sole Paragraph. If the proceedings were commenced *sua sponte*, the hearing shall be held with as little delay as possible after cognizance has been taken of the dispute.

Article 861. The employer shall be represented at the hearing by the agent or any other employee familiar with the dispute; the employer shall always be bound by their statements.

Article 862. At the appointed hearing, if the parties or their representatives appear, the President shall invite them to give their opinion on the conciliation proposals. If the proposals made

are not accepted, the President shall submit to the parties concerned the terms which appear to them most likely to settle the dispute.

Article 863. If an agreement is reached, the President shall submit it to the Court for ratification at the next sitting.

Article 864. If an agreement is not reached, or if one or both parties fail to appear, the President shall determine the case after taking such steps as seem to them necessary and after consulting the Office of the Prosecutor General. (Wording by Decree-Law No. 8737, of 1946)

Article 865. If a threat of disturbance of public order arises in the course of a dispute, the President shall call upon the competent authority to take such measures as may appear necessary.

Article 866. If a dispute is filed in a different location other than where the Court's seat, the President, if advisable, may delegate the powers mentioned in Articles 860 and 862 to the local authority. In this case, if the conciliation proceedings are unsuccessful, the authority in reference shall refer the case to the Court, with a detailed statement of the facts and indicate the terms of settlement which appear to be convenient.

Article 867. Notice of the decision of the Court shall be served upon the parties or their representatives by registered letter exempt from postal charges; in addition, the decision shall be published in the official gazette for the information of other persons concerned.

Sole Paragraph. The standard judgment shall be effective: (Included by Decree-Law No. 424, of January 21, 1969)

a) from the date of its publishing, when the dispute is adjudicated in accordance with the time limit of Article 616, Paragraph 3, or. when an agreement, convention or standard judgment does not exist, on the date of the adjudication; (Included by Decree-Law No. 424, of January 21, 1969)

b) from the day after the final end of the effective period of the agreement, convention or standard judgment, when the dispute was adjudicated within the period. (Included by Decree-Law No. 424, of January 21, 1969)

SECTION III

EXTENSION OF THE SCOPE OF DECISIONS

Article 868. In the case of a collective labor dispute relating to new conditions of employment in which only certain employees of the enterprise appear as party to the dispute, if the

competent Court considers this fair and convenient, it may in its decision order the extension of the mentioned conditions of employment to the other employees of the company engaged in the same occupation as those who are party to the dispute.

Sole Paragraph. The Court shall fix the date on which the decision shall be put into force, and the period of its validity, which shall not be more than 4 (four) years.

Article 869. The scope of a decision regarding new conditions of employment may also be extended to all employees belonging to the same professional category within the jurisdiction of the court:

a) according to request of 1 (one) or more employers or by a union of employers;

b) according to request of 1 (one) or more unions of employees;

c) *sua sponte*, by the Court which rendered the decision;

d) according to request of the Labor Courts Prosecution Office.

Article 870. The scope of a decision shall not be extended in the manner provided for in the preceding Article unless 3/4 (three-fourths) of the employers and 3/4 (three-fourths) of the employees, or their unions, agree to the extension.

Paragraph 1. The competent court shall set a time limit within which the persons concerned shall make their opinions known; the time limit shall be not less than 30 (thirty) nor more than 60 (sixty) days.

Paragraph 2. After the persons concerned and the Labor Courts Prosecution Office are heard, the case shall be referred to the Court for a decision.

Article 871. If the Court decides to extend the scope of a decision, it shall appoint the date on which the extension shall become effective.

SECTION IV

COMPLIANCE WITH DECISIONS

Article 872. When an agreement has been enter into or a decision becomes enforceable, it shall be complied with, subject to the penalties specified in this Title.

Sole Paragraph. If the employer fails to pay wages in accordance with the decision rendered, the employees or their unions independently, of the granting of powers by their members, shall be entitled to submit a complaint to the competent Board or Court; they shall attach a certified copy of

the decision and comply with the procedure provided for in Chapter II of this Title, challenging de facto and de jure matters already reviewed in the decision. (Wording by Law No. 2.275, of July 7, 1954)

SECTION V

REVIEW

Article 873. When a decision fixing conditions of employment has been in effect for more than 1 (one) year, it shall be reviewed if the circumstances change in a way that the conditions of employment fixed become unfair and inapplicable.

Article 874. Review of a decision may be undertaken on the initiative of the Court which rendered the decision, the Labor Courts Prosecution Office, the unions or the employer or employers concerned in the compliance with the decision.

Sole Paragraph. If the review is undertaken on the initiative of the Court which rendered the decision or the Labor Courts Prosecution Office, the unions and the employer or employers concerned shall be heard within a time limit of 30 (thirty) days. If the review is undertaken on the initiative of one of the parties concerned, the other parties shall be heard within the same time limit.

Article 875. Revision shall be carried out by the Court which rendered the decision, after hearing the Labor Courts Prosecution Office.

CHAPTER V

ENFORCEMENT PROCEDURE

SECTION I

PRELIMINARY PROVISIONS

Article 876. Final and unappeallable judgments and not under effect of supersedeas; non-fulfilled agreements; terms of adjustment of conducts signed before the Labor Prosecution Service, the terms of adjustment of conduct signed before the Public Minister of Labor and the terms of conciliation signed before the Commissions of Prior Conciliation shall be enforced in the manner established in this Chapter. (Wording by Decree-Law No. 9957, of January 12, 2000)

Sole Paragraph. The Labor Court shall enforce *sua sponte* the social contributions provided for in item a of Subparagraph I and Subparagraph II of the head provision of Article 195 of the

Federal Constitution, and its legal additions, related to the object of the conviction in the sentences rendered and the agreements ratified. (Wording by Law No. 13467, of 2017)

Article 877. The Judge or Chief Judge of the Court which effected the conciliation or gave the original award in the dispute shall be competent to enforce the decision.

Article 877-A. The instrument enforceable out of court shall be enforced by the judge with jurisdiction for cognizance regarding the matter. (Included by Decree-Law No. 9957 ,of January 12, 2000)

Article 878. Enforcement shall be promoted by the parties, and the execution *sua sponte* by the judge or the Chief Judge of the Court shall only be allowed in cases when the parties are not represented by a lawyer. (Wording by Law No. 13467, of 2017)

Sole Paragraph. (Revoked). (Wording by Law No. 13467, of 2017).

Article 878A. The debtor shall be allowed immediate payment of the part due to Social Security, without prejudice to the collection of possible differences found in the enforcement *sua sponte*. (Included by Law No. 10.035, of October 25, 2000)

Article 879. If the enforceable sentence does not specify the amount to be paid, its assessment shall be previously ordered and may be effected by calculation, arbitration or following ordinary procedures. (Wording by Law No. 2.244, of June 23, 1954)

Paragraph 1. In the assessment, the amount payable under the judgment may not be altered, or innovated, neither may matters related to the main dispute be discussed. (Included by Law No. 8432, of June 11, 1992)

Paragraph 1-A. The assessment shall also include the calculation of the Social Security contributions due. (Included by Law No. 10.035, of 2000)

Paragraph 1-B. The parties shall previously be summoned to provide the calculation of the assessment, including the incident of the Social Security contribution. (Included by Law No. 10.035, of 2000)

Paragraph 2. Once the calculation is made and is available, the Court shall open to the parties a time limit of eight days for a reasoned challenge with the indication of the items and values that are the object of the disagreement, under penalty of preclusion. (Wording by Law No. 13467, of 2017)

Paragraph 3. Once the calculation is made by the party or by the Labor Court's auxiliary bodies, the judge will notify the Federal Government for opinion, within 10 (ten) days, under penalty of preclusion. (Wording by Law No. 11.457, of 2007) (In effect)

Paragraph 4. The credit update due to Social Security shall comply with the criteria established in the Social Security legislation. (Included by Law No. 10.035, of 2000)

Paragraph 5. The Minister of State for Finance may, by means of a reasoned act, dispense the Federal Government's opinion when the total amount of funds that make up the contribution salary, in the form of Article 28 of Law No. 8.212, of July 24, 1991, cause loss of scale due to the performance of the legal body. (Included by Law No. 11.457, of 2007) (In effect)

Paragraph 6. In the case of complex settlement calculations, the judge shall be able to appoint an expert for the preparation and shall set, after the conclusion of the work, the amount of the respective fees, observing the criteria of reasonableness and proportionality, amongst others. (Included by Law No. 12.405, of 2011)

Paragraph 7. The updating of credits resulting from judicial condemnation shall be made by the Reference Wage (TR), released by the Central Bank of Brazil, according to Law No. 8,177, of March 1, 1991. (Included by Law No. 13467, of 2017) (Refer to ADC 58) (Refer to ADC 59) (Refer to ADI 6021) (Refer to ADI 5867)

SECTION II

SUMMONS AND LIEN

Article 880. Upon request for execution, the judge or Chief Judge of the Court will order a summons to be served on the judgment debtor, in order for them to comply with the decision or the agreement within the time limit, in the manner and under the established agreements or, in the case of payment in cash, including social contributions due to the Federal Government, so that they can do so within 48 (forty-eight) hours or guarantee payment, under penalty of distraint. (Wording by Law No. 11.457, of 2007) (In effect)

Paragraph 1. The summons shall contain the text of the enforceable decision or the terms of the agreement not complied with.

Paragraph 2. The summons shall be served by the bailiff.

Paragraph 3. If the person concerned cannot be found, after 2 (two) unsuccessful attempts have been made within 48 (forty-eight) hours, the summons shall be served by means publication in

the official gazette or in its absence, shall be posted for 5 (five) days at the offices of the Board or Court.

Article 881. If the amount claimed is paid, this shall be made before the clerk or secretary, and a receipt shall be given in duplicate, signed by judgment creditor, the judgment debtor and by the clerk or secretary; 1 (one) copy shall be handed to the debtor and the other shall be attached to the file of the case.

Sole Paragraph. If the judgment creditor is not present, the money shall be deposited, by means of a voucher, in an official credit company or, in its absence, in a legitimate banking company. (Wording by Law No. 7.305, of April 2, 1985)

Article 882. The judgment debtor who does not pay the amount claimed may guarantee the execution by depositing the corresponding amount, updated and plus the procedural expenses, submitting judicial guarantee insurance or assets to the attachment, subject to the preferential order established in Article 835 of Law No. 13.105, of March 16, 2015 – Code of Civil Procedure. (Wording by Law No. 13467, of 2017)

Article 883. If the debtor fails to pay or to deposit security, their property shall be seized up to such amount as shall be sufficient to pay the sum specified in the judgment plus any costs and interests; such interests shall in every case be due from the date on which the initial claim is judged. (Wording by Law No. 2.244, of June 23, 1954)

Article 883-A. The final and unappealable judicial decision can only be taken to protest, generate registration of the name of the person executed in credit protection agencies or in the National Bank of Labor Debtors (BNDT), under the terms of the Law, after the expiry of the forty-five days from the summons of the defendant, if there is no Judgment security. (Included by Law No. 13467, of 2017)

SECTION III

MOTIONS TO STAY EXECUTION AND OBJECTIONS

Article 884. When security is deposited or property levied upon, the debtor shall be allowed 5 (five) days for filing an appeal, and the creditor shall be allowed the same time limit for a counterclaim.

Paragraph 1. Defense matters shall only address compliance with the decision or agreement, release or the statute of limitations regarding the debt.

Paragraph 2. If there are witnesses for the defense, the Judge or the Chief Judge of the Court, if necessary, may appoint a hearing for production of evidence, which shall take place within 5 (five) days.

Paragraph 3. The debtor may file a counterclaim only at the time of appealing against the lien; the creditor shall have the same right and be subject to the same time limit. (Included by Law No. 2.244, of June 23, 1954)

Paragraph 4. The appeals and challenges to liquidation submitted by the labor and Social Security creditors shall be judged in the same judgment. (Wording by Law No. 10.035, of 2000)

Paragraph 5. The judicial Title based on a Law or normative act declared unconstitutional by the Supreme Federal Court or in application or interpretation considered incompatible with the Federal Constitution is considered unenforceable. (Included by Provisional Presidential Decree No. 2.180-35, of 2001)

Paragraph 6. The guarantee or pledge requirement does not apply to philanthropic entities and/or those who make up or made up the board of directors of these institutions. (Included by Law No. 13467, of 2017)

SECTION IV

AWARD AND FINAL ENFORCEMENT PROCEDURES

Article 885. If no witnesses is called by the defense, the judge or President, after reviewing the documents, shall render their decision within 5 (five) days, leaving or removing the lien.

Article 886. If witnesses are called, they shall be examined at the hearing, and the clerk or secretary, within 48 (forty-eight) hours, shall submit the case to the judge or President, who shall render their decision in the manner provided for in the preceding Article. (Refer to Law Nos. 409, of 1943 and 6.563, of 1978)

Paragraph 1. When the decision is rendered, notice thereof shall be given to the parties concerned by registered letter exempt from postal charges.

Paragraph 2. If the lien is allowed, the judge or President shall order appraisal of the assets under lien.

Article 887. The appraisal of the assets under lien due to enforcement of a judgment shall be made by an appraiser chosen by agreement between the parties, who shall be paid the fees fixed by

the judge or President of the Labor Court, in accordance with a scale to be issued by the National Labor Council.

Paragraph 1. If the parties fail to agree regarding the appointment of an appraiser, within five days after the request for the valuation of the property, the appraiser shall be appointed freely by the judge or Chief Judge of the Court.

Paragraph 2. Public servants of the Labor Courts shall not be chosen or appointed to act as appraisers.

Article 888. After the property has been valued, which shall be done within 10 days from the date of the appointment of the appraiser, it shall be put up for public auction, which shall be announced by public notice posted at the offices of the Judge or Court and published in the local newspaper, if any, 20 (twenty) days in advance. (Wording by Law No. 5584, of June 26, 1970)

Paragraph 1. the auction shall be held on the date and at the time and place announced, and the property shall be sold to the highest bidder, preference being given to the debtor. (Wording by Law No. 5584, of June 26, 1970)

Paragraph 2. The winning bidder entitled to the property shall deposit 20% (twenty percent) of the value as a down payment. (Wording by Law No. 5584, of June 26, 1970)

Paragraph 3. If there are no bidders and the debtor does not demand adjudication of the property being auctioned, the mentioned property may be sold by an auctioneer appointed by the judge or President. (Wording by Law No. 5584, of June 26, 1970)

Paragraph 4. If the highest bidder or their surety fails to pay the amount of the purchase within 24 (twenty-four) hours, they shall waive to the debtor of the earnest mentioned in Paragraph 2 of this Article, and the property seized shall be put up to auction again. (Wording by Law No. 5584, of June 26, 1970)

Article 889. The rules governing distraint proceedings for collecting overdue debt of the Federal Treasury shall apply, provided that not contrary to this Title, to the formalities and incidental measures entailed by enforcement procedure.

Article 889-A. Collections of the amounts due for social contributions shall be effected in the local agencies of the Caixa Econômica Federal or the Bank of Brazil S.A., through a Social Security collection form, which shall have the number of the action. (Included by Law No. 10.035, of October 25, 2000)

Paragraph 1. When the a payment plan is granted by the Federal Revenue Service of Brazil, the debtor will attach proof of the agreement to the case file, with the execution of the

corresponding social contribution suspended until the settlement of all installments. (Wording by Law No. 11.457, of 2007)

(In effect)

Paragraph 2. The Labor Courts will forward monthly information to the Federal Revenue Service of Brazil on the payments made in the registers, unless another term is established in the regulations. (Wording by Law No. 11.457, of 2007) (In effect)

SECTION V

PAYMENT PLAN

Article 890. Enforcement procedure through a payment plan shall be governed by the rules set forth in this Section, without prejudice to the other rules set forth in this Chapter.

Article 891. In the case of installments payable at regular intervals, the enforcement proceedings on account of failure to pay a particular installment shall cover subsequent installments.

Article 892. In the case of installments payable at irregular intervals, the enforcement proceedings shall cover initially the installments due on the date of the commencement of the proceedings.

CHAPTER VI

APPEALS

Article 893 - The following appeals are admissible against decisions: (Wording by Law No. 861, of October 13, 1949)

I. motions; (Wording by Law No. 861, of October 13, 1949)

II. ordinary appeals; (Wording by Law No. 861, of October 13, 1949)

III. motion to review; (Wording by Law No. 861, of October 13, 1949)

IV. appeal against enforcement of decisions. (Wording by Law No. 861, of October 13, 1949)

Paragraph 1. The incidents of the proceedings shall be decided by the same Court or Courts, being the merits of the interlocutory decisions accepted only in appeal against a final decision. (New paragraph number by Decree-Law No. 8737, of January 19, 1946)

Paragraph 2. The filing of an appeal before the Federal Supreme Court shall not prejudice the enforcement of the judgment. (Included by Decree-Law No. 8737, of January 19, 1946)

Article 894. In the Superior Labor Court, the following appeals may be filed within a period of 8 (eight) days against: (Wording by Law No. 11.496, of 2007)

I – a non-unanimous judgment that: (Included by Law No. 11.496, of 2007)

a) reconcile, judge or ratify conciliation in collective bargaining agreements that exceed the territorial jurisdiction of the Regional Labor Courts and extend or review the normative sentences of the Superior Labor Court, in the cases provided for by Law; and (Included by Law No. 11.496, of 2007)

b) (Revoked)

II – the decisions of the Sections that differ from each other or the decisions made by the Section of individual labor disputes, or contrary to the precedent of the Superior Labor Court or binding precedent of the Supreme Federal Court. (Wording by Law No. 13.015, of 2014)

Sole Paragraph. (Revoked). (Included by Law No. 13.015, of 2014)

Paragraph 2. The challenge capable of giving rise to appeals shall be current, not considering outdated by precedents of the Superior Labor Court or the Federal Supreme Court, or overcome by the notorious case law of the Superior Labor Court. (Included by Law No. 13.015, of 2014)

Paragraph 3. The Justice Rapporteur shall decline to hear the appeal: (Included by Law No. 13.015, of 2014)

I – if the appealed decision is aligned with the precedents of the case law of the Superior Labor Court or the Federal Supreme Court, or with the notorious and current case law of the Superior Labor Court, which shall be indicated; (Included by Law No. 13.105, of 2014)

II – in the event of untimeliness, desertion, irregularity of representation or absence of any other extrinsic assumption of admissibility. (Included by Law No. 13.015, of 2014)

Paragraph 4. The denial of the appeals shall be subject to an appeal, within 8 (eight) days. (Included by Law No. 13.015, of 2014)

Article 895 – The following ordinary appeals may be filed before higher instances: (Refer to Law No. 5584, of 1970)

I – against the final decisions of the Courts, within (eight) days; and (Included by Law No. 11.925, of 2009)

II – against the final decisions of the Regional Courts, in cases within their original jurisdiction, within 8 (eight) days, both in individual and collective labor disputes. (Included by Law No. 11.925, of 2009)

Paragraph 1. In claims subject to summary procedure, the ordinary appeal:

I – (VETOED) (Included by Law No. 9957, of 2000)

II - shall be distributed immediately, once received in the Court, and the rapporteur shall release it in a maximum period of 10 (ten) days, and the Secretariat of the Court or Panel shall place it on the agenda for judgment immediately, without a judge-reviewer; (Included by Law No. 9957, of 2000)

III - shall have the oral opinion of the representative of the Prosecution Service at the judgment session, if they find it necessary, along with the registration of the certificate; (Included by Law No. 9957, of 2000)

IV - shall have an appellate decision in the judgment certificate, with sufficient indication of the proceedings and the provisions, and the reasoning behind the prevailing vote. If the sentence is confirmed on the same basis, the judgment certificate shall register that circumstance and shall serve as the sentence. (Included by Law No. 9957, of 2000)

Paragraph 2. Regional Courts, divided into Panels, may designate a Panel for the judgment of ordinary appeals filed against sentences rendered and subject to summary proceedings. (Included by Law No. 9957, of 2000)

Article 896 – Motions to Review may be filed before the Superior Labor Court to their Panels for decisions rendered in the form of an ordinary appeal, in individual labor dispute, by the Regional Labor Courts, when: (Wording by Law No. 9.756, of 17.12.1998)

a) they give the same provisions of a Federal Law a different interpretation from that given by another Regional Labor Court, in its Full Court or Section, or the Section of Individual Labor Disputes of the Superior Labor Court, or contradict the precedent of this Court’s uniform case law or binding precedents of the Federal Court of Justice; (Wording by Law No. 13.015, of 2014)

b) they give the same provision of State Law, Collective Bargaining Agreement, Collective Agreement, normative sentence or mandatory business regulation in a territorial area that exceeds the jurisdiction of the Regional Court where the challenged was filed, divergent interpretation, in the form of item a; (Wording by Law No. 9.756, of 1998)

c) they are rendered violating provisions of a Federal Law or the Federal Constitution. (Wording by Law No. 9.756, of 1998)

Paragraph 1. The motion to review, with only the effect of review, shall be brought before the Chief Judge of the Regional Labor Court, who, by reasoned decision, may entertain or deny it. (Wording by Law No. 13.015, of 2014)

Paragraph 1-A. Under penalty of not having the appeal entertained, it is the party's burden to: (Included by Law No. 13.015, of 2014)

I - indicate the part of the contested decision that substantiates the pre-questioning of the controversy that is the subject of the motion to review; (Included by Law No. 13.015, of 2014)

II – indicate, in an explicit and reasoned manner, opposition to the provision of the Law, precedent or case law guidance of the Superior Labor Court that conflicts with the regional decision; (Included by Law No. 13.015, of 2014)

III – explain the reasons for the request to alter, challenging all the legal bases of the contested decision, including by means of an analytical demonstration of each provision of Law, the Federal Constitution, precedents or case law guidance with opposition. (Included by Law No. 13.015, of 2014)

IV – transcribe in the appeal, in the case of giving rise to preliminary nullity of a decision judged by a denial of judicial relief, excerpt of the motion for clarification in which the court's decision was requested regarding the ordinary appeal and the excerpt of the regional decision that rejected the appeals regarding request for comparison and verification, without delay, of the occurrence of the omission. (Included by Law No. 13467, of 2017)

Paragraph 2. Against the decisions rendered by the Regional Labor Courts or by their Sections, in the enforcement of the sentence, including third party's motion to stay executed, there shall be no appeal against the motion to review, except for the case of a direct and literal violation to a rule of the Federal Constitution. (Wording by Law No. 9.756, of 1998)

Paragraph 3 (Revoked). (Wording by Law No. 13467, of 2017)

Paragraph 4 (Revoked). (Wording by Law No. 13467, of 2017)

Paragraph 5 (Revoked). (Wording by Law No. 13467, of 2017)

Paragraph 6 (Revoked). (Wording by Law No. 13467, of 2017)

Paragraph 7. Controversy capable of giving rise to appeals shall be current, not considering outdated by precedents of the Superior Labor Court or the Federal Supreme Court, or overcome by the notorious case law of the Superior Labor Court.. (Included by Law No. 13.015, of 2014)

Paragraph 8. When the appeal is based on dissent of judgments, the appellant is responsible for providing proof of the controversy in the case law, by means of a certificate, copy or citation from the official or accredited case law library, including in electronic media, in which the controversial decision has been published, or even by the reproduction of judgment available on the internet, with indication of the respective source, mentioning, in any case, the circumstances that identify or resemble the cases confronted. (Included by Law No. 13.015, of 2014)

Paragraph 9. In cases subject to the summary procedure, only a motion to review shall be allowed for the opposition to precedents of the uniform case law of the Superior Labor Court or the binding precedents of the Federal Supreme Court and for direct violation of the Federal Constitution. (Included by Law No. 13.015, of 2014)

Paragraph 10. Appeals may be filed for violation of Federal Law, for controversy in case law and for offending the Federal Constitution in tax foreclosures and disputes in the enforcement phase involving The Labor Debt Clearance Certificate (CNDT), created by Law No. 12.440, of 7 July 2011. (Included by Law No. 13.015, 2014)

Paragraph 11. When the timely appeal has a formal defect that is not considered serious, the Superior Labor Court may disregard the defect or have it remedied, judging the merits.

Paragraph 12. The denial of the petition shall be subject to appeal within 8 (eight) days. (Included by Law No. 13.015, of 2014)

Paragraph 13. Given the relevance of the matter, at the initiative of one of members of the Specialized Section on Individual Labor Disputes of the Superior Labor Court, approved by the majority of members of the Section, the judgment referred to in Paragraph 3 may be assigned to the Full Court. (Included by Law No. 13.015, of 2014)

Paragraph 14. The Rapporteur Judge of the motion to review may deny its follow-up, by decision of a single judge, in the event of untimely, desertion, irregular representation or the absence of any other extrinsic or intrinsic assumption of admissibility. (Included by Law No. 13467, of 2017)

Article 896-A - The Superior Labor Court, in its motion to review, will previously evaluate whether the cause offers transcendence in relation to the general reflexes of an economic, political, social or legal nature. (Included by Provisional Presidential Decree No. 2.226, of 09/04/2001)

Paragraph 1. Transcendence indicators are, amongst others: (Included by Law No. 13467, of 2017)

I - economic, the high value of the cause; (Included by Law No. 13467, of 2017)

II - political, the disrespect of the instance appealed to the summarized case law of the Superior Labor Court or the Supreme Federal Court; (Included by Law No. 13467, of 2017)

III – social, the interposition, by claimant-applicant, of constitutionally guaranteed social right; (Included by Law No. 13,467, of 2017)

IV – legal, the existence of a new issue regarding the interpretation of labor legislation. (Included by Law No. 13467, of 2017)

Paragraph 2. The Rapporteur Judge, by decision of a single judge, may deny follow-up to the motion to review that does not demonstrate transcendence, and that decision can be appealed before the Full Court. (Included by Law No. 13467, of 2017)

Paragraph 3. In relation to the motion considered not to have transcendence by the Rapporteur Judge, the appellant shall be able to present oral arguments on request of transcendence, during five minutes in session. (Included by Law No. 13467, of 2017)

Paragraph 4. If the Rapporteur Judge's vote is maintained as to the non-transcendence of the motion, a brief decision shall be executed, which shall constitute an unappealable decision within the scope of the court. (Included by Law No. 13467, of 2017)

Paragraph 5. The Rapporteur Judge's judge decision which, in an interlocutory appeal in a motion to review, considers the transcendence of the matter absent, cannot be appealed. (Included by Law No. 13467, of 2017)

Paragraph 6. The judgment of admissibility of the motion to review exercised by the Presidency of the Regional Labor Courts is limited to the review of the intrinsic and extrinsic assumptions of the appeal, not covering the criterion of the transcendence of requests conveyed therein. (Included by Law No. 13467, of 2017)

Article 896-B. The rules of Law No. 5.869, of January 11, 1973 (Code of Civil Procedure), related to the judgment of repetitive extraordinary and special appeals, apply to the motion to review, as appropriate. (Included by Law No. 13.015, of 2014)

Article 896-C. When there are multiple journal resources based on the same issue of law, request may be referred to the Section Specialized in Individual Labor Disputes or to the Full Court, by decision of the simple majority of its members, upon request of one of the Justices member of

the Specialized Section, considering the relevance of the matter or the existence of divergent understandings between the Justices of that Section or the Court's Sections (Included by Law No. 13.015, of 2014)

Paragraph 1. The President of the Panel or the Specialized Section, as indicated by the rapporteurs, will allocate one or more appeals representing the controversy for judgment by the Specialized Section on Individual Labor Disputes or by the Full Court, under the repetitive appeals procedure. (Included by Law No. 13.015, of 2014)

Paragraph 2. The President of the Panel or Specialized Section that affects the process for judgment under the repetitive appeals procedure shall send a communication to the other PRESIDENTS of the Panels or Specialized Sections, which may affect other processes on the matter for joint judgment, in order to confer on the body. Judging overview of request. (Included by Law No. 13.015, of 2014)

Paragraph 3. The Chief Justice of the Superior Labor Court will notify The Presidents of the Regional Labor Courts to suspend appeals filed in cases identical to those affected as repetitive appeals, until the Superior Labor Court's final decision. (Included by Law No. 13.015, of 2014)

Paragraph 4. It shall be up to the Chief Justice of the Court of origin to admit one or more appeals representing the controversy, which shall be forwarded to the Superior Labor Court, the remaining motion to reviews being suspended until the definitive decision of the Superior Labor Court. (Included by Law No. 13.015, of 2014)

Paragraph 5. The Rapporteur Justice of the Superior Labor Court may determine the suspension of motion to reviews or appeals that have the same controversy as that of the affected appeal as repetitive. (Included by Law No. 13.015, of 2014)

Paragraph 6. The repetitive appeal shall be distributed to one of the Justices member of the Specialized Section or the Full Court and to a reviewing Minister. (Included by Law No. 13.015, of 2014)

Paragraph 7. The Rapporteur Justice may request, from the Regional Labor Courts, information regarding the controversy, to be provided within 15 (fifteen) days. (Included by Law No. 13.015, of 2014)

Paragraph 8. The Rapporteur Justice may admit a person, body or entity with an interest in the controversy, including as a simple assistant, in the form of Law No. 5.869, of January 11, 1973 (Code of Civil Procedure). (Included by Law No. 13.015, of 2014)

Paragraph 9. Once the information has been received and, if applicable, after complying with the provisions of Paragraph 7 of this Article, the Prosecution Service shall have a period of 15 (fifteen) days. (Included by Law No. 13.015, of 2014)

Paragraph 10. After the time limit has elapsed for the Prosecution Service and a copy of the report has been sent to the other Justices, the case shall be included in the agenda of the Specialized Section or the Full Court, and should be judged with preference over the others. (Included by Law No. 13.015, of 2014)

Paragraph 11. Once the ruling of the Superior Labor Court is published, the review resources left at the origin shall: (Included by Law No. 13.015, of 2014)

I - be denied continuity in the event that the judgment under appeal coincides with the guidance on the matter at the Superior Labor Court; or (Included by Law No. 13,015, 2014)

II - be reviewed again by the court of origin in the event that the judgment under appeal diverges from the guidance of the Superior Labor Court with respect to the matter. (Included by Law No. 13,015, 2014)

Paragraph 12. In the event provided for in subparagraph II of Paragraph 11 of this Article, maintaining the controversial decision by the Court of origin, the review of admissibility of the appeal shall be made. (Included by Law No. 13,015, 2014)

Paragraph 13. If the reference affected and judged under the repetitive appeals procedure also contains a constitutional reference, the decision rendered by the Full Court shall not prevent the entertainment of any extraordinary appeals on constitutional matters. (Included by Law No. 13,015, 2014)

Paragraph 14. For the extraordinary appeals filed before the Superior Labor Court, the procedure provided for in Article 543-B of Law No. 5.869, of January 11, 1973 (Code of Civil Procedure) shall be applied, being up to the Chief Justice of the Superior Labor Court to select one or more appeals representatives of the controversy and forward them to the Supreme Court, suspending the others until the Court's final ruling, pursuant to Paragraph 1 of Article 543-B of Law No. 5,869, of January 11, 1973 (Code of Civil Procedure). (Included by Law No. 13,015, 2014)

Paragraph 15. the Chief Justice of the Superior Labor Court may notify the Regional Labor Courts and The Presidents of the Panels and the Specialized Sections of the Court to suspend the processes identical to those selected as representative resources of the controversy and forwarded to the Supreme Court, until the its definitive decision. (Included by Law No. 13,015, 2014)

Paragraph 16. The decision signed in a repetitive appeal shall not be applied to cases in which it is shown that the situation in fact or by law is different from those present in the proceedings judged under the repetitive appeals procedure. (Included by Law No. 13,015, 2014)

Paragraph 17. The decision signed in the judgment of repetitive appeals shall be reviewed when the economic, social or legal situation changes, in which case the legal security of the relationships of the prior decision shall be respected, and the Superior Labor Court may modulate the effects of the decision that changed it. (Included by Law No. 13,015, 2014)

Article 897. An appeal against enforcement shall be filed in a period of 8 (eight) days: (Wording by Law No. 8432, of 1992)

a) by petition, against execution of decisions of a Judge or President of a Board; (Wording by Law No. 8432, of 1992)

b) by instrument, against decisions denying an appeal. (Wording by Law No. 8432, of 1992)

Paragraph 1. Appeal against enforcement by petition shall be entertained when the appellant limits, justifiably, the matters and the amounts challenged, permitting the immediate enforcement of the remaining part, in the same proceedings or judgment. (Wording by Law No. 8432, of 1992)

Paragraph 2Appeal against enforcement by instrument filed against decisions denying an appeal shall not suspend the enforcement of the judgment. (Wording by Law No. 8432, of 1992)

Paragraph 3. In the case mentioned in item a, the appeal shall be reviewed by the same Court whose President shall preside over the session, except for the case of a decision of the Labor Court of the first instance or of a State Judge, when one of the Panels of the Regional Court to which the authority of the decision is subject is competent to have the session and shall receive the controversial matter either separate or in the proceedings, if judgment has to be removed by order, observing the provisions of Article 679. (Wording by Law No. 10.035, of 2000)

Paragraph 4. In the case mentioned in item b, the appeal shall be examined by the court competent to take cognizance of the appeal denied. (Wording by Law No. 8432, of 1992)

Paragraph 5. Under penalty of not being entertained, the parties shall file the appeal against enforcement in a manner to make possible the immediate judgment of the refused appeal, instituting the petition of interposition: (Included by Law No. 9.756, of 1998)

I - necessarily, with copies of the appellate decision, the certificate of the respective subpoena, the powers of attorney granted to the appellate and appellant attorneys, the complaint, the challenge, the original decision, the appellate deposit referring to the appeal that is intended to be

unlocked, the proof of the payment of costs and appeals deposit referred to in Paragraph 7 of Article 899 of this Consolidation; (Included by Law No. 12.275, of 2010)

II - optionally, with other items that the appellant considers useful to the controversial matter. (Included by Law No. 9.756, of 1998)

Paragraph 6. The appellant shall be summoned to offer an answer to the appeal against enforcement and to the main appeal, filing it with the items considered necessary to the judgment of both appeals. (Included by Law No. 9.756, of 1998)

Paragraph 7. If the appeal against enforcement is provided, the Panel shall deliberate on the judgment of the main appeal, the procedure related to that appeal being observed, if applicable. (Included by Law No. 9.756, of 1998)

Paragraph 8. When the petition of appeal against enforcement concerns only the Social Security contributions, the enforcing judge shall determine the extraction of copies of the necessary items, that shall be determined separately, as provided for in Paragraph 3, final part, and transmitted to the higher court for review. (Included by Law No. 10.035, of 2000)

Article 897A. Motions for clarifications shall be filed, within a period of five days, judgment taking place in the first hearing or session subsequent to their filing, registered in the certificate, amendment of the decision being made in the cases of omission and contradiction in the judgment and in the case of manifest error in the evaluation of the requirements for the appeal. (Included by Decree-Law No. 9957, of 2000)

Paragraph 1. Material errors may be corrected *sua sponte* or at the request of either party. (Wording by Law No. 13.015, of 2014)

Paragraph 2. Any modifying effect of the motions of clarifications can only occur due to the correction of defect in the appealed decision and provided that the opposite party be heard, within 5 (five) days. (Included by Law No. 13.015, of 2014)

Paragraph 3. motions of clarifications interrupt the time limit for the filing of other appeals, by either party, except when untimely, the representation of the party is irregular or its signature is absent.

Article 898 – The Chief Justice of the Court and the Labor Prosecution Office in addition to the interested parties may appeal against the decisions of a collective bargaining agreement that affect a public service company, or, in any case, of those rendered under review.

Article 899. Appeals shall be filed by simple petition and shall have merely reviewing effect, except for the exceptions provided for in this Title, provisory execution allowed until lien. (Wording by Law No. 5442, of May 24, 1968) (Refer to Law No. 7.701, of 1988)

Paragraph 1. In individual labor disputes with value to up to 10 (ten) times the regional minimum wage, the appeal shall only be admitted, including an extraordinary appeal, by means of a prior deposit of the respective amount. Once the appealed decision has passed through judgment, the immediate release of the amount of the deposit in favor of the winning party shall be ordered by a simple order of the judge. (Wording by Law No. 5442, of May 24, 1968)

Paragraph 2. In the case of an undetermined value, the deposit shall correspond to that which was arbitrated for purposes of costs by the Board or State Court, up to the limit of 10 (ten) times the regional minimum wage. (Wording by Law No. 5442, of May 24, 1968)

Paragraph 3. Revoked by Law No. 7033 of October 5, 1982.

Paragraph 4. The appeal bond shall be made in an account linked to the court and adjusted with the same savings interest rates. (Wording by Law No. 13467, of 2017 (Refer to ADC 58) (Refer to ADC 59) (Refer to ADI 6021) (Refer to ADI 5867)

Paragraph 5 (Revoked). (Wording by Law No. 13467, of 2017)

Paragraph 6. When the value of the judgment or the value arbitrated for purposes of costs, exceeds the limit of 10 (ten) times the regional minimum wage, the appeal bond shall be limited to the latter value. (Included by Law No. 5442, of May 24, 1968)

Paragraph 7. At the time of filing the interlocutory appeal, the appeal bond will correspond to 50 % (fifty percent) of the deposit amount of the resource to be accepted. (Included by Law No. 12.275, of 2010)

Paragraph 8. When the interlocutory appeal has the purpose of accepting a motion to review against the decision that contradicts the uniform case law of the Superior Labor Court, with precedents and case law guidance, there shall be no obligation to make the deposit referred to in Paragraph 7 of this Article. (Included by Law No. 13.015, of 2014)

Paragraph 9. The amount of the appeal bond shall be halved for nonprofits entities, domestic employers, individual micro entrepreneurs, micro enterprises and small businesses. (Included by Law No. 13467, of 2017).

Paragraph 10. Beneficiaries of free justice, philanthropic entities and companies undergoing judicial collection are exempt from the appeal bond. (Included by Law No. 13467, of 2017).

Paragraph 11. The appeal bond may be replaced by bank-issued guarantee or judicial guarantee insurance. (Included by Law No. 13467, of 2017).

Article 900. When an appeal has been filed, notice shall be served upon the Appellee, in order for them to submit their pleadings, within the same time limit as granted to the Appellant.

Article 901. The parties shall have access to the documents in the office or secretariat of the Court, without prejudice to the time limits specified in this Chapter. (Included by Law No. 8.638, of March 31, 1993)

Sole Paragraph Unless an ordinary time limit is considered in progress, the attorneys of the parties shall be permitted to have access to the documents outside the office or secretariat of the Court. (Included by Law No. 8638 of March 31, 1993)

Article 902. (Revoked by Law No. 7033, of October 5, 1982)

CHAPTER VII

ENFORCEMENT OF PENALTIES

Article 903. The penalties provided for in the preceding Title shall be imposed by the judge or Court having cognizance of the disobedience, violation, challenge, violation or coercion, either *sua sponte* or due to a claim filed by any person concerned or by the Labor Courts Prosecution Office. (Wording by Decree-Law No. 8737, of 1946)

Article 904. Penalties to which authorities of Labor Courts render themselves liable shall be imposed by the immediate superior authority or Court, either *sua sponte* or due to a claim filed by any person concerned or by the Labor Courts Prosecution Office. (Wording by Decree-Law No. 8737, of 1946)

Sole Paragraph. In the case of a member of the Superior Labor Court, the Federal Senate shall be competent to impose the penalties. (New paragraph number by Decree-Law No. 229, of February 28, 1967)

Paragraph 2. (Revoked by Decree-Law No. 229, of February 28, 1967)

Article 905 - Upon becoming aware of the fact charged, the Judge, or the competent Court, shall notify the defendant, to present, within 15 (fifteen) days, a written defense.

Paragraph 1. The defendant is allowed, within the period established in this Article, to request witnesses, up to a maximum of 5 (five). In that case, a hearing shall be scheduled for the inquiry.

Paragraph 2. At the end of the defense period, the process shall be immediately sent for judgment, which shall be done within 10 (ten) days.

Article 906. An ordinary appeal against the penalties specified in this Chapter may be filed before the Superior Court within a time limit of 10 (ten) days, unless the penalty arose out of a collective labor dispute, in which case the time limit shall be 20 (twenty) days.

Article 907. If the violator is liable to a criminal penalty, the necessary documents shall be transmitted to the competent authority.

Article 908. The fines imposed pursuant to this Title shall be collected by enforcement procedure before the judge competent for the collection of debts of the Federal Treasury Secretariat.

Sole Paragraph. Collection of fines shall be done in the Federal District and in the States where Regional Courts operate, by the Labor Prosecution Office and, in the other States, pursuant to Decree-Law No. 960, of December 17, 1938.

CHAPTER VIII

FINAL PROVISIONS

Article 909. The order of cases before the Superior Labor Court shall be governed by its internal regulations.

Article 910. For the purposes of this Title, public utility services and services performed in shops for the sale of grocery, butchers' shops, bakeries, dairies, pharmacies, hospitals, mines, transport and communication companies, banks and companies of importance to national security shall be placed on the same footing as public services.

TITLE XI

FINAL AND TRANSITIONAL PROVISIONS

Article 911. This Consolidation shall come into effect on November 10, 1943.

Article 912. The provisions of a mandatory nature shall be applicable to relationships in progress but not completed, before this Consolidation came into effect.

Article 913. The Minister of Labor, Industry and Commerce shall issue such instructions, schedules, lists and forms as may be necessary for the enforcement of this Consolidation.

Sole Paragraph. The Superior Labor Court shall adapt its own internal regulations and those or the Regional Labor \courts to bring them into conformity with the provisions of this Consolidation.

Article 914. Schedules, lists and forms approved under provisions which are not modified by this Consolidation shall continue in effect.

Article 915. Appeals based on provisions which are modified, or cases when the time limit for appeal is running on the date this Consolidation enters into effect, shall remain unaffected.

Article 916. The limitations time fixed by this Consolidation shall begin to run on the date of this Consolidation entering into effect if they are shorter than the time limits fixed by the previous legislation.

Article 917. The Minister of Labor, Industry and Commerce shall set a time limit for the adaptation of existing companies to the requirements set forth in the Chapter entitled "Industrial Hygiene and Safety". They shall also fix the time limits within which the use of Labor and Social Security ID Cards shall become mandatory in each State for current employees. (Refer to Decree-Law No. 229, of 1967)

Sole Paragraph. The Minister or Labor, Industry and Commerce shall fix for each State at their discretion the date for all or some of the provisions of the Chapter entitled "Industrial Hygiene and Safety" to enter into effect. (Wording by Law No. 6514, of December 22, 1977)

Article 918. If the Organic Law of Social Security is not issued, the Chief Justice of the Superior Labor Court shall judges the appeals filed pursuant to item c, of Decree-Law No. 3.710, of October 14, 1941, and their decisions shall be subject to appeals under the terms of Article 734, item b, of this Consolidation. (Refer to Law No. 3.807, of 1960)

Article 919. Bank employees hired not later than the date of this Law’s entering into effect shall be guaranteed the right to acquire security of tenure as provided for in Article 15 of Decree No. 24.615 of July 9, 1934.

Article 920. Pending the constitution of confederations, or whenever none exists, representatives of economic or occupational classes who are to be appointed by confederations or Presidents of confederations shall be appointed or elected by the corresponding federations.

Article 921. Companies which are not included in the union organization mentioned in Article 577 shall be entitled to enter into collective employment agreements with the unions which represent their respective professional categories.

Article 922. The provisions of Article 301 shall apply exclusively to employment relations entered into after this Consolidation's entering into effect. (Included by Decree-Law No. 6353, of March 20, 1944)

ANNEX

List referred to in Article 577 of the Consolidation of Labor Laws

NATIONAL CONFEDERATION OF INDUSTRY	**NATIONAL CONFEDERATION OF EMPLOYEES IN THE INDUSTRY**
1ST GROUP - Food industry Economic activities or categories	1ST GROUP - Employees in the food industry Professional categories
Wheat industry Corn and soy industry Cassava industry	Workers in the wheat, corn and cassava industry
Rice industry	Workers in the rice industry
Sugar industry Mill sugar industry	Sugar industry workers
Coffee roasting and grinding industry Salt refining industry Bakery and confectionery industry Cocoa and candy products industry Mate industry Dairy industry and derived products Pasta and biscuit industry Low fermentation beer industry Beer and beverage industry in general	Workers in the roasting or coffee milling industry Workers in the salt refining industry Workers in the bakery and confectionery industry Workers in the cocoa and candy industry Workers in the mate industry Workers in the dairy and derivative industry Workers in the pasta and biscuit industry Workers in the beer and beverage industry in general
Wine industry	Workers in the wine industry

Mineral water industry Olive oil and edible oils industry Sweets and canned food industry Meat and meat products industry Yarn industry Tobacco industry Fruit treatment and immunization industry	Mineral water industry workers Workers in the olive oil and edible oils industry Dock and canned food industry employees Workers in the heartwood and derivatives industry Workers in the yarn industry Workers in the tobacco industry Workers in the fruit treatment and immunization industry
2nd Group - Clothing industry **Economic activities or categories**	**2nd Group - Workers in the clothing industries** **Professional categories**
Footwear industry Industry of men's shirts and white clothes Tailoring and men's clothing manufacturing Umbrella and walking stick industry Protective gloves, bags and skins industry Combs, buttons and similar industry Hat industry Industry for the manufacture of women's clothing and hats	Workers in the footwear industry Tailor officers, seamstresses to workers in the clothing making industry Umbrella and cane industry workers Workers in the protective gloves, bags and skins industry Workers in the comb, button and similar industry Hat industry employees Workers in the women's hat and clothing industry
3rd GROUP - Construction and furniture industries Activities or **economic categories**	**3rd GROUP - employees in the construction and construction industries** **furniture Professional categories**
Construction industry Pottery industry Cement, lime and plaster industry Industry of hydraulic tiles and cement products Construction ceramics industry	Workers in the construction industry (bricklayers, carpenters, painters and plasterers, hydraulic firefighters and workers in general, roads, bridges, ports and canals) Workers in the pottery industry Workers in the cement, lime and plaster industry Workers in the hydraulic tile and tile products and

Marble and granite industry Painting, decoration, stucco and ornament industry Sawmills, carpenters and cooperage industry Woodworking industry (wood furniture) Junk to wicker and broom furniture industry Curtains and upholstery industry	cement industry Workers in the construction ceramics industries Workers in the marble and granite industry Electrician officers Woodworking officers and workers in the sawmill and woodworking industries of wooden furniture Workers in the reed and wicker furniture industry and brooms.
4th GROUP - Urban industries **Activities or economic categories**	**4th GROUP - Workers in urban industries** **Professional categories**
Water purification and distribution industry Hydroelectric power industry Thermoelectric energy industry Gas production industry Sewer services	Workers in the water purification and distribution industry. Workers in the hydroelectric power industry. Workers in the thermoelectric energy industry. employees in the gas production industry. Sewer service employees.
5th GROUP - Extractive industries **Activities or economic categories**	**5th GROUP - Workers in the extractive industries** **Professional categories**
Gold and precious metals extraction industry Iron and base metals extraction industry Coal mining industry Diamond and precious stone mining industry Marble, limestone and quarry extraction industry Sand and barrier extraction industry Salt extraction industry Oil extraction industry Timber extraction industry	Workers in the gold and precious metals mining industry Workers in the iron and base metal extraction industry. Workers in the coal mining industry. Workers in the diamond and precious stone mining industry. Workers in the marble, limestone and quarrying industry. Workers in the sand and barrier extraction industry. Workers in the salt extraction industry.

Resin extraction industry Firewood extraction industry Rubber extraction industry Vegetable fiber extraction and cotton ginning industry Vegetable and animal oil extraction industry	Workers in the oil industry. Workers in the wood extraction industry, Workers in the resin extraction industry, Workers in the firewood industry. Workers in the rubber extraction industry. Workers in the industry of the extraction of vegetable fibers and the ginning of cotton. Workers in the vegetable and animal oil extraction industry.
6th GROUP - Spinning and weaving industry Activities or economic categories	**6th GROUP - employees in the spinning and weaving industries** **Professional categories**
String and tow industry Knitwear and socks industry Spinning and weaving industry in general TeXtile specialties industry (trimmings, lace, carpets)	Masters and foremen in the spinning and weaving industry Workers in the spinning and weaving industry
7th GROUP - Leather goods industry **Activities or economic categories**	**7th GROUP - Workers in the leather goods industry** **Professional categories**
Leather and fur tanning industry Luggage and travel goods industry General belt and harness industry	Workers in the leather and fur tanning industry Workers in the leather goods industry
8th GROUP - Rubber artifacts industry Activities or economic categories	**8th GROUP - Workers in the rubber products industry** **Professional categories**
Rubber artifact industry	Workers in the rubber artifact industries
9th GROUP - Jewelry and gemstone cutting industry	**9th GROUP - Workers in the jewelry and gemstone cutting industries Professional categories**

Economic activities or categories	
Jewelery and jewelry industry Precious stone cutting industry	Jewelers and goldsmiths officers Lapidary officers.
10th GROUP - Chemical and pharmaceutical industry Activities or economic categories	**10th GROUP - Workers in the chemical and pharmaceutical industry** **Professional categories**
Chemicals industries for industrial purposes Pharmaceuticals industry Vegetable and animal oil preparation industry Synthetic resin industry Perfumery and toilet Articles industry Soap and candle industry Alcohol manufacturing industry Explosives industry Paints and varnishes industry Match industry Fertilizer and glue industry Insecticide and insecticide industry Laundry and garment dyeing industry Oil distillation and refining industry Plastic material industry	Workers in the chemicals industry for industrial purposes Pharmaceutical industry workers Workers in the preparation of vegetable and animal oils Workers in the synthetic resin industry Workers in the perfumery and toilet Articles industry Workers in the soap and candle industry Workers in the alcohol manufacturing industry Explosives industry workers Workers in the paint and varnish industry Match industry workers Workers in the fertilizer and glue industry Workers in the insecticide and insecticide industry Workers in the laundry and dyeing industry Workers in the plastics industry
11th GROUP - Paper, cardboard and cork industries Activities or economic categories	**11th GROUP - Workers in the paper, cardboard and cork industries Professional categories**
Paper industry Cardboard industry	Workers in the paper, cardboard and cork industry (Corrected by Decree-Law No. 6353, of 1944.)

Cork industry Paper, cardboard and cork artifacts industry	Workers in the paper, cardboard and cork artifacts industry
12th GROUP - Graphic industries Activities or economic categories	**12th GROUP - Workers in the Graphic Industries Professional categories**
Typography Industry Engraving industry Binding Industry	Graphics officers Binding officers
13th GROUP - Glass, crystal, mirrors, ceramics and porcelain industries Activities or economic categories	**13th GROUP - Workers in the Glass, Crystals, Mirrors, Ceramics, Crockery and Porcelain Industries Professional categories**
Flat glass and crystal industry Hollow glass and crystal industry (flasks, bottles, glasses and similar Polishing mirror industry (glass cutting) Stone powder, porcelain and earthenware ceramics industry	workers in the glass, crystal and mirror industry workers in the ceramic industry of stone powder crockery, porcelain and earthenware
14th GROUP - Metallurgical, mechanical and electrical material industries Economic activities or categories	**14th GROUP - Workers in the metallurgical, mechanical and electrical material industries Professional categories**
Iron industry (steel industry) Foundry industry Iron and metal artifact industry in general Locksmith industry Mechanical industry Electroplating and nickel plating industry Machinery industry Cutlery industry schedules, weights and measures industry Bodywork industry	Metallurgical workers (steel and foundry) Machine shop workers workers in the electrical equipment industry

Metal sealing industry Metal furniture industry Vehicle construction and assembly industry Vehicle and accessory repair industry Shipbuilding industry Lamps and electrical lighting industry Electrical and wire drawing industry Electrical and similar appliance industry Radio broadcasting industry	
15th GROUP - Musical instrument and toy industries **Activities or economic categories**	**15th GROUP - Workers in the Musical Instrument and Toy Industries** **Professional categories**
Musical instrument industries Toy industries	workers in the musical instrument industry workers in the toy industry
NATIONAL CONFEDERATION OF TRADE	**NATIONAL CONFEDERATION OF WORKERS IN TRADE**
1st GROUP - Wholesale trade **Economic activities or categories**	**1st GROUP - Workers in trade** **Professional categories**
Wholesale of cotton and other vegetable fibers Wholesale of coffee Wholesale of fresh and frozen meats Wholesale of charcoal and firewood Wholesale trade of foodstuffs Wholesale of fabrics, clothing and haberdashery	Employed in commerce (representatives of commerce in general) Sales workers and business travelers workers in commercial ore and mineral fuel companies

Wholesale of crockery, paints and hardware Wholesale of machinery in general Wholesale of building materials Wholesale of electrical equipment Wholesale trade of ores and mineral fuels Wholesale of chemicals for industry and farming Wholesale trade of drugs and medicines Wholesale of precious stones Wholesale of jewelry and watches Wholesale of paper and cardboard	
2nd GROUP - Retail trade **Economic activities or categories**	
Shopkeepers in the trade (fabric, clothing), adornments and accessories, art objects, fine china, optics, surgery, stationery and office supplies, ID card store, photographic material, furniture and the like) Retail trade of fresh meat Retail trade of foodstuffs Retail trade of pharmaceutical products Retail trade of machinery, hardware and paints (utensils and tools) Retail trade of electrical material Retail trade of automobiles and accessories Retail trade of charcoal and firewood Retail trade of mineral fuels Trade in street vendors (self-employed	Pharmacy practitioners

employees) Retail trade of traders	
3rd GROUP - Autonomous agents of commerce Activities or economic categories	**3rd GROUP - Employees of independent trade agents Professional categories**
Commodity brokers Ship brokers Real Estate Brokers Customs brokers Railroad forwarders Auctioneers Sales representatives Commissioners and consignees	Workers of independent trade agents
4th GROUP - Storage trade Economic activities or categories	**4th GROUP - Workers in the storage trade Professional categories**
Mills General stores (of coffee, cotton and other products) Warehouse (for meat, milk and other products)	Warehouse Workers (mills, general stores and warehouses) Coffee porters and packers Salt porters and packers
5th GROUP - Tourism and hospitality Activities or economic categories	**5th GROUP - Workers in Tourism and Hospitality Professional categories**
Tourism company Hotels and similar (restaurants, pensions, bars, cafes, dairies and patisseries) Hospitals, home health clinics Amusement houses barbers and hairdressers' salons, beauty salons and the like	Interpreters and tour guides Workers in the hotel and similar trade (including building porters and cabinets) Nurses and Workers in hospitals and nursing homes, including douching professionals and massage therapists Workers in amusement houses

Real estate buying and selling and leasing companies Shoe polish services	Officers, barbers, hairdressers and the like Shoe polishers
NATIONAL CONFEDERATION OF MARITIME, RIVER AND AIR TRANSPORT	**NATIONAL CONFEDERATION OF WORKERS IN SEA, WATER AND AIR TRANSPORT**
1st GROUP - Maritime and river navigation company **Activities or economic categories**	**1st GROUP - Workers in sea and river transport** **Professional categories**
Maritime shipping company	Merchant marine nautical officers Merchant Navy machine officers Merchant Navy Commissioners Merchant Navy drivers and drivers Merchant Marine cargo lecturers Harbor pilots, chiefs and boatswains in maritime transport Foremen, sailors and young men in maritime transport Merchant Marine Radio Telegraphists Marine stewards, culinary and bakers Stokers in the Merchant Navy (including coal miners) Merchant Navy Doctors Nurses of the. Merchant Marine Employees in offices of shipping companies Masters and shipyard managers of shipping companies Naval employees (employees in maritime shipyards

	and naval caulks) Shipbuilders
River and lake navigation company Shipping agencies	Nautical officers in river transport River transport machinery officers Commissioners in river transport River transport drivers and drivers Cargo checkers in inland waterway transport Harbor pilots, chiefs and boatswains in river transport Foremen, sailors and young men in river transport Radiotelegraphists in river transport River stewards, culinary and bakers in river transport Foggers in river transport (including coal) Doctors in river transport Nurses in river transport Employees in the offices of inland waterway companies Masters and shipyard managers of river navigation companies River employees (employees in river navigation yards and river caulks) River Carpenters Nurses at Merchant Marine.
2nd GROUP - Airline companies **Activities or economic categories**	**2nd GROUP - Air transport workers** **Professional categories**
Airline companies	Aeronauts Airmen
3rd GROUP - Businessmen and port administrators	**3rd GROUP - Dockers** **Professional categories**

Activities or economic categories	
Businessmen and port administrators Autonomous porters and baggage carriers)	Dockers Ore stowage employees
4th GROUP	**4th GROUP - Dockers** **Professional categories**
	Port service employees Drivers on port cranes Loading and unloading checkers and repairers in ports
NATIONAL LAND TRANSPORT CONFEDERATION	**NATIONAL CONFEDERATION OF TRANSPORT IN LAND TRANSPORT**
1st GROUP - Railway companies **Activities or economic categories**	**1st GROUP - Railway workers** **Professional Categories**
Railway companies Loaders and conveyors (self-employed)	Railway employees
2nd GROUP - Road transport companies **Activities or economic categories**	**2nd GROUP - Road transport workers** **Professional categories**
Passenger transport companies Cargo vehicle companies Garage companies Baggage and volume carriers in general (self-employed)	Employees in the offices of road transport companies Drivers of road vehicles (including helpers and porters, bus changers, car washers)
3rd GROUP - Urban rail companies (including overhead cables Activities **or economic categories**	**3rd GROUP - Workers in urban rail companies** **(including overhead cables)** **Professional categories**
NATIONAL CONFEDERATION OF COMMUNICATIONS AND ADVERTISING	**NATIONAL CONFEDERATION OF WORKERS IN LAND TRANSPORT**

1st Panel - Communication companies Economic activities or categories	1st Panel - employees in communications companies Professional categories
Land telegraph companies Underwater telegraph companies Radio-telegraph and radio-telephone companies Telephone companies Courier companies	employees in telegraph companies employees in radio-telegraph companies employees in radio-telephone companies employees in telephone companies employees in messenger companies
2nd Panel - Advertising companies Economic activities or categories	2nd Panel - employees in advertising companies Professional categories
Commercial advertising companies (including preparation of material for advertising) Radio broadcasting company	Advertising agents and propagandists employees in broadcasting companies
3rd Panel - Newspaper companies Economic activities or categories	3rd Panel - employees in newspaper companies Professional categories
Companies that own newspapers and magazines Distributors and sellers of newspapers and magazines (self-employed)	Professional journalists (copywriters, reporters, proofreaders, photographers, etc.)
NATIONAL CONFEDERATION OF CREDIT COMPANIES	**NATIONAL CONFEDERATION OF WORKERS IN CREDIT COMPANIES**
1st Group - Banking companies **Economic activities or categories**	**1st Group - Employees in banking companies** **Professional categories**
Banks Bank houses	Employees in banking companies
2nd GROUP - Private insurance and	**2nd GROUP - Workers in private insurance and**

capitalization companies **Economic activities or categories**	**capitalization companies** **Professional Categories**
Insurance companies Capitalization companies	Employees of private insurance and capitalization companies
3rd Panel - Autonomous private and credit insurance agents Economic activities or categories	3rd Panel - Employees in private insurance and capitalization companies Professional Categories
Insurance and capitalization brokers Brokers of public funds and foreign exchange	Employees of private insurance and capitalization companies
NATIONAL CONFEDERATION OF EDUCATION AND CULTURE	**NATIONAL CONFEDERATION OF WORKERS IN EDUCATION AND CULTURE COMPANIES**
1st GROUP - educational institutions **Economic activities or categories**	**1st GROUP - Workers in educational institutions** **Professional categories**
Recognized universities and colleges Art education companies Secondary and primary education companies Technical and vocational education companies	Higher education teachers Art teaching teachers Secondary and primary school teachers Masters and foremen of technical and professional education School administration assistants (employees of educational institutions)
2nd GROUP - Cultural and artistic dissemination company Activities or economic categories	**2nd GROUP - Workers in cultural and artistic dissemination companies** **Professional categories**
Publishing companies of ID cards and cultural publishing theater companies Library	Employees of ID card publishing companies and cultural publishing Employees of theatrical and cinematographic companies

Disc registering companies Film companies Cinematographic exhibiting companies Museums and research laboratories (technological) Orchestra companies Plastic arts companies Photographic art companies	Scenographers and scenotechnicians Theatrical actors (including choral bodies and dances) Library employees Employees at disc registering companies Cinematographic Actors Cinematographers Museum and research lab employees (technologists) Professional musicians Professional plastic artists Professional photographers
3rd GROUP - Physical culture companies **Economic activities or categories**	**3rd GROUP - Scenographers in physical culture companies** **Professional categories**
Land sports companies Water sports companies Air sports companies	Professional athletes Sports club workers

NATIONAL CONFEDERATION OF LIBERAL PROFESSIONS

GROUPS

1st Lawyers

2nd Doctors

3rd Dentists

4th Veterinary doctors

5th Pharmacists

6th Engineers (civil, mining, mechanics, electricians, industrialists, architects and agronomists)

7th Chemicals (industrial chemists, agricultural industrial chemists and chemical engineers)

8th Midwives

9th Economists

10th Actuaries

11th Accountants

12th Teachers (private)

13th Writers

14th Theatrical authors

15th Artistic, musical and plastic composers