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BRAZIL 5

Decree: Employment of Women

Decreto n. 21.417—de 17 de maio de 1932. Regula as condições do trabalho das mulheres nos estabelecimentos industriais e comerciais. (Diario Oficial, 19 de maio de 1932, ano LXXI, n. 116, p. 9666.)

Decree no. 21,417, to regulate the conditions of employment of women in industrial and commercial undertakings. Dated 17th May, 1932.

1. Without distinction of sex, equal pay shall be given for equal work.
2. Women shall not be employed in public or private industrial or commercial undertakings between 10 p. m. and 5 a. m.
3. The prohibition laid down in section 2 shall not apply to the following:—
 - (a) women employed in undertakings in which only members of their family are employed;
 - (b) women whose work is essential to prevent the interruption of the normal operations of the undertaking, in cases of *force majeure* which it was impossible to foresee and which are not of a recurring character, or to preserve from loss raw materials or substances which are subject to rapid deterioration;
 - (c) women employed on the staffs of hospitals, clinics, sanatoria or lunatic asylums who are directly responsible for the treatment of the patients;
 - (d) women over eighteen years of age employed in the telephone and wireless telephone services;
 - (e) women who are not engaged in normal and continuous work but occupy responsible posts of management.
4. Women employed in industrial and commercial undertakings shall not lift objects the weight of which is greater than that laid down in the regulations issued by public authority.
5. Women shall not be employed in the following work:—
 - (a) work in tunnels, underground in mines, in quarries and on constructional works, whether public or private;
 - (b) dangerous or unhealthy work, as laid down in the schedule appended hereto.
6. The Minister of Labour, Industry and Commerce may grant total or partial exemption from the prohibitions laid down in the schedule appended hereto, in cases where it is proved that owing to the utilisation of new processes or systems of manufacture or the adoption of protective devices, the dangers which gave rise to the prohibition no longer exist.
7. A pregnant woman shall not be employed in any public or private industrial or commercial undertaking during the four weeks immediately preceding her confinement and the four weeks after it.

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(1) The woman shall give due notice to the employer of the period of four weeks preceding her confinement, on pain of losing her right to the benefit prescribed in section 9.

(2) If the employer contests the notice mentioned in the preceding subsection, the woman shall adduce proof of her condition by means of a medical certificate.

(3) Failure to give the notice specified in subsection (1) or the inaccuracy of such notice shall exempt the employer from liability under this section.

(4) The periods of four weeks before and four weeks after confinement may be increased by not more than two weeks each in exceptional cases attested as such by a medical certificate.

8. A pregnant woman shall be entitled to terminate the engagement arising out of a contract of employment if it is proved by a medical certificate that the work to be performed by her is prejudicial to her condition.

9. When absent from employment in virtue of the provisions of section 7 and its subsections, a woman shall be entitled to receive benefit equivalent to one-half of her wages on the basis of the average wage during the preceding six months, and also to return to the post which she held previously.

10. In case of a miscarriage, which must be proved, a woman shall be granted a rest period of a fortnight, and during that time shall be entitled to receive benefit in the manner laid down in the preceding section, and also to return to the post which she held previously.

Sole subsection. If it is proved that the miscarriage was brought about in a criminal manner, the woman shall lose her right to the benefit granted by this section.

11. A woman who nurses her child shall be entitled to two special rest periods a day, of half an hour each, during the first six months after her confinement.

12. Undertakings employing not less than thirty women over sixteen years of age shall provide a suitable room in which the women may leave their children under supervision and care during the nursing period.

13. An employer shall not dismiss a pregnant woman merely on account of her condition, without other sufficient reason for such dismissal.

14. The pecuniary benefit mentioned in sections 7, 9 and 10 shall be paid by the funds set up by the Social Insurance Institution, and in default of such funds by the employer.

15. Persons guilty of failure to comply with the provisions of this Decree shall be liable to a fine of not less than 100 nor more than 1,000 milreis, imposed by the competent authority.

(1) If a fine is imposed, an appeal against it which effects a stay may be lodged with the Minister of Labour, Industry and Commerce within thirty days of the date of the notification thereof.

(2) In the event of failure to pay the fine within thirty days reckoned from the date of the decision on the appeal (or, if an appeal has not been lodged, thirty days from the date of communication of the order

to pay), steps shall be taken in the competent court to enforce collection of the fine.

16. The proceeds of the fines which are collected shall be credited to the Ministry of Labour, Industry and Commerce, and shall be utilised to defray the expenses of supervising the services for which the National Labour Department is responsible.

17. All provisions to the contrary are hereby repealed.

SCHEDULE MENTIONED IN SECTION 5 (b) OF DECREE NO. 21,417 OF 17TH MAY, 1932.

I. *Noxious emanations:* manufacture and handling of phosphoric, acetic, nitric, picric, salicylic and sulphuric acid; manufacture and storage of chemical fertilisers, whether mineral or organic; manufacture of aniline dyes and the derivatives thereof; treatment of rubber with sulphur, sulphur monochloride, ether, carbon bisulphide, benzene, naphtha; cold storage chambers using acid fumes or fumes of ammonia; manufacture of bone black; manufacture of chlorine and hypochlorite of lime and compounds or preparations containing chlorine in an active state, copper sulphate and other poisonous copper compounds; the tanning and dressing of leather by chemical processes; all employment connected with lead; volatile and inflammable chemical solvents; distillation of coal, wood, shale, kerosene, mineral oils, resins, tar, whether of vegetable or animal [*sic*] origin; distillation of spirituous liquors; gilding; enamelling; the silvering of glass and mirrors; manufacture of sulphuric and acetic ethers; electrometallurgy; manufacture of gelatine; waterproofing of cloth with volatile and inflammable products such as benzene, naphtha, etc.; cleaning of and work in slaughter-houses; handling of mercury; extraction of oils by means of volatile chemical solvents; refining of gold by means of acids; manufacture of salts of silver; work with acids and noxious products in dyeworks.

II. *Risk of accident:* manufacture and handling of sulphuric and hydrochloric acids; grinding of tools and metal objects on grindstones or with emery; manufacture and transport of explosives; storage, handling and transport of inflammable substances; manufacture of potassium; manufacture of soda; manufacture and use of carbon bisulphide; manufacture of varnish and hot varnishing; manufacture of alcohol; manufacture of oils.

III. *Risk of poisoning:* oxalic acid; arsenic and its compounds and preparations containing arsenic; manufacture of phosphorus, exclusive of the packing; handling of the remains of animals; drying and storage of blood and manufacture of preparations containing blood; preparation and use of dyes containing poisonous products.

IV. *Need for caution and attention during work:* manufacture of colloid, celluloid and similar nitrated products.

V. *Noxious dust and fumes:* calcination of ore, limestone, wood, bones; work with hides and skins.

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