

LABOR RIGHTS AND DUTIES IN

Brazil

your **rights and duties** as
employee, overtime, vacations
and termination of employment.



Rights:

The main labor rights of a foreign professional who wants to work in Brazil are governed by the Consolidation of Labor Laws (CLT), the Federal Constitution and international treaties to which Brazil is a signatory. Like Brazilian workers, foreigners who enter the country with a work visa have their rights guaranteed, provided they follow the legal requirements for regularizing their situation in the country.

Below are the main rights:

1. Right to a Work and Social Security Card (CTPS)

Foreigners who are authorized to work in Brazil are entitled to a Work and Social Security Card (CTPS), an essential document for formalizing the employment relationship. The CTPS guarantees access to labor and social security rights.

2. Salary and remuneration

Foreign professionals are entitled to be paid at least the minimum wage in force or the salary floor of the professional category, if there is a collective agreement. Payment must be made in Brazilian currency (Real), and all rights relating to salaries, bonuses and extras apply.

3. Working hours

The working hours of foreign professionals must respect the legal limits established by the CLT, which, as a rule, provides for a working day of 8 hours a day and 44 hours a week. Any working hours in excess of this limit require the payment of overtime, with an increase of 50% on the normal hourly rate.

4. Paid vacation

Foreign workers are entitled to 30 days of paid vacation after completing 12 months of work. During the vacation period, the employee must receive the corresponding remuneration, plus an additional 1/3 of the normal salary.

5. 13th salary

Foreign professionals are also entitled to the 13th salary, which corresponds to additional remuneration paid in two installments throughout the year, based on the amount of the monthly salary.

6. FGTS (Severance Indemnity Fund)

Foreigners are entitled to FGTS, which is a fund made up of monthly deposits made by the employer, corresponding to 8% of the gross salary. This amount can be withdrawn in specific cases, such as dismissal without just cause, retirement or permanent return to the country of origin.

7. Prior notice

In the event of dismissal without just cause, foreign workers are entitled to 30 days' notice, plus an additional 3 days for each additional year of work, limited to 90 days in total.

8. Unemployment insurance

In the event of dismissal without just cause, foreign professionals may be entitled to unemployment insurance, provided they have worked formally in Brazil and met the necessary requirements, such as minimum working time.

9. Maternity and Paternity Leave

Foreign workers are entitled to maternity leave of 120 days, with a job guarantee during the gestation period and up to five months after giving birth. Fathers have the right to paternity leave of at least 5 days.

10. Contribution to INSS (Social Security)

Foreign workers must contribute to the National Social Security Institute (INSS), guaranteeing access to social security benefits such as retirement, sickness benefit, maternity benefit and death pension.

11. Health and safety at work

Foreigners have the right to a safe working environment, with preventive occupational health and safety measures, in accordance with the Regulatory Norms (NRs) established by the Ministry of Labor.

12. Right to Equal Treatment

Brazilian legislation guarantees that foreign workers have the same rights and duties as national workers, prohibiting any kind of discrimination regarding origin, color, sex, age, religion or foreign status.

13. Participation in Collective Agreements

Foreign professionals have the right to participate in collective bargaining agreements, through trade unions, which define additional benefits or specific conditions for the category.

14. Termination of employment

Upon termination of the employment contract, the foreigner is entitled to receive all severance pay, such as salary balance, proportional vacation, proportional 13th salary, and FGTS, depending on the type of termination (with or without cause).

15. Right to Work Regularly and Equal Rights

Migrants and refugees have the right to work regularly in Brazil, guaranteeing them the same labor rights as Brazilian citizens. This principle of equality ensures that foreign professionals are not discriminated against and can enjoy all legal guarantees, promoting fair and equitable integration into the Brazilian labor market. Brazilian legislation, in line with international human rights treaties, establishes that access to employment must respect dignity and equal opportunities for all individuals, regardless of their nationality or migration status.

WORKING CONDITIONS

Foreign workers must have a valid visa or residence and work permit to work legally in Brazil, as regulated by the Migration Law (Law No. 13.445/2017). The employer is responsible for ensuring that the employment relationship is formalized and regularized with the Ministry of Justice and the Ministry of Labour.

These are the main labor rights that protect foreign workers in Brazil, ensuring that they are protected by the country's labor legislation, regardless of their nationality. Equal rights promote harmonious coexistence and contribute to the socio-economic development of both migrants and Brazilian society as a whole.

Duties:

For a migrant who wants to work in Brazil, it is important to know not only their rights, but also the main obligations of an employee, according to Brazilian labor legislation, mainly the Consolidation of Labor Laws (CLT). These obligations are essential for maintaining a balanced and respectful working relationship between employer and employee.

The following are the main obligations of an employee in Brazil:

1. Compliance with working hours

Employees must comply with the working hours agreed with their employer, which as a rule are 8 hours a day and 44 hours a week. Any absence or delay must be justified and, in the event of overtime, this must be properly recorded.

2. Punctuality and attendance

Employees must attend work on time and not be absent without justification. In the event of illness or other unforeseen situations, the employee must notify the employer in advance and provide medical certificates or appropriate justifications.

3. Carrying out tasks with diligence

Employees are obliged to carry out their professional activities diligently, efficiently and responsibly, in accordance with the company's internal rules and the employer's instructions.

4. Respect for Internal Rules

Each company may have its own rules and codes of conduct. Workers must follow these rules, which can include everything from the proper use of uniforms to the way they interact with clients and colleagues.

5. Respect for the Employer's Legitimate Orders

Employees must comply with orders and instructions given by their superiors, provided they are legitimate and in accordance with labor legislation. This includes carrying out the tasks within their remit.

6. Care for Company Assets

Employees must take care of the company's assets, using the equipment and materials provided with care and responsibility, avoiding damage and waste.

7. Confidentiality

Employees must keep confidential company and client information to themselves, especially when it involves sensitive or strategic data. Leaking information can lead to legal consequences.

8. Proper Use of Safety Equipment

If the work involves risks to health or safety, the employee has an obligation to properly use the Personal Protective Equipment (PPE) provided by the employer and to follow occupational safety regulations.

9. Respect for colleagues and superiors

Employees must treat their colleagues, superiors and clients with respect and professionalism, contributing to a harmonious and collaborative working environment.

10. Reporting Problems

Employees must immediately inform their employer of any work-related problems, such as equipment failures, difficulties in carrying out tasks or safety risk situations.

11. Fulfillment of notice

In the event of termination of the employment contract on the employee's initiative, they must comply with the 30-day notice period, or negotiate compensation if they wish to leave the job immediately.

12. Compliance with the law

In addition to the specific obligations of each company, employees must comply with Brazilian labor laws and other legislation in force, respecting the rights of employers and professional ethics

These are the main obligations of workers in Brazil. Complying with them is essential to maintaining a healthy working relationship and ensuring that rights are respected by both parties.

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