

# GENERAL GUIDELINES FOR LEARNERS AND THEIR EMPLOYERS



## 1. General guidelines for the Covid-19 pandemic

- Published on August 7, 2020, the Ordinance No. 18,755 authorizes, exceptionally, the execution of theoretical and practical activities of professional learning programs as provided in article 428 of Decree-Law No. 5,452 of 1943, in distance mode, during the state of public calamity recognized by the Legislative Decree No. 6, of 2020.
- Thus, remote work activities (tele-work) are permitted, and Article 2 of Ordinance No. 18,755 provides the joint responsibility between Training Entities and Companies complying with the quota regarding the availability of the necessary technological equipment and infrastructure that are suitable for the performance of practical and remote activities performed at a distance.
- It should also be noted that the return of the theoretical activities and practical activities of the apprentices respectively depends on the authorization of the return of educational activities by the federative entities and on the edition of normative acts of the State and / or

Municipality that allow the resumption of the main activities of the Company.

- In the case of return to theoretical activities and face-to-face practices, the Covid-19 prevention measures provided for in the Joint Ordinance No. 20 of June 18, 2020, must be observed. The annexes to the ordinance provide for the disclosure of prevention protocols that include standards of personal hygiene and the environment, social distance, early identification actions and work leave of employees suspected of being infected by Covid-19, among other measures.
- The “General Guidelines for Workers and Employers due to the Covid-19 Pandemic” elaborated by the Labor Inspection Secretariat (SIT) must be followed. You can find them in the following link <https://enit.trabalho.gov.br/covid-19-coronavirus>.

## 2. Employment and income preservation measures

- To preserve employment and income, guarantee the continuity of work and business activities and reduce the social impact resulting from the consequences of the state of public calamity and public health emergency, the Federal Government sanctioned Law No.14.020 of 6 July, 2020, which provides for the payment of the Emergency Employment and Income Preservation Benefit (BEm), in the event of proportional reduction of working hours and wages and temporary suspension of the employment contract. **These measures can be adopted by apprentices,**

Learn more  
about BEm  
here:

<https://www.gov.br/trabalho/pt-br/acao-a-informacao/acoes-e-programas/proteja-estrangeiro/english/flyer-eng.pdf>

as provided for in article 15 of Law No. 14.020/20: “The provisions of this Law apply to apprenticeship and part-time employment contracts.” The legal criteria and guidelines of the Sub-Secretariat for Labour Inspection must also be observed.



- The strategies adopted by companies to maintain the jobs and income of apprentices should be used in a way that does not aggravate the living conditions of these people.

### 3. The stability generated by the suspension of the employment contract and reduced working hours

- The provisional guarantee of employment provided for in article 10 of Law No.14.020/20, is a counterpart of the employer who adopts the suspension of the employment contract or reduction of working hours and wages. If the apprenticeship contract ends in the course of the provisional employment guarantee, then an addendum term is required for the extension of the employment contract. In this case, there is no need to observe the two-year term of the special apprenticeship contract.
- The adequacy of the calendar occurs because the apprenticeship contract is a special work contract with a triangular relationship in which the apprentice is subjected to methodical technical-professional training. Thus, the theoretical and practical steps make up the contract, which makes the adequacy of the calendar with the replacement of classes essential for the contract.
- If it is not possible to adjust the calendar or restore classes, the training provider must accompany the apprentice’s contract until its term, after the necessary addition to fulfill the stability period.
- On the other hand, if the extension of the apprenticeship contract does not result from the job stability provided for in Law 14.020/20, this extension must respect the contract’s time limit (2 years), as well as the apprentice’s age limit (24 year-old as a general rule).