

"The Employment Reform five years later: certainties, uncertainties and expectations": download our e-book

25.07.2022 4 min read

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In the last five years, the **Employment Law Reform** has made various changes in the lives of Brazilian employers and employees, some immediate and some just now being felt.

We've prepared an e-book containing our views on different aspects of the Reform. In the book's articles, we look at what changes have been more readily accepted by employers, employees and the Labor Courts, what questions still generate debate, and what we can expect in coming years: more reform or counter-reform.

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The Employment Reform five years later

By Luiz Marcelo Góis

Even five years later, the Reform still arouses interest, partly because some of the issues it addressed immediately became a central part of day-to-day work, and partly because some of the new provisions are only now being put into practice

Higher-level employees

By Tatiana Conde Ribas

A new provision in Brazil's labor code leaves employers and employees free to negotiate on certain matters

Some thoughts on the payment of incentive rewards

By Cibelle Linero and Thais de Barros Meira

The changes made to the payment of incentive rewards by Law 13.457/2017 were welcomed by employers when the Employment Reform came into effect

Negotiation versus legislation

By Fernanda Alves Pires Marques

The Employment Reform introduced greater flexibility in labor rights through collective bargaining, but even five years after the law was passed, some of the changes are still being questioned

Union dues are no longer compulsory. Or are they?

By Ana Luisa Nascimento Dantas

The question is, does a negotiation fee paid to workers' unions by employers have any basis in the legislation or the Constitution?

Teleworking: from the Employment Reform through the Covid-19 Pandemic to PM 1108

By Thiago Alves Gomes

Teleworking grew rapidly starting in the first quarter of 2020 and soon more than eight million Brazilians were working remotely, representing 12.5% of the country's working population

Overtime banks, five years later

By Julia Soave Garcia

Introduced in the 2017 Employment Reform, overtime banks find support with both employees and employers

Homologation of employer-employee settlements by the Labor Courts

By Larissa Medeiros Rocha

The intention behind the introduction of the provisions was to promote the principle of conciliation that is inherent to the Labor Courts

Time spent travelling to and from work after the Employment Reform

By Rafaela Mariana de Souza Fonseca

Views on travel time have changed, and it is no longer considered to be part of employees' working hours

Economic groups and the Employment Reform

By Marina Motta Albernaz

A controversial question that arose with the changes made by the Reform is whether all the companies within an economic group must be included in employment lawsuits

Limits on damages for non-economic injury

By Fernanda Rochael Nasciutti

Following the Employment Reform, the Labor Courts are required to fix the amount of reparation for non-economic injury according to the seriousness of the offense, with minimum and maximum amounts in each case

Termination of employment by agreement

By Julia Soave Garcia

A fundamental element of bilateral termination (not least to avoid future litigation over the validity of the agreement) is the free expression of the parties' interest in, and consent to, terminating the employment relationship, particularly on the part of the employee

Mass dismissals in Brazil

By Fernanda Rochael Nasciutti

The questions surrounding mass dismissals have always afflicted the corporate world, especially in times of economic or financial crisis, when business owners may have to resort to mass dismissals in order for the business to survive, or, in the worst-case scenario, when they have to shut down operations

Brazil's Supreme Federal Court and the Employment Reform

By Thiago Alves Gomes

An overview of the challenges to the Employment Reform now before the Supreme Court shows there are many more cases still pending than cases that have been decided

Union reform following the Employment Reform

By Ana Luisa do Nascimento Dantas and Rafaela Mariana de Souza Fonseca

Law 13.467/2017 and the changes made to unions' organization and prerogatives brought the debate over the need for broad union reform into the spotlight

Awards of costs and attorneys' fees in employment lawsuits after the Employment Reform

By Marina Motta Albernaz

One of the most polemic issues under the Employment Reform relates to free access to the courts and court-awarded attorneys' fees

The challenges of establishing arbitration as a means to resolve employment disputes

By Larissa Medeiros Rocha and Luiza Romanó Pedroso

The Employment Reform deals with the possibility quite succinctly, imposing only two requirements for the use of arbitration in employment relations

Limitation of enforcement proceedings in the Labor Courts

By Letícia Pereira Dias

The conflict between the positions adopted by Brazil's highest courts resulted in immense uncertainty, and made it possible for the Labor Appeal Courts to take diverging views on whether proceedings to enforce judgments could become time barred or not

Intermittent work, five years later

By Cibelle Linero and Ana Wian Cheng

The Labor Courts have validated intermittent work, confirming that this type of employment can be agreed on between the parties regardless of the nature of the employer's business or the job duties performed by the employee

Pregnant and nursing employees and health risks at the workplace

By Cibelle Linero and Beatriz Beré Motta

The Employment Reform established different consequences for work by pregnant employees, depending on the degree of risk involved

Piercing the corporate veil in the Labor Courts

By João Paulo Ferreira Ramos and Pedro Paulo Xavier de Oliveira

The Employment Reform introduced specific rules on piercing the corporate veil in the Labor Courts, with rules applicable to the litigating parties, procedural deadlines, and requirements for bringing the incidental proceeding, none of which existed prior to 2017

The next chapter: more reform or counter-reform?

By Luiz Marcelo Góis

Even five years later, the Employment Law Reform continues to appear on Brazil's political and ideological stage, and will certainly play a leading role not only in the presidential elections in October but also in the political agenda for the term starting in 2023

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