

News about women's work and its impacts on companies

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One of the Sustainable Development Goals (SDGs) defined in the 2030 Agenda of the United Nations (UN), and assumed by Brazil, is to "achieve gender equality and empower all women and girls"¹. The international commitment involves the revision of several internal regulations in the fight against discrimination and violence against women, including in their work environments, requiring the joint action of all the Powers of the Federative Republic of Brazil.

It is in this context that the Federal Supreme Court (STF), understanding its fundamental role for the implementation of such measures, has prioritized in its agenda actions that involve the theme and impact any and all employers in Brazil.

An example of this is the recent decision, issued by Minister Carmen Lucia, against the Riachuelo store, validating the rule of article 386 of the CLT, which guarantees women the right to take one Sunday off every 15 days (unlike men, who would only need to take Sunday off every 3 weeks)². In turn, in the judgment of Adin No. 6327, the Supreme Court determined the extension of the period of leave and the payment of the maternity pay for the insured mothers, in cases where there are medical complications and the need for hospitalization of the mother and/or the baby, adding all this period of hospitalization to the 120 legal days in which the benefits were granted³. The decision has immediate application and impacts all companies in Brazil.

The topic is also on the agenda of the Legislative Branch, which, still in the current government, issued Law No. 14.457/2022, creating the "Employ + Women Program", bringing several rules to foster women's work and support for parenthood in early childhood. On this last item, the law regulates the granting of childcare reimbursement provided for in Law No. 8.212/1991 and requires employers to prioritize measures to make the working day more flexible for mothers of children up to 6 years old (or with disabilities, without age limit), extending the flexible measures also to parents, as an incentive to egalitarian parenting and the division of care for children. This same view guided other novelties, such as the suspension of the parents' employment contract to monitor the development of the children after the end of the mother's maternity leave or even the possibility of sharing, with the mother, the period of extension of the maternity leave applicable to Citizen Companies.

Many of these forecasts are already in place and directly impact employers, but perhaps one of the most relevant is the one that defined the new CIPA – which is now called the Internal Commission for the Prevention of Accidents and Harassment⁴. The law imposes the obligation to adopt measures to prevent and combat sexual harassment and other forms of violence at work, including annual training for employees of all hierarchical levels on topics related to violence, harassment, equality and diversity in the workplace⁵.

The new reality imposes on companies that do not yet have an internal culture of inclusion and development of women's work a race against time, not only to adapt to the new rules and avoid labor liabilities, but especially due to their social responsibility and the relevant role they play in achieving the SDGs assumed by the country.

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NOTES:

¹The UN 2030 Agenda is a global plan, defined at the General Assembly held in New York in September 2015, with the participation of 193 member states, which established 17 sustainable development goals to be achieved by 2030.

² RE No. 1403904, DO, 10/13/2022 (not yet final). It is important to note that the TST is already, mostly, deciding in the same direction.

³ Decision rendered unanimously, written by Minister Edson Fachin, DO, 11/7/2022.

⁴ For more information on the measures brought by Law No. 14.457/2022, we suggest reading our Newsletter, available for access here (portuguese only).

⁵ This measure should be implemented by companies by 3/20/2023.

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