

## NR 1 - GENERAL PROVISIONS

### Publication

GM Ordinance no. 3.214 of June 8<sup>th</sup>, 1978

**D.O.U.**

06/07/78

### Updates

SSMT Ordinance no. 06 of March 9<sup>th</sup>, 1983

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14/03/83

SSMT Ordinance no. 03 of February 7<sup>th</sup>, 1988

10/03/88

SSST Ordinance no. 13 of September 17<sup>th</sup>, 1993

21/09/93

SIT Ordinance no. 84 of March 4<sup>th</sup>, 2009

12/03/09

**1.1** The Regulatory Norms (NR) relating to occupational safety and health are to be obligatorily followed by private and public enterprises and by direct and indirect administration's public agencies, as well as by the Legislative and Judicial Branches, that have employees ruled by the Consolidation of Labor Laws - CLT. *(Amendment given by Ordinance no.06 of 09/03/83)*

**1.1.1** The provisions in the Regulatory Norms (NR) apply to sporadic workers, entities or enterprises that take over their services and to unions representing their categories, as applicable. *(Amendment given by Ordinance no. 06 of 09/03/83)*

**1.2** Compliance with these Regulatory Norms (NR) does not exempt enterprises from compliance with other provisions that, related to the subject, are included in building codes or state or municipal health regulations, and others, stemming from collective labor agreements and conventions. *(Amendment given by Ordinance no. 06 of 09/03/83)*

**1.3** The Secretariat of Occupational Safety and Health (SSST) is the national agency that is responsible for coordinating, guiding, controlling and supervising activities related to occupational safety and health, including the Labor Accidents Prevention National Campaign (CANPAT), the Worker's Food Program (PAT), as well as monitoring the compliance with legal and regulatory precepts regarding occupational safety and health throughout the national territory. *(Amendment given by Ordinance no. 13 of 17/09/93)*

**1.3.1** It is also the Secretariat of Occupational Safety and Health's (SSST) responsibility, in final instance, to receive the voluntary or mandatory appeals of the decisions issued by the Regional Labor Delegates in matters of

occupational safety and health. *(Amendment given by Ordinance no. 13 of 17/09/93)*

**1.4** The Regional Labor Office (DRT), operating within the limits of its jurisdiction, is the regional agency in charge of implementing activities related to occupational safety and health, including the Labor Accidents Prevention National Campaign (CANPAT), the Worker's Food Program (PAT), as well as monitoring the compliance with the legal and regulatory precepts regarding occupational safety and health. *(Amendment given by Ordinance no. 13 of 17/09/93)*

**1.4.1** It is also the Regional Labor Office's (DRT) or the Maritime Labor Office's (DTM) responsibility, within the limits of its jurisdiction, to: *(Amendment given by Ordinance no. 06 of 09/03/83)*

- a) adopt necessary measures for the faithful observance of legal and regulatory precepts relating to occupational safety and health;
- b) impose applicable penalties for non-compliance with legal and regulatory precepts relating to occupational safety and health;
- c) adopt stoppages of construction, establishments, service sector, construction site, work front, workplaces, machinery and equipment;
- d) notify enterprises, stipulating deadlines, to eliminate and/or neutralize unhealthy situations;
- e) answer judicial requisitions to carry out occupational safety and health assessments in places where there is no Occupational Physician or Occupational Safety Engineer registered with the MTb.

**1.5** Other federal, state and municipal agencies, through an agreement authorized by the Minister of Labor, can be delegated with the attributions of inspection and/or guidance for enterprises regarding the compliance with legal and regulatory precepts on occupational safety and health. *(Amendment given by Ordinance no.06 of 03/09/83)*

**1.6** The following are considered for the purposes of applying the Regulatory Norms (NR): *(Amendment given by Ordinance no. 06 of 09/03/83)*

- a) employer, individual or collective enterprise, that supports the risk for its economic activity, hires, pays salaries, and sets out the guidelines for the services provided by the employee. Professionals, charities, recreational associations or other non-profit institutions that admit workers as employees are compared to employers;
- b) employee, the individual who provides non occasional services for an employer, under his dependence and for a salary;
- c) enterprise, the establishment or group of establishments, construc-

- tion sites, work fronts, workplaces and others, constituting the organization used by the employer to reach his goals;
- d) establishment, each enterprise units functioning in different locations, such as factory, refinery, plant, office, shop, workshop, warehouse, laboratory;
  - e) service sector, the smallest administrative or operational unit comprised in the same establishment;
  - f) construction site, area of fixed or temporary work where construction, demolition or repair work is performed.
  - g) work front, the area of mobile and temporary work where construction, demolition or repair work is performed.
  - h) workplace, the area where the work is performed.

**1.6.1** Whenever one or more enterprises, even though each of which has its own legal personality, are under the management, control or administration of another enterprise, constituting industrial, commercial or any other economic activity group, the main enterprise and each of the subordinates shall be jointly responsible for the purposes of implementing the Regulatory Norms (NR). *(Amendment given by Ordinance no. 06 of 09/03/83)*

**1.6.2** For the purposes of implementing the Regulatory Norms (NR), the engineering work, including whether or not construction site or work front, will be considered as an establishment, unless stated differently in specific NR. *(Amendment given by Ordinance no. 06 of 09/03/83)*

**1.7** It is the responsibility of the employer to: *(Amendment given by Ordinance no. 06 of 09/03/83)*

- a) comply with and to enforce the legal and regulatory provisions regarding occupational safety and health;
- b) prepare work instructions regarding occupational safety and health, providing awareness to the employees through bulletins, posters or electronic media; *(Amendment given by Ordinance no. 84 of 04/03/09)*

*Note: With the amendment given by Ordinance no. 84 of 03/04/09, all items (I, II, III, IV, V and VI) of this clause have been revoked.*

c) inform workers of: *(Amendment given by Ordinance no. 03 of 07/02/88)*

- I – occupational hazards that may arise in the workplace;
- II – the means to prevent and limit such risks and the measures adopted by the enterprise;
- III – the results of medical examination and complementary diagnostic exam to which workers are submitted;

IV – the results of environmental assessments conducted in the workplace.

- d) allow workers representatives to accompany the inspection of legal and regulatory precepts regarding occupational safety and health; *(Amendment given by Ordinance no. 03 of 07/02/88)*
- e) determine the procedures which shall be adopted in case of work-related accidents or disease. *(Insertion given by Ordinance no. 84 of 04/03/09)*

**1.8** It is the responsibility of the employee to: *(Amendment given by Ordinance no. 06 of 09/03/83)*

- a) comply with legal and regulatory provisions regarding occupational safety and health, including work instructions issued by the employer; *(Amendment given by Ordinance No. 84 of 04/03/09)*
- b) use PPE provided by the employer;
- c) undergo medical examination established in the Regulatory Norms (NR);
- d) collaborate with the enterprise in the application of the Regulatory Norms (NR);

**1.8.1** Unjustified refusal of the employee to comply with the terms of preceding item constitutes misconduct. *(Amendment given by Ordinance no. 06 of 09/03/83)*

**1.9** Non-compliance with the legal and regulatory provisions regarding occupational safety and health shall entail penalties for the employer as provided in the relevant legislation. *(Amendment given by Ordinance no. 06 of 09/03/83)*

**1.10** Any omissions and doubts raised in the implementation of Regulatory Norms (NR) shall be decided by the Secretariat of Occupational Safety and Health (SSST). *(Amendment given by Ordinance no. 06 of 09/03/83)*