

## iGlobal Law : 2022 Annual Update : Brazil

**Initial remark:** It is important to mention that the Brazilian National Congress does not maintain an organized agenda. Therefore, it is not possible to confirm or anticipate any change regarding labour legislation in Brazil for the calendar year of 2022. With that said, we present below bills that may be voted next year and may become effective law. It is also important to mention that bills normally undergo considerable changes during the process of voting by the Congress, and therefore it is not certain that the provisions commented below will be approved by Congress as they are currently proposed.

Legal Change	Effective Date	Action required
<p><b>Electronic Systems to track working time</b></p> <p>Decree No. 10.854/2021 and Ordinance nº 671/2021 of the Labour Ministry were published in the Federal Official Gazette on 11 November 2021, consolidating several labour regulations, aiming at the simplification of infra-legal labour norms.</p> <p>The majority of the provisions are already in force, but some of them will be effective from mid-2022.</p> <p>The most relevant change to be effective from 2022 relates to the electronic systems for tracking working time. Essentially, there are new technical requirements for the validity of electronic systems, which must be complied with by suppliers and developers of the systems.</p>	10 February 2022.	Although the changes are more focused on suppliers and developers of the electronic systems, companies must be aware of those changes in order to guarantee that the systems they use for the purpose of tracking employees' working time are adequate.
<p><b>Remote work regulations</b></p> <p>Bill no. 3512/2020 proposes changes to the rules of remote work (in particular home office systems), increasing the responsibility of companies that adopt such work regimes.</p> <p>The Bill provides that employers must make available all the equipment necessary for the performance of remote work, including technical assistance. Additionally, it demands that employers reimburse the expenses incurred by employee for electricity, internet and other expenses deemed necessary to the work.</p> <p>Another relevant provision stipulates that employees under remote work regimes would be subject to working hours control and eligible for the payment of overtime.</p>	Bill has not been voted by the Congress yet, but may be voted during 2022.	Nothing at this stage, but keep updated on the possible approval of the Bill in order to take necessary steps to regularize the situation of employees under remote work regimes.
<p><b>Union System Reform</b></p> <p>There are around 50 different Bills to be voted in Congress regarding changes in the current Brazilian Union Systems. This is one of the main political projects of the current Federal Government.</p>	Bill has not been voted by the Congress yet. No exact expectation	Nothing at this stage, but keep updated on the possible approval of the Bill as it may represent several changes to union relations.

<p>One of the most significant Bills is Bill no. 171/2019, which is a proposal to amend the Constitution in order to revoke the principle of “union unicity”, allowing the constitution of multiple unions regardless of the existence of another representative union in the same territory.</p> <p>Furthermore, the Bill intends to limit the benefits of collective bargaining agreements to those employees who are effectively members of the union and contribute with union dues.</p> <p>Currently in Brazil, employees and employers are mandatorily represented by only one union in each territory, based on the main economic activity developed by the employer.</p>	<p>on when it will be voted.</p>	
<p><b>Possible Labour Law Reform</b></p> <p>The Brazilian government ordered a study from a special workgroup of congressmen, labour law specialists, former and current labour court’s judges, members of the Labour and Social Security Ministry, among other interested parties, to present a proposal of Labour Law Reform.</p> <p>There is no formal Bill presented by the workgroup as yet, however, the most relevant matters of the studies include: the modernization of the labour law by regulating new work relations such as the workers in delivery and transportation apps; allowing work on Sundays and holidays; establishing limits to moral damages claims; transfer to the employees the liabilities for misuse of safety equipment if training was provided and changes in the Brazilian union system.</p> <p>It must be emphasized that 2022 is a presidential election year in Brazil, therefore, the government may potentialize its efforts to present Bills arising from the mentioned study.</p>	<p>There is no formal Bill presented yet, but the presentation of bills are expected to occur in the next year.</p>	<p>Nothing at this stage, but keep updated on the possible presentation of Bills and its approval / rejection procedures.</p>