



Governor of RN regulates “Anti-default Law” on the rights of outsourced workers

Regulation occurs within the scope of the state Executive Branch and ensures the payment of labor charges to professionals hired through service outsourcing companies



Governor of RN signing the “Anti-Default Law” project. Photo: Raiane Miranda

Governor Fátima Bezerra signed, this Monday 4th, the decree that regulates, within the scope of the Executive Branch, State Law No. 10,841, of January 14, 2021. The law, known as the “Anti-default Law”, protects the payment

of labor charges for workers hired through service outsourcing companies. The decree was signed in the presence of secretaries of State, the Public Ministry of Labor and union representatives. The rules are published in this

Tuesday 5th edition of the Official State Gazette.

“We are regulating Law 10,841, authored by then state deputy Sandro Pimentel. This law was born because of an intense and broad debate, involving representative entities, such as the Security Guards Union, SINDLIMP, and workers who provide services to the State through outsourced companies. What is the achievement of this law? It aims to establish clear and objective control mechanisms, regarding the protection of their rights”, says governor Fátima Bezerra. “We approved the law, sanctioned it, and now we are taking a fundamental step, which is its regulation”, he adds.

According to Luciana Daltro, General Comptroller of the State, the regulation comes not only to ensure that labor charges are properly allocated, but also to establish mechanisms for controlling this public asset. Luciana explains that, when the State hires labor to provide continuous services through an outsourced company, it pays an amount that is calculated monthly based not only on the remuneration that the company will pay to the employees, but also to cover the labor charges related to that workforce.

“The issue is that before the regulation, when advance payments were made to the company, as many companies faced financial health problems, one of the things that was first mitigated was the rights of workers, and that

was how the contracts were finalized and these workers were unable to access their rights, which are guaranteed in the Constitution. In turn, the State was called in court to pay again, and ended up paying twice”, explains Luciana Daltro.

According to the State Comptroller General, the idea was to create a linked account.

“The Public Ministry of Labor (MPT) acts as a partner of the Government and the State in the transfer of values, these arising from collective civil actions, from the terms of conduct adjustment signed by the MPT, so that these resources are allocated in a linked account of the state of Rio Grande do Norte and projects that will be submitted to Control and MPT for approval are analyzed”.

This linked account will receive monthly amounts related to labor charges – which are 13th salary, vacation, FGTS, etc.

“In this way, we improve the control mechanisms in a preventive logic. This means that, in all public contracts resulting from this outsourced workforce, there is a linked account for each contract, into which labor charges will be deposited monthly. At the end of the contract – whether with the public authorities, or with the finalization of labor contracts with the employing company –, then the company will be able to access these resources to make the due payment of the due benefit”, explains the General Controller.

Advanced methods

Inspection methods have also been improved. If the workers are providing the service carefully, if there is this retention to make the deposit into a linked account, if there is full compliance with the contract, if the pricing is in line with what the market requires. The participation of unions was a demand arising from the category of workers in the enactment of the law:

“It’s social control. They played the role of pleading with the State, the regulatory bodies, for this regulation to happen. And the union, yes, will approve, in the case of labor terminations, certifying that the payment of charges was duly fulfilled by the company receiving the services”, concludes Luciana Daltro.

“I couldn’t help but come and honor this moment. Especially because the list of states that have adopted this measure is still small. First it was in the Federal District, then Bahia, Maranhão and Ceará, and now here in Rio Grande do Norte”, declares José Boaventura, president of the National Confederation of Vigilant Workers/ CNTV, understanding the State as an inducer of protective policies.

“The creation of more comprehensive accountability mechanisms is a long-standing request of the Public Ministry of Labor, in our actions. We have made a lot of progress in this discussion. The State paid twice, sometimes even three times — paid beforehand, paid

individually and then paid in collective actions”, says Gleydson Gadelha, Chief Attorney of the Public Ministry of Labor (MPT-21).

“The most precarious worker is the outsourced worker. I want to thank former deputy Sandro Pimentel for authoring the law”, declares Fernando Lucena, president of SINDLIMP-RN (Sindicato dos Trabalhadores em Empresas de Asseio, Conservação, Higienização e Limpeza Urbana do RN).

In addition to those already mentioned, Adriano Gadelha, Secretary of State for Government and Institutional Relations was present; Pedro Lopes, Secretary of State for Administration (SEAD); João Marcos, SEAD coordinator; Ivanilson Maia, Deputy Secretary of State, Head of the Civil Cabinet; Xisto Tiago Medeiros, Deputy Chief Prosecutor of the MPT; José Duarte Santana, Deputy Attorney General; Sandro Pimentel, former state deputy and author of the law; Marcos Antônio, João Nascimento and Wilson Duarte, representatives of SINDLIMP-RN; Márcio Lucena, president of the RN Security Guards Union; Iran Marcolino, advisor to the National Confederation of Vigilante Workers/CNTV; José Cassiano, president of the Pernambuco security guards union; Aluízio Fernandes, president of the Interstate Federation of the Northeast

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