



# **LABOR SERVICES**

## PORTFOLIO

DEMAREST



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## HUMAN RESOURCES PROCESSES

### REVIEW OF DOCUMENTATION FOR ADMISSION

#### SCOPE

Our team can carry out a draft review of employment contracts and job offer letters, with strategic focus on mitigating labor-related litigation risks; through such process, we are capable of identifying and preventing exposure of the company to potential risks.

#### BENEFITS

- Adapting the applicable drafts for hiring employees not subject to a fixed work schedule, in order to mitigate labor-related litigation risks involving payments of overtime.
- Ensuring that appropriate legal writing is applied to job offer texts in regard to benefits granted to permanent employees.
- Tailoring all applicable documents to the company's effective remuneration practices (e.g. Bonus vs. Profit Sharing Plan).
- Including robust clauses aimed at the protection of intellectual property, confidential information and trade secrets of your company.



### IDENTIFYING OPPORTUNITIES IN WORK SCHEDULE MATTERS

#### SCOPE

Our team analyzes company practices concerning employees' work schedules, with the purpose of identifying opportunities concentrating on cost reduction within the alternatives provided for in the legislation, such as (i) implementing compensatory time-off systems, (ii) adopting a flexible work schedule for employees, (iii) assessing career structures in order to identify positions of trust, (iv) review of work schedules and shifts, among other mechanisms.

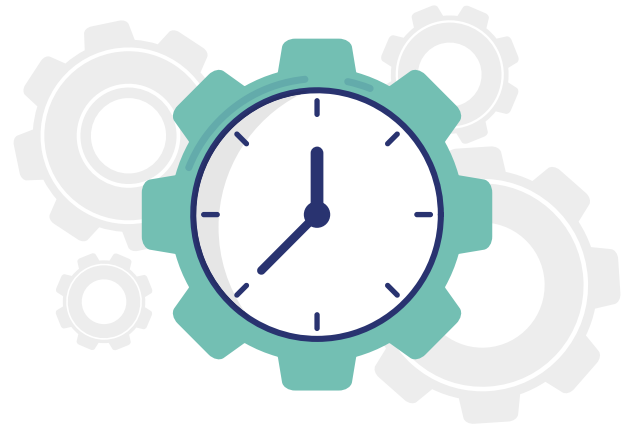
#### BENEFITS

- Greater flexibility for employees, with positive results in talent retention.
- Reduction of overtime payment costs.
- Mitigation of labor risks and liabilities through by ensuring all practices are in compliance with the legislation and comparative case law.

## TRAINING OF MANAGEMENT ON MATTERS RELATED TO WORKING HOURS

### SCOPE

Aimed at introducing best practices and providing training for managers to carry out their work in compliance with the legislation, considering the increasing number of investigations carried out by the Labor Prosecution Office on matters related to work hours, which can result in significant risks to a company's operations.



### BENEFITS

- Better management of the overtime worked by the company's employees.
- Reduction of costs resulting from unnecessary overtime.
- Mitigating significant risks to the company's operations and preventing complex and expensive litigation.

## ASSISTANCE IN MANAGEMENT OF EMPLOYEE INTERNATIONAL MOBILITY

### SCOPE

Whether for Brazilians working abroad, or employees that come from abroad to work in Brazil, there are various legal challenges that concern employee mobility. Our team provides qualified assistance, and is capable of adapting global practices to the particularities of Brazilian legislation



### BENEFITS

- Ensuring that company policies are in compliance with Brazilian legislation.
- Eliminating litigation risks related to labor, social security and tax aspects.
- Identifying practices that incur unnecessary expenses.

## HUMAN RESOURCES PROCESSES

### AUDIT OF LABOR AND EMPLOYMENT PRACTICES



#### SCOPE

Through the analysis of documents and interviews with the HR department, our team seeks to identify hidden liabilities and opportunities to improve your company's best practices, evaluating matters and procedures such as hiring, payroll, working hours, work safety and termination of employment.

Such work can encompass (i) a complete audit, including the drafting of a detailed report of each and every irregularity identified and proposed solutions or (ii) drafting a management report (in bullet points and sourced exclusively on interviews with HR representatives of the company) in order to better address the irregularities that have been identified.

#### BENEFITS

- Identifying contingencies that have not yet been mapped.
- Ensuring compliance with the current legislation and best practices of the market.
- Cost reduction concerning labor-related litigation.

### REVIEW OF UNION CLASSIFICATION AND APPLICABLE COLLECTIVE BARGAINING AGREEMENTS

#### SCOPE

Union classification in Brazil is a topic that is well-known for its strict and specific regulation. Non-compliance with such rules can expose companies to labor risks. Our team actively assists companies in implementing and enforcing the established union classification and complying with the appropriate collective bargaining agreements, including in regard to special professional category-related unions in the company.

#### BENEFITS

- Reducing liabilities resulting from inappropriate union classification.
- Proposing union category transition structure (in the event of inappropriate union classification), aimed at mitigating potential labor risks.
- Providing solutions for potential claims regarding corporate operations that impact the union classification of employees.

## REVIEW OF LEGAL DOCUMENTS CONCERNING OCCUPATIONAL HEALTH AND SAFETY

### SCOPE

Although the topic of “occupational health and safety” involves technical aspects of the medical and engineering areas, a comprehensive review of legal documents is essential in order to ensure compliance with the applicable regulation and a standardization of the information included in such documents, which consequently mitigates labor-related litigation risks, particularly in view of increasingly frequent audits being carried out by labor and employment authorities.



### BENEFITS

- Ensuring that occupational health and safety programs are aligned (e.g. matching information in programs such as Environmental Risk Prevention Plan - PPRA, Occupational Health and Medical Oversight Program - PCMSO, etc.)
- Mitigating risks concerning audits carried out by labor and employment authorities.
- Improving defense arguments in the event of labor-related lawsuits involving occupational health and safety (including cases of illnesses and occupational accidents).
- Assisting in the issuance and filling out of an Occupational Health and Safety Assessment (PPP).

## REVIEW / IMPLEMENTATION OF PROFIT-SHARING PLANS (“PLR”)

### SCOPE

Profit and results sharing plans (“PLRs”, in the Portuguese acronym) are an advantageous payment structure for both companies and employees. However, such plans must comply with all legal requirements in order to ensure that the nature of the payments involved is properly classified. We aim to ensure that the plans implemented by the company are in compliance with the legislation and criteria adopted by labor and social security authorities.

### BENEFITS

- Mitigating exposure to potential labor, social security and tax-related litigation risks, due to non-compliance with the applicable legal requirements of Profit-Sharing Plans.
- Reducing costs regarding due to the implementation of Profit-Sharing Plans;
- Mitigating of risks related to complex and expensive litigation in regard to Profit-Sharing Plans.

## HUMAN RESOURCES PROCESSES

### REVIEW OF TELEWORK PRACTICES

#### SCOPE

Our team's analysis of the impacts of telework systems involves a straightforward approach based on our extensive experience in the market to review topics such as: employee work schedule, granting of benefits, costing of expenses and equipment, health and safety at work, in addition to guidance on the best practices and structures to formally regulate the telework framework in each specific case. We also advise on legal matters involving telework carried out by employees based in other countries, including within the tax scope.



#### BENEFITS

- Mitigating potential labor-related litigation risks due to adopting telework practices in conditions not in compliance with the legislation and comparative case law.
- Assisting in the development of structured policies aligned with the best practices of the market.
- Appropriately implementating new working conditions, including the establishment of employee obligations within the telework framework.
- Appropriately expanding of the implementation of telework, resulting in cost reduction.





## ETHICS AND COMPLIANCE IN THE WORKPLACE

### TRAINING ON MORAL AND SEXUAL HARASSMENT AND DISCRIMINATION IN THE WORKPLACE

#### SCOPE

We have developed comprehensive training that involves educating employees regarding concepts, particularities and theoretical and practical examples of behavior that can constitute sexual or moral harassment, in addition to discriminatory conduct in the workplace and the respective consequences of such conduct to the company and its managers.

#### BENEFITS

- Qualifying managers on procedures to prevent and reduce such practices.
- Improving the work environment and, consequently, retaining more and better talent.
- Mitigating potential risks and reputational damage to the employer.
- Aligning practices with global ethical and social trends.
- Fostering diversity and inclusion within the workplace.



### REVIEW OF OUTSOURCING PRACTICES

#### SCOPE

Our team can carry out an assessment of the relationship maintained between the company and outsourced service providers risks (for example, profiling of employment relationships and risks of secondary liabilities), in order to identify practices that can potentially result in labor-related litigation. As a result, we provide practical and focused advice in regard to business operations with third party service providers.

#### BENEFITS

- Mitigating social security and labor-related liabilities involving outsourced service providers.
- Improving defense arguments in the event of litigation.
- Reducing costs due to the appropriate application of outsourcing practices.

## DIVERSITY IN THE WORKPLACE

### SCOPE

Currently, businesses around the world are actively seeking to implement and/ or expand their practices aimed at the inclusion and empowerment of minorities in the workplace, and to align their strategy with globally established ethical and social pillars. Our team can assist in the implementation of such practices and in ensuring compliance with the labor and data protection legislation.



### BENEFITS

- Increasing diversity and inclusion in the workplace.
- Aligning operations with ESG best practices.
- Increasing reputational gains.
- Ensuring compliance with the legislation regarding diversity and inclusion.
- Assisting in the processing of sensitive and confidential data from applicants and employees.

## IMPACTS OF THE LGPD IN EMPLOYMENT CONTRACTS

### SCOPE

Since the Brazilian General Data Protection Law (“LGPD”) entered into force, employers have needed to pay increased attention to several obligations concerning the collection, retaining and processing of their employees’ data, aiming to ensure full compliance with the current legislation and mitigate risks of serious sanctions provided for in such legislation.

Our team provides straightforward and comprehensive advice on the matter from the labor perspective, including assistance with the inclusion of contractual clauses, implementation of data protection policies, guidance on legal matters regarding the retaining and sharing of data with third parties, among other topics.

### BENEFITS

- Mitigating sanction risks provided for in the LGPD.
- Increasing legal certainty concerning the processing of employees’ data.
- Aligning operations with ethical standards in regard to contracting of services.



## LABOR LITIGATION MANAGEMENT

### TRAINING OF APPOINTED REPRESENTATIVES IN HEARINGS

#### SCOPE

Training of appointed representatives that are selected to take part in labor and employment hearings, encompassing guidance centered on actual cases and special focus on awareness of the importance of an appointed representative for the outcome of a labor lawsuit.

#### BENEFITS

- Reducing labor contingencies and liabilities.
- Increasing ratio of claim dismissals.
- Mitigating risks of setting unfavorable precedents.



### REVIEW OF ACCOUNTING PROVISIONS

#### SCOPE

A decision by the Brazilian Federal Supreme Court (STF) concerning the levying of indexation and interest on labor claim credits has resulted in significant amendments to the provisioning of contingencies arising from labor lawsuits.

Through our team's analysis, we seek to review the provision of all labor claims based on guidelines established by such ruling, in order to ensure that the company's accounting provisions are in compliance.

#### BENEFITS

- Adapting contingencies in accordance with the legislation in order to avoid unexpected losses.
- Increased attention to past labor claims whose results can change due to the new decision.
- Protecting the company's financial health and planning.

## LABOR LITIGATION MANAGEMENT

### BOARD MEMBER LIABILITY FOR LABOR DEBTS

#### ESCOPO

It is fairly common for board members and administrators of Brazilian companies to have questions about responsibilities and risks regarding potential labor-related debts, whether as a result of claims before the Labor Court or administrative procedures carried out by labor and employment authorities. Our team provides the necessary assistance to clarify such issues and collaborate to develop strategies, aimed at improving the management of such risks.

#### BENEFITS

- Clearing up misconceptions concerning risks inherent to leadership, management and administration positions.
- Reducing company administrators' exposure to such risks.
- Implementing the best practices of business sustainability to manage such risks.



## DEMAREST'S LABOR TEAM

[READ MORE](#)



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# DEMAREST

A group of business professionals in suits are gathered around a laptop, looking at the screen. A white line graph with circular nodes is overlaid on the image, connecting various points across the scene. The background is a soft, light blue gradient.

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