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# Remote work: new trend or new burden?

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## Introduction

In the year-and-a-half since the covid-19 pandemic began, working from home has gone from an interim measure to a working model that most companies will be using for the foreseeable future.

Remote working has proven to be beneficial, meaning that a total return to the workplace will, in fact, have detrimental effects on business and employment. The option of fully remote employment contracts is already being used as a bargain chip in job offers, meaning that companies that adopt strict rules on working remotely work may struggle to retain or attract new talent. Companies are also making large savings as they downsize, or shutdown altogether, their former physical workspaces.

Apart from the most evident concerns presented by remote working such as achieving a good work-life balance and the deterioration of mental health and productivity, there are also drawbacks for immigration, social security and employment legislation that must be evaluated.

Different time zones, costs of living and especially different legislation directly impact companies when it comes to making decisions on their remote work model. Companies will also need to liaise with relevant immigration bodies and tax systems, while internally structuring policies on employment rules and costs arising from the new model.

## Union model

In Brazil, the current union model is governed by law, which sets forth that both the company and the employee must be represented by unions that are defined by the employer's economic activity and by the so-called "territorial uniqueness rule". This rule sets forth that there shall be only one union for the same economic or professional category in any given territory.

Based on this union classification, a company and its employees are subject to the collective bargaining agreement rules, which are agreed upon by the relevant unions every year. This document contains all the additional rights and obligations that must be observed by companies and employees.

Case law in labour courts indicates that the collective bargaining agreement applicable to the employees in a company should be from the location where the services are rendered, even if the employee is formally registered in a different location. That may be feasible to manage internally when there is one or two employees in different locations, but what happens if hundreds of employees decide to work in different locations?

Would this new reality be sufficiently cost-effective to maintain employees' freedom to choose how to conduct remote work? And if it is not, will these costs be necessary and become part of corporate business models in the future?

The pandemic situation itself still presents uncertainties for the future, and new questions on remote work arise every day, so it is important that companies and employees continue to adapt and innovate in an effort to handle the constant stream of challenges.

## Comment

Clearly there is no one size fits all formula for either companies or employees. However, with a view to retaining and attracting talent, in addition to reducing future exposure, employers should be transparent with their employees with regard to remote working rules. Companies should create policies as quickly as possible, remembering that it is possible to include a disclaimer that the rules may change in the future. Being aware of the current legislation regarding these matters and structuring a new working model that best fits the company and their employees is also necessary. Only with clear guidelines will companies be able to effectively renovate their approach to employment while adapting to changes in their respective markets, which have similarly been made volatile by the pandemic situation.

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