

MP 927/2020 – LOSS OF EFFECTIVENESS

NOT CONVERTED INTO LAW

Provisional Measure 927/2020 – which made some labor rules more flexible to preserve employment and income, and to deal with the state of public calamity and public health emergency resulting from the coronavirus pandemic (COVID-19), has lost its effectiveness and was not converted into law. Thus, the labor measures established in March 2020 by MP 927/2020 can no longer be adopted by employers. Let us see, then, how the labor measures previously governed by MP 927/2020 stand:

TELEWORK

- The employer cannot change, at its discretion, the face-to-face work regime for teleworking and vice versa.
- Interns and apprentices are no longer authorized to work remotely.
- The time spent using applications and communication programs outside the employee's normal working hours may characterize time available to the employer.

INDIVIDUAL AND COLLECTIVE VACATION

- The grant of individual vacation must be informed by the employer at least 30 days in advance.
- The vacation period can be divided, if accepted by the employee, into 3 periods, one of which not less than 14 calendar days and the others not less than 5 calendar days each.
- The anticipation of vacations for vesting periods not yet completed is not authorized.
- The postponement of payment of 1/3 on top of vacation pay until 12/20/2020 is no longer allowed.
- The conversion of 1/3 on top of the vacation pay into a cash bonus is again an employee's right.
- Vacation payment must be made within 48 hours prior to the start of the vacation period.
- Collective vacation periods must be informed 15 days in advance.
- The employer must inform the granting of collective vacation to the union and the Ministry of Economy.
- Collective vacation must be granted for a period of 10 days.

HOLIDAYS

- The employer cannot anticipate the enjoyment of non-religious holidays.

OVERTIME BANK

- It is no longer allowed to establish a special working hours compensation regime in up to eighteen months.

OCCUPATIONAL HEALTH AND SAFETY

- Occupational medical examinations and training are again required within the regulatory deadlines.

The Federal Constitution authorizes the National Congress to issue Legislative Decree to govern the legal relations arising from MP 927/2020. In any case, and even in the event that the Legislative Decree is not issued, we believe that the labor measures adopted in the scope of MP 927/2020 should be preserved, considering that they are perfected legal acts.

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