WorkForce Software is Making Compliance Easy in Brazil

Managing your WorkForce – Are You Confidently Compliant?

In an effort to modernize Brazil's labor practices and bolster the economy, a major overhaul of the Consolidation of Labor and Employment Laws went into effect in November 2017. As part of the changes, employers and employees were given more freedom in negotiating labor agreements provided the minimum requirements by law were met. With this greater flexibility, rules can vary broadly, and compliance can become even more complex. WorkForce Software helps organizations confidently comply with workplace rules – whether legislative or negotiated.

WorkForce Software Simplifies Compliance With Everchanging Workplace Rules

Regulatory compliance is complex enough, and labor agreements and company policies make it more challenging by introducing different or more generous versions of the rules. The potential variations are endless, and organizations are often forced to leverage workarounds and manual processes for rules that fall outside of commonly known practices.

At WorkForce Software, our cloud-based workforce management solutions were designed to be future ready to help organizations address compliance concerns confidently – now and into the future – digitizing time and labor processes, automating calculations, and providing insight into potential violations even before they occur.

With A Future-Ready Solution
The Ease of Parameters + The Power of Rules

Like many workforce management solutions in the market, WorkForce Software comes standard with parameterized best practices to support rapid deployment and automation of commonly known requirements including national and local wage and hour laws, collective bargaining agreements, absence regulations, country/region-specific localizations, and frequently seen labor agreement premiums and policies.

We also recognize most of our customers don't fit in a box and their unique and complex needs cannot always be anticipated or addressed strictly through parameters. In addition, we know constraining them to product release cycles and prior roadmap commitments when new requirements must be met is not an option.

By combining our parameter-based solution with our unique rules engine, the solution can handle even the most complex requirements through configuration, not customization. The WorkForce Suite was designed from it first release two decades ago to address the demanding needs of a global enterprise without the trappings of a bespoke system or cumbersome and inefficient workarounds by providing both a parameter-based approach and rules-based approach to future proof your solution against changes yet to come.

Comply with Brazilian Legal Requirements with Ease

WorkForce Software's unique rules engine and parameter-based solution help organizations simplify compliance with labor laws and labor agreements in Brazil. The key policies that our customers simplify with WorkForce Software are listed below:

The Rule	Rule Summary
Brazil Ordinance No. 1.510/2009	Employers are not permitted to making changes to the punch data loaded from the clock. Employers can only add supplemental punch data due omissions or to indicate unnecessary markings; each clock adjustment must include a reason code.
Flexible Working Arrangements	Employers and employees can negotiate directly an hours bank agreement that allows employees to work more hours during some days and offsetting those additional hours with time off on other days.
Daily Overtime	For hours worked over 8 hours per day (or a higher negotiated threshold) receive the following premiums: • Monday through Saturday –50% • Sunday – 100% • Holiday – 100%
Weekly Overtime	For hours worked over 44 hours per week (or a higher negotiated threshold) receive a 50% premium
Night Premium	Employees working at night, except as part of a rotating shift system on a weekly or bi-weekly basis, must receive a pay premium of at least 20% compared with pay for work performed during the day. If an employee's working time comprises both day and night hours, the statutory premium rate of pay applies only to the hours worked at night. Night work is defined as work between 10pm and 5am. Employees under the age of 18 must not perform night work.
Night Reduction	If an employee works the 7 hours between 10pm and 5am, the employee is paid for 8 hours. For shifts where only a portion of the work hours overlap the hours between 10pm and 5am, the employee is paid for one hour of work for every 52.5 minutes worked.
Rest Breaks	An employee who works 4-6 hours is entitled to a 15-minute rest break. An employee working more than 6 hours is entitled to a 1-hour break, unless reduced by a collective agreement to 30 minutes. If the employee works during the break, the time worked is paid with a 50% premium.
Daily Rest	Employees must have a rest period of at least 11 consecutive hours between working days.
Weekly Day of Rest	Employees must be granted a weekly rest period of at least 24 consecutive hours. The statutory weekly rest period should in principle fall wholly or partly on a Sunday. The statutory weekly rest period must be paid by the employer, with the payment included in the employee's pay rate. If Sunday must be worked, the employee is provided with a different day of rest.
Vacation	Brazil employees are entitled to 30 calendar days of vacation each year with at least one vacation period be a minimum of 14 days and the shorter vacation period be no less than 5 days.
Sick Leave	The first 15 days of sick leave are paid by the employer at the employees regular rate of pay with any further days off paid by the National Institute of Social Security. If the number of consecutive sick days exceeds 180 days, the employee's vacation balance is cleared, and the accrual year is reset to the date of the employee's return to work.

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Contact GlobalAlliances@workforcesoftware.com to learn more about how WorkForce Software simplifies compliance.

Frequently Asked Questions
Compliance with Ordinances 1.510 and 373

Q: Is the WorkForce Time and Attendance solution compliant with Ordinance 1.510, and can you provide a signed certificate proving compliance?

A: Yes, WorkForce Software will provide the customer with a signed certificate that the solution is compliant with the ordinance.

Q: Are WorkForce Terminals certified to be compliant with Ordinance 1.510?

A: No, WorkForce Software is considered an Electronic Attendance Processing Program and can accept the required file format (referred to as the AFD file) from certified time clocks known as Electronic Attendance Recorders or REPs. Customers will need to purchase certified REPs from a third-party vendor. A full list of vendors and models can be found at http://trabalho.gov.br/sistema-de-registro-eletronico-de-ponto/2017-02-24-14-21-35.

Q: Is the WorkForce Software solution compliant with Ordinance 373 that allows employers to utilize alternatives to time clocks such as a web clock, mobile clock, and direct timesheet entry provided an agreement has been reached with the relevant labor unions?

A: Yes, WorkForce Software's web clock, mobile clock and timesheets are compliant with Ordinance 373 and include options that do not allow:
- Restrictions on attendance time clocking;
- Automatic attendance time clocking;
- Requirement of prior authorization for clocking overtime; and
- The amendment or deletion of the data recorded by the employee.

Q: Does WorkForce Time and Attendance produce the required Archived Data Source Files (AFDT) and the Journal Control File for Fiscal Efforts (ACJEF) per the formats defined by the Labor Ministry?

A: Yes, the solution includes interfaces to support the export of the required data in the defined format by the Brazil Labor Ministry. The ACJEF export generates a standard fixed width format. The file contains the calculation of the work done by employees during their work schedule. The AFDT export generates a file in a standard fixed width format. The file contains time sheet entries and modifications done outside of the clocks.

Q: Does WorkForce Time and Attendance include standard reports for a Time Statement Report and Vacation Notice Report?

A: Yes, both reports are included in the solution's standard reports as ACJEF and AFDT. The standard Time Statement Report meets the format defined by the Labor Ministry and contains clock-in/clock-out information, stats on modifications/deletions and employee/employer identifying information. The Vacation Notice Report contains details on Vacation usage and when the Vacation time was accrued.

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