

Presidency of the Republic
Office of the Chief of Staff
Sub-Office for Legal Affairs

LAW No. 10097 OF DECEMBER 19, 2000.

Amends provisions of the Consolidation
of Labor Laws (*Consolidação das Leis do
Trabalho – CLT*) approved by Decree-
Law No. 5452 of May 1st, 1943.

THE PRESIDENT OF THE REPUBLIC. Let it be known that the National Congress decrees and I sanction the following Law:

Art. 1. Articles 402, 403, 428, 429, 430, 431, 432, and 433 of the Consolidation of Labor Laws (CLT) approved by [Decree-Law No. 5452 of May 1st, 1943](#) shall henceforth come into force with the following wording:

"[Art. 402](#). For the purposes of this Law, workers 14 to 18 years of age shall be considered minors". (NEW WORDING)

"....."

"[Art. 403](#). Minors under the age of 16 shall be prohibited from engaging in any type of work, except as apprentices and only then at a minimum age of 14 years." (NEW WORDING)

"[Sole paragraph](#). Minors shall not work in places that are detrimental to their education and their physical, psychological, moral and social development and at times and locations that may prevent them from attending school". (NEW WORDING)

"a) Revoked;"

"b) Revoked."

[Art. 428](#). Apprenticeship contract is the special work agreement established in writing and for a fixed term, in which the employer undertakes to provide adolescents 14 years and older and under 18 enrolled in an apprenticeship program, methodical technical and vocational training compatible with their physical, moral and psychological development, and the apprentice undertakes to act with care and diligence in carrying out the tasks necessary for this training". (NEW WORDING) ([See article 18 of Law No. 11180 of 2005](#))

"§ 1 - For the apprenticeship contract to be valid and enforceable the employer must enter in the apprentice's Employment Record Book all information on school enrolment and attendance in case he/she has not completed Fundamental Education. In addition, the apprentice must be enrolled in an apprenticeship program developed under the guidance of an entity qualified to provide methodical technical and vocational training". (ADDED)*

"§ 2 - Minor apprentices shall be ensured the minimum hourly wage, except in cases of more favorable conditions". (ADDED)

"§ 3 - The term of the apprenticeship contract shall not exceed two years." (ADDED)

"§ 4 - The technical and vocational training referred to in the heading of this article is characterized by theoretical and practical activities, which are methodically organized in tasks of progressive complexity performed in the work environment." (ADDED)

Art. 429. Establishments of any nature have the obligation to employ and enroll in the courses of the National Apprenticeship Services a number of apprentices equivalent to a minimum of five percent and a maximum of fifteen percent of the workers in each establishment, whose duties require vocational training. "(NEW WORDING)

"a) Revoked;"

"b) Revoked."

"§ 1-A - The limit set forth in this article shall not apply where the employer is a non-profit entity providing vocational education." (ADDED)

"§ 1 – When calculating the percentage referred to in the heading, unit fractions shall allow for the admission of one apprentice." (NEW WORDING)

"Art. 430 - Where the National Apprenticeship Services fail to offer sufficient courses or places to meet the establishments' demand, this may be met by other entities qualified to provide methodical technical and vocational training, namely:" (NEW WORDING)

"I - Technical Education Schools"; (ADDED)

"II - Non-profit entities providing assistance to adolescents and to vocational education that are registered with the Municipal Council for the Rights of Children and Adolescents". (ADDED)

"§ 1 -The entities mentioned in this article shall have the structure required for developing the apprenticeship programs, in order to maintain the quality of the teaching process and monitor and evaluate results". (ADDED)

"§ 2 - Apprentices who successfully complete the apprenticeship courses shall be awarded a vocational training certificate." (ADDED)

"§ 3 - The Ministry of Labor and Employment shall set rules to evaluate the competence of the entities mentioned in item II of this article". (ADDED)

"Article 431 - The apprentice may be hired directly by the company where the apprenticeship will take place or by the entities mentioned in item II of article 430, in which case no employment relationship with the company contracting the services shall be established". (NEW WORDING)

"a) Revoked;"

"b) Revoked;"

"c) Revoked."

"Sole paragraph." [\(VETOED\)](#)

"[Art. 432](#). The number of hours worked by the apprentice shall not exceed six hours per day, and the extension and offsetting of working hours is hereby prohibited". (NEW WORDING)

"§ 1 - The limit provided for in this article may be up to eight hours per day for apprentices who have already completed fundamental education where these hours include the time allocated to theoretical apprenticeship." (NEW WORDING)

"§ 2 - Revoked."

"[Article 433](#) - The apprenticeship contract shall be terminated on its expiry date or when the apprentice turns 18, or be subject to early termination in the following cases:" (NEW WORDING)

"a) Revoked;"

"b) Revoked."

"I – Apprentice's poor performance or failure to adapt;" (ADDED)

"II – Serious disciplinary offense"; (ADDED)

"III – Unjustified absence from school that leads to grade retention; or" (ADDED)

"IV – At the request of the apprentice". (ADDED C)

"Sole paragraph. Revoked."

"§ 2 - The provisions of articles 479 and 480 of this Law shall not apply to the causes for contract termination mentioned in this article." (ADDED)

Art. 2 - Article 15 of Law No. 8036 of May 11, 1990 shall become effective with the addition of § 7 as follows:

"[§ 7](#) - Apprenticeship contracts shall have the rate referred to in the heading of this article reduced to two per cent." (ADDED)

Art. 3 - [Article 80; § 1 of article 405; articles 436 and 437 of the Consolidation of Labor Laws \(CLT\) approved by Decree-Law No. 5,452 of May 1st, 1943](#) are hereby revoked.

Art. 4 - This Law shall enter into force on the date of its publication.

Brasília, December 19, 2000; 179th of Independence and 112th of Republic.

FERNANDO HENRIQUE CARDOSO
Francisco Dornelles