

LAW 7.064 FROM DECEMBER 6, 1982

Regulates the situation of workers contracted or transferred in order to render services abroad.

THE PRESIDENT OF THE REPUBLIC: I hereby proclaim and sanction the following law decreed by the National Congress:

CHAPTER I - Introduction (Art. 1)

Art. 1 This Law regulates the situation of workers contracted in Brazil for work abroad or workers transferred by their employees in order to render services in a foreign country. (Text provided by Law 11.962, 2009)

Single paragraph. This Law does not include workers who have been ordered to render temporary services for a maximum period of 90 (ninety) days, provided that the worker:

- a) is fully aware of the work's temporary nature;
- b) is granted, apart from return travel ticket(s), a daily allowance during the work period abroad and which, disrespect of the amount, is not considered as part of his/her salary.

CHAPTER II - Transferances

Art. 2 - For all purposes of this Law a worker is considered transferred when:

I - the employee is moved to a foreign country during the period of enforcement of his/her labor contract in Brazil;

II - the employee is assigned to a firm with headquarters in a foreign country in order to work abroad, provided he/she continues to be formally employed by a Brazilian employer;

III - the employee is contracted by an enterprise in Brazil in order to render services abroad.

Art. 3 - The enterprise responsible for the labor contract of a transferred worker must, disrespect of any possible legal obligations in effect in the country where services are rendered:

- I - comply with individual rights included in the present Law;
- II - comply with Brazilian labor protection legislation, provided it is compatible with the provisions of the present Law, and follow it if it is considered to be more favorable to the worker than local legislation.

Single paragraph. Apart from the special provisions included in the present Law, the employer must comply with Brazilian legislation related to Social Security, Service

Time Guarantee Fund (FGTS) and to the Social Integration Program (PIS/PASEP).

Art. 4 - The employer and the employee must reach a written agreement on the value of the basic salary and of additional transference compensation.

§ 1 - The basic salary set according to the provisions of this article is conditioned to any readjustments or mandatory increases set by Brazilian legislation.

§ 2 - The total amount of the basic salary cannot be inferior to the minimum amount set for the employee's professional category.

§ 3 - The readjustments and mandatory increases foreseen in § 1 must correspond to the exact amounts converted to national currency.

Art. 5 - The basic salary of the employee must be set in the Brazilian national currency, however, the employee's remuneration during the transfer period including the additional compensation that is the subject of the previous article can be paid abroad, fully or in part, in foreign currency.

§ 1 - The employee has the option to sign an agreement that stipulates the amount, deposited in his/her Brazilian bank account, to be paid in Brazilian currency.

§ 2 - The employee is hereby granted the right to, while rendering services abroad, convert and transfer the correspondent salary amount to his/her work location while observing regulatory provisions. (Regulation)

Art. 6 - The employee must, after 2 (two) years of permanence in a foreign country, be granted annual vacations in Brazil with all costs covered by the employing enterprise or through the coverage of travel costs.

§ 1 - The employer must also cover the vacation costs that are the subject of this article for the employee's spouse and other dependents who share the same residence.

§ 2 - The provisions of this article are not applicable if the employee returns to Brazil definitively the agreed vacation period.

Art. 7 - The employing enterprise can decide on the employee's date of return to Brazil when:

I - the employee's services abroad are no longer deemed as necessary or convenient;

II - the employee provides a reasonable cause to rescind the labor contract.

Single paragraph. The employee is granted the right to return to Brazil at the end of the transference period or before provided that:

a) he/she has worked for 3 (three) consecutive years;

b) he/she needs to attend to duly proved serious family matters;

c) his/her health condition demands it according to medical records provided by

his/her doctor;

d) the employer provides a reasonable cause for the rescission of the employment contract;

e) he/she fulfills the provisions foreseen in subsection I of this article.

Art. 8 - It is the obligation of the employing enterprise to cover the costs for the employee's return to Brazil.

Single paragraph. The employee must refund the respective costs when he/she returns to Brazil at his/her own initiative or when he/she can provide a reasonable cause for the rescission of the contract, except in cases foreseen in the single paragraph of the previous article.

Art. 9 - The duration of the transference period is, according to Brazilian legislation, determined by the time of service even if current law at the work location considers the respective rendering of services to be the result of an independent contract and decides in favor of the liquidation of rights due to the respective stoppage.

§ 1 - In the case of the liquidation of rights, as foreseen by this article, the employing enterprise is authorized to deduct payments made in the employee's name to the Service Time Guarantee Fund (FGTS) and deposited in the bank account that is the subject of art. 2 of Law 5.107 from September 13, 1966. (Regulation)

§ 2 - Should the balance of the account, that is the subject of the previous paragraph, be inferior to the respective amount to be deducted the amount can be deducted again from the account when the employment contract has been formally terminated in Brazil. (Regulation)

§ 3 - When the above mentioned deductions are related to payments made in a foreign currency they will be calculated through the conversion of Brazilian currency according to the exchange rate on the date of payment. (Regulation)

§ 4 - The survey performed by the employer as a result of the above mentioned deduction is conditioned to judicial homologation. (Regulation)

Art. 10 - The transfer supplement, the "in natura" payments as well as any other employee benefits paid to the the employee during his/her stay abroad will not be due after the employee's return to Brazil.

Art. 11 - The employer is exempted from the following payments for transferred employee's during their permanence abroad: Salary-Education, Industry Social Services, Trade Social Services, National Industrial Apprenticeship Service and the National Colonization and Agrarian Reform Institute.

CHAPTER III - Employment by Foreign Enterprise

Art. 12 - The contractual employment of a Brazilian citizen by a foreign enterprise for the rendering of services in a foreign country is conditioned to previous authorization by the Ministry of Labor. (Regulation)

Art. 13 - The authorization that is the subject of art. 12 can only be granted to an enterprise with investments amounting to a minimum of at 5% (five percent) of the capital of a Brazilian legal entity located in Brazil. of

Art. 14 - The foreign enterprise must grant the Brazilian employee all rights, benefits and labor guarantees granted to the employee by this Chapter without any prejudice to the enforcement of the law of the country where services are rendered.

Art. 15 - The employing enterprise must cover all return travel costs for the employee and for all of his/her residing dependents.

Art. 16 - A Brazilian worker cannot be employed to work abroad for a period that is superior to 3 (Three) years unless when he/she, and his/her dependents, are granted the right to enjoy annual vacations in Brazil with all travel costs paid by the foreign enterprise.

Art. 17 - The employing enterprise will safeguard the definitive return of the Brazilian employee to Brazil when:

I - the contracted employment period is concluded or when the contract is rescinded;

II - it is demanded by the worker's health condition and according to the recommendations included in his/her official medical records.

Art. 18 - The foreign firm must be represented in Brazil by an attorney with special representation powers including the reception of subpoenas.

Art. 19 - The legal entity located in Brazil that is the subject of art. 13 and the foreign enterprise will be jointly responsible for all contractual obligations incurred with the employee.

Art. 20 - The recruitment of Brazilian workers for work in a foreign country that is not performed according to the provisions of this Law is a crime according to art. 206 of the Brazilian Penal Code.

CHAPTER IV - Common and Final Provisions

Art. 21 - The enterprises that are the subject of this Law must cover costs for life and accident insurance for the employed worker which start on the date of his/her departure from Brazil and until his/her return to Brazil.

Single paragraph. The value of the insurance cannot be inferior to the value of 12 (twelve) monthly salaries.

Art. 22 - Enterprises that are the subject of this Law must provide the employee working abroad with proper and adequate medical and social assistance services at the work location.

Art. 23 - The provisions stipulated in articles 5, 2 ; 9, paragraphs 1 and 4; and 12, must be regulated within a 90 (ninety) day period.

Art. 24 - This Law enters into effect on the date of its publication and revokes all

or any contradictory provision.

Brasilia, December 6, 1982; 161st year of Independence and 94th year of the Republic.

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