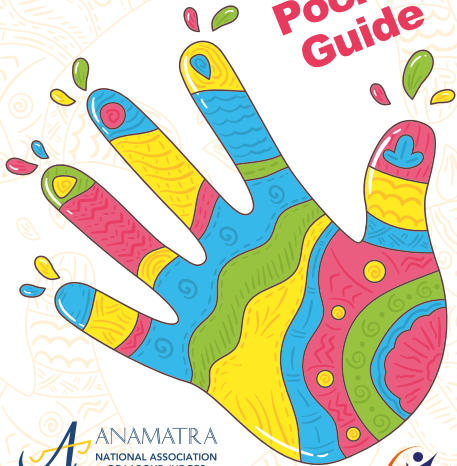


WELCOME TO BRAZIL!

**Pocket
Guide**



 ANAMATRA
NATIONAL ASSOCIATION
OF LABOUR JUDGES

**Rights of migrant and
refugees workers**


CAMI

WELCOME TO BRAZIL!

You cannot be discriminated for being an Immigrant or a Refugee. You are entitled to documentation and decent work.

Regardless of your migratory status, you can use public services such as education, health, social assistance and prevention of violence and crime. If any of your rights are not respected, look for a public body or an NGO, preferably one that works with immigrants and refugees.

Regardless of how long you decide to stay in Brazil, you need to have your immigration status in order. Stay tuned!

MAIN DOCUMENTS TO OBTAIN IN BRAZIL

Upon entering Brazil, either by land or by air, the first documents to get are:

- **CPF - Cadastro de Pessoa Física** (Individual Taxpayer Register), which is critical for accessing public services, opening a bank account and carrying out financial transactions. Those under 16 years old must be accompanied by their parents or legal guardians.

<https://servicos.receita.fazenda.gov.br/Servicos/CPF/InscricaoCpfEstrangeiro/>

Questions? Call 146 or look for an agency of *Receita Federal* (Internal Revenue Service) in your city.

CRNM - Carteira de Registro Nacional Migratório (*National Migratory Register Card*), formerly known as *RNE (Registro Nacional de Estrangeiro*, “National Registry of Foreigners”).

This document is issued by the Federal Police. For further information, access: www.pf.gov.br/servicos-pf/imigracao/cedula-de-identidade-de-estrangeiro

- If a refugee, get the *Protocolo de Pedido de Refúgio (Refuge Request Protocol)*. With this request, Federal Police will issue the *Documento Provisório de Registro Nacional Migratório – DPRNM (Provisional Document of National Migration Registration)*, which will be the refugee’s provisional identification document until final decision, allowing the access to public services, *CPF, Carteira de Trabalho (Work Record Document)*, bank account, etc.

www.pf.gov.br/servicos-pf/imigracao/refugio

Carteira de Trabalho – CTPS (*Work Record Document*), which is currently digital. Access:

www.gov.br/pt-br/temas/carteira-de-trabalho-digital

- Pay attention to your visa expiry date. Before it expires, go to a Federal Police Office for regularization in Brazil.
- Try to define where you will live and work.



NOTE:

Always check the international agreements and treaties between your country of origin and Brazil.

Carteira de Trabalho – CTPS (Work Record Document)

It is the document required for your employment. It indicates hiring date, salary and the contract term.

The employer, through e-Social, makes all records online. You can monitor them at any time via App or Internet.

www.gov.br/esocial/pt-br

To get your *Carteira de Trabalho Digital*, you first need to have your CPF (*Cadastro de Pessoa Física*). To CPF, access:

<https://servicos.receita.fazenda.gov.br/Servicos/CPF/InscricaoCpfEstrangeiro/>

Questions? Call 146 or look for an agency of Receita Federal (*Internal Revenue Service*) in your city.

You can get your *Carteira de Trabalho* completely free at the website:

www.gov.br/pt-br/temas/carteira-de-trabalho-digital

The *Carteira de Trabalho Digital* replaces the former one, on paper. It is the same document, however in its online version.

BASIC RIGHTS FOR REGISTERED EMPLOYEES

- Guarantee of decent work
- Right to work in a safe and hygienic environment, with a proper place for meals
- Guarantee of non-discrimination as to position, salary, gender, age, color, marital status or religion.
- Guarantee of non-discrimination for being a person with a disability
- Minimum wage fixed by law or according to occupation. A worker can only receive **less** than the national minimum wage if he works less than 8 hours a day.

- Contribution rates provided for by law are deducted from the salary (*INSS*, unexcused absences, transportation vouchers, advance payments)
- Salary irreducibility: your salary cannot be reduced, nor have discounts other than those provided for by law.
- Prohibition of intentional salary withholding. Salaries must be paid by the 5th working day of each month. For example: by the 5th working day of February, you should receive the payment for January.
- Christmas bonus (13th salary). In Brazil, in addition to the 12 months salary, at the end of the year, registered employees are entitled to receive a bonus called 13th salary. If you have not completed one year in a job, you will receive proportionally to the months worked.

- Annual 30-day vacation, plus payment of an additional 1/3 of the salary
- Maximum of 8 hours a day or 44 hours a week. Additional hours will be considered extra hours.

Attention: overtime should not exceed 2 hours a day.

- Meal breaks
- At least, 1 paid day off per week, preceding or following Sunday, once within 3 weeks at most. It is forbidden to work 7 consecutive days.
- Paid time off on holidays
- Double payment of days off and holidays worked. If you work during a rest day (for example, Sunday or holiday), you must be paid double the normal rate, 100% more than normal hours or a day off in the same week. Payment must occur if you do not receive a day off for worked day.

- Overtime with a minimum pay increase of 50%; more than 2 extra hours per day is prohibited. In case of doubts on overtime, contact the union of your category.
- Additional payment for hazardous or unhealthy activities.
- Unhealthy work occurs when you work in an environment with exposure to chemical or biological products. In these cases, you are entitled to an additional 10%, 20% or 40% of the minimum wage, depending on the level of insalubrity.
- Danger occurs if you carry out a task with exposure to flammable products (gasoline, alcohol, etc.), explosives or if you work in personal or property security activities. The additional is 30% of the remuneration.

- Payment of an additional night shift, which means the addition of at least 20% over usual hour worked, for those who work at night (from 10 pm to 5 am), night shift hour being is shorter (52m30s).
- Transportation voucher for commuting from home to work (round trip), with a maximum 6% salary discount. The benefit must be anticipated and then deducted from the salary.

- Family allowance: you are entitled to an amount for each child. These values are changed annually according to the INSS table. Requirements: Child under 14 old or with a disability of any age, for salaries slightly over the minimum wage.
- Free daycare and preschool for children under 5 years old
- Paid maternity leave of 120 days, at least
- Paid paternity leave of 5 days, at least
- Minimum 30-day notice if laid off
- Seguro-desemplego (*Unemployment insurance*), from 3 to 5 months, depending on service time, if laid off.

- **FGTS – Fundo de Garantia por Tempo de Serviço** (*Government Severance Indemnity Fund for Employees*) 8% of the salary, deposited every month in an account that can only be withdrawn if you are fired, retire, buy your own home or in cases of serious illness.
- Occupational accident insurance.
- 40% penalty on the FGTS balance in case you are laid off.
- Right of filing claims with the Labor Court, within a 2-year time limit after the employment contract is finished.
- Right to unionize, with free professional or union association.
- Right to go on strike; except for what the law establishes as essential services or activities, the provision of which for the community is mandatory.

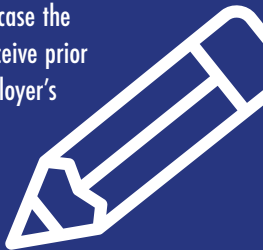
BASIC DUTIES OF A REGISTERED EMPLOYEE

- Act honestly and be diligent in your employment.
- Fulfill the obligations of the employment contract, related to the legally contracted functions.
- Comply with working hours.
- Always use Equipamentos de Proteção Individual e Coletiva - EPI and EPC (*Individual and Collective Protection Equipment*).
- Have good behavior and moral conduct in the work environment.

- Keep professional secrecy, when necessary.
- Do not compete with the employer in negotiations during the contract.
- Do not go to work drunk or drugged.
- Do not practice gambling in the work hours and environment.
- Do not act with indiscipline or insubordination, unless the orders received are unworkable, illegal, immoral, or the leadership acts with excessive rigor.
- Do not commit any act harmful to the honor and good reputation of the people at work, the employer or third parties.

- Do not physically attack people in the hours and work environment.
- Do not deprecate the company's assets nor commit acts of sabotage.
- Do not quit your job. If you no longer want to work, please resign.

Note: failure to comply with the worker's duties can lead to dismissal with cause, in which case the employee will not receive prior notice or a 40% employer's penalty on the FGTS.



HOUSEWORK

A domestic worker is one who provides services of a continuous nature to a person or family, in the residential context, for more than 2 days a week.

The following functions are considered housework: assistant, cook, housekeeper, nanny, janitor, security guard, private driver, gardener, elderly caretaker, among others.

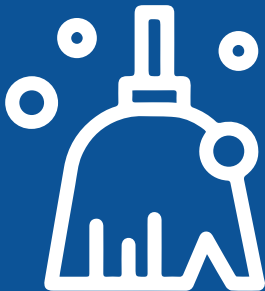
A domestic worker must have an employment contract recorded in the *Carteira de Trabalho (Work Record Document)*

8-hour workdays up to 44 hours a week.

If living at the workplace, breaks, rest and mealtime, holidays and free Sundays will not count as working hours/days.

Food and housing cannot be deducted from the salary.

Housework is prohibited for persons under 18 years old.



MORAL HARASSMENT

Moral harassment occurs when the worker is subjected to humiliating, vulgar or aggressive situations in the work environment. It can come from bosses and even colleagues.

Moral harassment examples are humiliation, isolation, threats, verbal abuse, false accusation, psychological pressure, gender discrimination, among others.

If you are repeatedly suffering these types of actions, please refer to public or supervisory bodies to ensure your rights and ask for the compensation due.

To denounce moral assessment at work, access <https://mpt.mp.br/>



CHILD LABOR IS A CRIME!

PLEASE, DENOUNCE:
CALL 100 (FREE)

You can also refer to the local Conselho Tutelar (*Child Welfare Council*).

In Brazil, working under 16 years old is prohibited, except for the condition of apprenticeship.

An adolescent between 14 and 16 years old can only work as an apprentice for 6-8 hours a day until they are 16 years old.



To be an apprentice, an adolescent must be attending Ensino Fundamental or Médio (*Elementary or Secondary School*) and be enrolled in a theoretical training program to join the corporate activity.

Until completing 18 years old, working in hazardous, unhealthy, stressful conditions, at night, or with domestic work, among others, is prohibited.



TYPES OF EMPLOYMENT CONTRACT

Our legislation provides for various types of employment contracts, each with its own characteristics.

Here we list some of the most common contracts but, for other types, you can refer to your union, talk to the HR department of your company or seek help before signing a contract.

We remind you that your employment contract is the evidence of your worker rights.

The indefinite contract (**contrato por tempo determinado**) is the most common contract model when the employer hires the employee.

Initially, there is a probation agreement. If the worker is not dismissed, he or she automatically becomes an employee. As a worker, you will be entitled to all your rights from the first day of the contract.

The self-employed contract (**contrato de trabalhador autônomo**) is used by independent service providers who, through a service provision contract, perform their business activities, however, without a relationship of subordination.

The self-employed entrepreneur must ensure:

- *Inscrição Municipal (Municipal Registration)* and *ISS – Imposto sobre Serviços (Service Tax)*. Register with the *Prefeitura (City Hall)* and collect *ISS*.
- *Imposto de Renda (Income Tax)* collection:

The *RPA - Recibo de Pagamento Autônomo (Self-Employed Income Receipt)* is a bank slip issued when a business hires a self-employed professional to provide service.

For further information, check with the company that is hiring your service.

MEI – MICROEMPREENDEDOR INDIVIDUAL (INDIVIDUAL MICRO ENTREPRENEUR)

The Microempreededor Individual is also a self-employed worker who performs his/her activities on his/her own, providing services to third parties, although he/she is registered as an entrepreneur.

The service performed will be occasional, without subordination, which implies providing services to different companies.

The Microempreededor Individual can have only 1 employee.

DO NOT FORGET: Payment of monthly MEI contribution is done through DAS - Documento de Arrecadação do Simples Nacional (*Collection Document*) and guarantees social security benefits. For each benefit to be claimed, it is necessary to respect the minimum amount of the DAS payments on time:

- **Maternity salary:** 10 contributions are required for the MEI to be entitled to this payment. The male MEI is also entitled to the benefit in the event of the death of the child's mother.
- **Sickness or disability allowance:** 12 months of contribution are required. The benefit applies to cases of accident of any nature or if the MEI suffers from any illness that prevents it from performing its activity.

- **Retirement by age:** women aged 60 and men aged 65 years. A minimum contribution of 180 months is required, counting from the first timely payment. Especially for this benefit, the valid rule is that the MEI contributions to retirement never cease to be valid, that is, it does not matter if the entrepreneur stopped contributing at some point, and the contributions will always be valid.



LEARN MORE ABOUT YOUR RIGHTS AS A WORKER

BREAK FOR FOOD AND REST

HOURS WORKED PER DAY:	RIGHT TO A BREAK DURING:
More than 6 hours	1 hour
4 to 6 hours	15 minutes
Less than 4 hours	No right to break



FOOD AND OTHER RELATED BENEFITS

Food / Meal vouchers

Food is not an obligation of the worker, that is, there is no law that obliges the employer to provide meals to employees, except for a collective agreement.

Vacations

After 1 year-work, the employee is entitled to 30 calendar days of vacation. In the event of unjustified absences, there is a progressive reduction in the number of vacation days to which the employee would be entitled.

When going on vacation, the worker receives a bonus of $\frac{1}{3}$ of his salary.

You can arrange with your employer to divide the vacation into up to 3 periods, one of which cannot be less than 14 calendar days and the others cannot be less than 5 calendar days each.

You can choose to “sell” up to 10 days of your vacation (in which case you get cash instead of the days off). The sale of more than 10 vacation days is prohibited.



TERMINATION OF THE EMPLOYMENT AGREEMENT (FIRED OR LAID OFF)

Termination of the employment contract at the initiative of the employer, without the employee having committed serious misconduct.

The employer must communicate the dismissal in writing. In the *Carteira de Trabalho (Work Record Document)*, the day of termination of the prior notice (indemnified or not) must appear as the date of departure.

Dismissal without justifiable cause receives:

- Prior notice (indemnified or not)
- 13th salary proportional to the months worked in the year
- Expired vacation plus 1/3
- Salary balance (if any)
- You can withdraw your FGTS



- 40% fine on the FGTS deposited
- You can apply for Seguro-desemprego (*Unemployment insurance*)

You will be entitled to 3-5 months of this benefit. To apply for Seguro-desemprego, look for a Caixa Econômica Federal agency.

Dismissal for justifiable cause* receives:

- Salary balance (if any)
- Expired vacation

* Justifiable cause is when the employee commits serious or very serious misconduct.

PREGNANCY PROTECTION

Brazilian legislation guarantees employment stability to pregnant women from the confirmation of pregnancy to 5 months after delivery.



During pregnancy, the worker cannot be fired - except for a serious misconduct.

CONTEMPORARY SLAVE LABOR

It may seem very distant but slavery still exists and happens everywhere.

Be careful not to fall into this trap. If you are going through this, report it!

Always check the place where you will work and the conditions offered.

Do not agree to use your salary payment to pay off 'debts' imposed by the employer.

**REPORT IT! CALL 100
HUMAN RIGHTS**

Some characteristics of contemporary slave labor:

- Preventing worker to leave;
- Making constant threats;
- Collective housing for families or collective housing for men and women;
- Physical, moral or sexual aggression in the context of the employment relationship;
- Working more than 8 hours without extra pay.
- Degrading conditions and others that violate the dignity of the worker.

OR LOOK FOR CAMI!

If an immigrant or refugee worker is rescued from slave labor, which rights apply?

The same benefits of a worker dismissed without cause, added to the benefit of 3 unemployment insurance months, plus overtime worked.

I have an irregular migratory status, I do not have a work permit, and I am being exploited in the workplace. What can I do?

Even in an irregular status, you have rights assured by law. Seek help! Do not accept exploitation!

You will not be deported for working undocumented, do not worry. You can settle in Brazil or return, if you wish, to your country of origin. Seek help.

How to validate my diploma to practice my profession in Brazil?

Validation of diplomas from foreign countries must be carried out in a federal or state public institution.

REFUGEES residing in Paraná and São Paulo: there is a specific law regulating your profession.

For further information, visit:

<http://carolinabori.mec.gov.br>

Is it possible to receive the pension from contributions to the INSS of my work done in Brazil, in my country of origin?

Yes, but it depends on bilateral agreements with the immigrant's country of origin.

Requirements: minimum age fixed, proof of length of service, proof of INSS contribution, among others. No need to naturalize.

ALL IMMIGRANTS AND REFUGEES HAVE ACCESS TO THE SUS - SISTEMA ÚNICO DE SAÚDE (PUBLIC HEALTH SYSTEM)



In Brazil, SUS – Sistema Único de Saúde (*Public Health System*) is a universal right.

Everyone may access this service, regardless of their nationality or migratory status.

To facilitate your access, it is necessary to get your Cartão SUS (*Card*) at the nearest UBS – Unidade Básica de Saúde (*Basic Health Unit*) and the service is completely free.

WORK ACCIDENT

It is the employer's responsibility to provide the Equipamentos de Proteção Individual e Coletiva - EPI and EPC (*Individual and Collective Protection Equipment*) whenever working activities pose a risk to the worker. In case of work accident, the employer must provide medical care and fill out the CAT - Comunicação de Acidente de Trabalho (*Work Accident Communication*).

If the employer does not provide the CAT, the worker may refer to an INSS doctor or a Union, and ask for it. The employer must pay the salary corresponding to the first 15 days of leave.

A worker who suffers a work accident and needs to be away for more than 15 days will receive the payment for the first 15 days from the employer, and subsequently from the INSS.

In this case, the worker cannot be fired for 12 months after the social security discharge.

In case the accident occurs on the way to work, or on the way home from work, it is also considered a work accident and it follows the same rules.

SOCIAL SERVICE

Should you need Social Assistance, please refer to a local CRAS – Centro de Referência de Assistência Social (*Reference Center for Social Assistance*) and/or CREAS – Centro de Referência Especializado de Assistência Social (*Specialized Reference Center for Social Assistance*).

Both entities focus on people who are either vulnerable or under social risk.

Any questions, need for help or further information, please contact us:

**CAMI – Centro de Apoio e Pastoral do Migrante
(Migrant Support and Pastoral Center)**

(11) 3333-0847 – (11) 99173-1755

IMPORTANT PHONE NUMBERS

**CAMI – Centro de Apoio e Pastoral do Migrante
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(11) 3333-0847 – (11) 99173-1755**

Forced Labor: 100 or 180

Human Trafficking: 100 or 180

Child Labor: 100

Domestic Violence: 180 or 190

Military Police: 190

Fire Department: 193

SAMU: Emergency and Removal: 192

Social Security: 135

Federal Revenue Service: 146

City Hall: 156

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**CAMI – CENTRO DE APOIO
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(MIGRANT SUPPORT AND
PASTORAL CENTER)**

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