

A SHORTER WORKWEEK IN BRAZIL | 40 HOURS, 2 REST DAYS

Constitutional Amendment 141/2026 · What changes, when, and what employers should do now



KEY DATES



NEW CONSTITUTIONAL RULES

WORKWEEK

44 → 40

Hours per week, limited to 8 per day

REST DAYS

6x1 → 5x2

2 rest days per week, one preferably on Sunday

LIMITED FLEXIBILITY

- Collective bargaining can average rest days over the month: at least 1 rest day per week, with an average of 2 per week in a month.
- Ordinary legislation can establish special work arrangements and schedules within the constitutional limits.

TRANSITION AND PAY PROTECTION

NO PAY CUTS

No reduction in pay of any kind is allowed, including in salary floors in collective bargaining agreements. For employees currently working 44 hours, the hourly pay rate increases by 5% and then 10%.

- No reduction in working hours for employees already working 40 hours or less, but they are entitled to 2 rest days.
- Congress may adopt transitional measures for small and very small businesses, conditional on maintaining employment levels.
- During the transition, collective bargaining can extend the workday to distribute the 42 hours over 5 days, with 2 rest days per week.
- Employees allocated under concession agreements, PPPs and other government contracts move to the new hours once the contract is amended, and within one year at the latest.

WHAT TO WATCH FOR COLLECTIVE AGREEMENTS

- Collective agreement provisions that conflict with the new rules automatically cease to apply on 16 December 2026, even if the agreement hasn't expired.
- Employers and unions can negotiate amendments to distribute the 42 hours over 5 days in the transition period.

HIGH EARNER EXCEPTION

- The 40-hour limit does not apply to employees who hold a university degree and earn 2.5 times the social security contribution ceiling (currently about BRL 21,200), although they are entitled to 2 rest days a week. Employers may choose to apply the new limit on working hours.
- The exception does not apply to public sector employees.

SPECIAL SCHEDULES

- Future legislation is expected to establish rules for arrangements such as 12 hours on, 36 hours off, rotating shifts, and sector-specific schedules.

EMPLOYER CHECKLIST: NEXT STEPS

1

Map your workforce by hours and schedule: 44-hour weeks, six-day schedules, 12 on 36 off, and rotating shifts.

2

Model the costs: Headcount, overtime, new schedules with 2 rest days, and payroll impacts of the additional rest day.

3

Negotiate with unions on averaging rest days and on longer workdays during the transition.

4

Update employment contracts, workplace policies, time-recording systems and payroll.

5

Identify roles that qualify for the high-earner exception, and decide how to document them.

6

Amend government contracts before the one-year deadline.

7

Small businesses: Watch for supplementary legislation on transitional relief.