

## **Study on Working Conditions in the Ornamental Stone Sector in Brazil**

*Report on field verification visit of working conditions in the state of Espírito Santo, municipality of Barra de São Francisco*

Assignment commissioned by the civil society organisations involved in the TruStone Initiative.



May 8th and 9th, 2023

## Introduction

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The assessment of working conditions in Barra de São Francisco, a municipality located in the state of Espírito Santo, as systematized in this report, is part of a broader study on risks and human rights violations in the ornamental stone sector in Brazil, in the states of Minas Gerais and Espírito Santo, in companies affiliated with the TruStone Initiative, which are committed to complying with international guidelines for the protection of human rights in labor in their production chains.

The first stage of the study involved an economic, territorial, and labor characterization, conducted through documental and bibliographic research, as well as interviews with public agents and occupational health and safety professionals, providing an overview of the mineral sector in the Brazilian economy, the regions involved in ornamental stone production, the labor market, and the main irregularities in labor relations, with emphasis on occupational hazards and their impact on workers' health.

The on-site activity addressed in this report corresponds to the second stage of the study, aimed at understanding the experiences and perceptions of union leaders and workers regarding working conditions. It was carried out on May 8th and 9th, 2023, by BWI (Building and Wood Workers' International) together with SindiMármore, in Espírito Santo, with the participation of 14 workers in the municipality of Barra do São Francisco, as shown in the table below.

**Table 2 - Relationship of Stakeholder Groups and Number of People Interviewed**

<b>Interviewees</b>	<b>Number</b>
Injured workers	14
Union leaders	03
Union staff members	02
<b>Total</b>	<b>19</b>

SindiMármore is a state-wide based union, founded in the 1990s, which represents mining workers throughout the state, with an important significant history of fighting for and achieving labor rights. In addition to the workers from the base, the following individuals participated in the activity: Amarildo Siqueira Monteiro de Oliveira, the president of the union; Fernando Silva Vieira, the Secretary of Communications; Reginaldo Celia, the Secretary of Occupational Health and Safety; Pablo Pereira da Silva, the Secretary of Finance; and Karine, an employee of the union's branch office.

The activity was coordinated by André Luan Nunes Macedo, ICM's project coordinator, and Claudia Rejane de Lima, a consultant, expert in worker's health, hired to assist the study.

## Methodology and systematization of information from the on-site survey

The activity took place on May 8th and 9th, 2023. Barra de São Francisco is a municipality in the state of Espírito Santo, located at 264 kilometers from Vitória, the state capital city. According to the Brazilian Institute of Geography and Statistics (IBGE), it is one of the most populous cities in the state, with an estimate in 2021 of roughly 45,000 inhabitants. The main economic activities in the municipality are the extraction of ornamental stones, agriculture and livestock, and commerce. In 2020, the average income of the population was 1.8 times the minimum wage, and the employment rate was 18.1%. Its Human Development Index, considered average, was 0.683 in 2010.

Given the difficulties of access to the companies for on-site verification of working conditions, listening to the accounts of workers who have been victims of occupational accidents aimed, to some extent, at reconstructing the main risk situations and their health repercussions, as well as the initiatives taken by the union and the government in response to the irregularities committed by employers. A round of introductions was conducted and, upon introducing themselves, the participants spontaneously recounted their current situation, reconstituting the accident they had suffered.

The information was collected using a semi-structured script used by the technical coordination to facilitate a collective conversation with the group of workers and to gather information from the union leaders during the visit.

Table 3 shows the list of labor issues and topics evaluated during the visits to the union.

**Table 3 - Research Script - List of labor issues investigated**

<b>Labor issues</b>	<b>Topics considered during the evaluation</b>
Child Labor	<ul style="list-style-type: none"><li>• Existence or not of child labor in the production chain</li></ul>
Forced Labor or Degrading Work	<ul style="list-style-type: none"><li>• Coercion</li><li>• Violence</li><li>• Delayed or withheld wages</li><li>• Access to personal documents</li><li>• Debt bondage</li><li>• Toilet facilities</li><li>• Cafeterias</li> <li>• Drinking water</li><li>• Management Methods</li></ul>
Freedom of Association and Collective Bargaining	<ul style="list-style-type: none"><li>• Freedom to Join/form unions</li><li>• Support or restrictions on union actions</li><li>• Interference/ Discrimination Against union members and leaders</li><li>• Collective labor agreement</li><li>• Strikes</li><li>• Retaliation and persecution of union leaders</li></ul>
Discrimination	<ul style="list-style-type: none"><li>• Race/color, ethnicity</li><li>• Discrimination based on gender</li></ul>

	<ul style="list-style-type: none"> <li>• Disability</li> <li>• Other; HIV &amp; AIDs, Religion, Political party affiliation</li> </ul>
Salary	<ul style="list-style-type: none"> <li>• Minimum wage</li> <li>• Industry base salary</li> <li>• Overtime payment</li> <li>• Deductions</li> </ul>
Working hours	<ul style="list-style-type: none"> <li>• Regular hours and overtime</li> <li>• Work shifts</li> <li>• Day-off</li> <li>• Interval between shifts</li> <li>• Rest breaks</li> </ul>
Gender Equality	<ul style="list-style-type: none"> <li>• Gender policy (esp. regarding sexual harassment and abuse)</li> <li>• Equal opportunities for women</li> <li>• Maternity Leave</li> </ul>
Occupational Health and Safety (OHS)	<ul style="list-style-type: none"> <li>• OSH management system (including policies and procedures)</li> <li>• Health Services (esp. First Aid, Medical Exams, HIV and AIDS)</li> </ul> <ul style="list-style-type: none"> <li>• Chemical and Hazardous Materials</li> <li>• Worker safety</li> <li>• Training</li> <li>• Emergency preparedness</li> <li>• Notification and investigation of accidents</li> <li>• Accidents at Work</li> </ul>

According to the summary presented below, several irregularities, violations of rights, and constraints imposed on the workers were identified, due to work overload and, mainly, to the negligence of the employers regarding occupational health and safety measures in the workplace, pointed out in more detail in item 8 of this report.

## 1. Child Labor

The use of child labor was not identified in the companies surveyed in the municipality and, according to the union, no mining company in the state of Espírito Santo uses child labor. It is not possible, however, to state with certainty that there is no exploitation of child labor, especially in small companies, because there are Conduct Adjustment Agreements in mining companies not included in this study that charge companies with commitments regarding this issue.

Brazilian labor law prohibits the employment of children under the age of 16, except as apprentices from the age of 14. The age group between 16 and 18 is considered underage workers, and it is

strictly prohibited to work under unhealthy or hazardous conditions within this age group, as is the case in quarries and sawmills.

Older workers in the industry, aged between 40 and 50 years, report that it was a common practice for companies to hire underage workers to work in quarries production, under unhealthy and hazardous conditions, with work records falsified in office activities to bypass labor laws and inspections. More in-depth research on the work of minors in the production chain of ornamental stones would require a longer study time, which can be considered in subsequent stages of the study.

Brazil is a signatory to ILO Conventions 138 and 182 and has other legal provisions to protect the rights of children and adolescents, such as the Statute of the Child and Adolescent (ECA) and the Federal Constitution itself.

## **2. Forced Labor or Degrading Work**

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In the mining sector in Espírito Santo, no studies, reports, or allegations of forced labor were identified, in other words, within the scope of this research, no situations have been found where workers are coercively forced to work under torture, physical violence, deprivation of liberty, and other severe conditions that constitute violations of human rights related to forced labor or slavery-like practices.

On the other hand, in situations that violate fundamental labor rights such as work overload, excessive working hours, non-compliance with basic health and safety requirements such as rest breaks, provision of Personal Protective Equipment, risk management, etc.; moral harassment as a method of work management; low wages and absence of social benefits and supportive policies by the companies - including in situations of greater vulnerability, such as work accidents - have been reported by workers from various companies, reflecting a profound devaluation and degrading working conditions in several companies.

The high number of serious and fatal accidents and work-related illnesses in this sector is one of the main indicators of the trivialization of life and human suffering, which goes beyond labor relations, relating to the sphere of workers' dignity, and is, therefore, a human rights issue.

## **3. Freedom of Union Association and Collective Bargaining**

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Freedom of union association and collective bargaining in Brazil are rights guaranteed by the Federal Constitution and by the Labor Law. Among the ILO conventions that regulate union rights, the country has not ratified only Convention 87, on the freedom and autonomy of unions, due to conflicts with the current model of union structure in the country.

All other conventions related to union organization and fundamental labor rights have been ratified and, in theory, should guide labor relations. However, in most companies, there is resistance towards

unions and anti-union practices in the workplace, such as preventing union access to workers in the workplace, explicit and veiled disqualification of union actions, devaluation of rights, and other conducts aimed at discouraging workers' organization and the pursuit of rights.

The country is a signatory to Conventions 98, concerning the right to organize and collective bargaining, Convention 135, regarding workplace representation, and Convention 141, which addresses the protection of union rights for rural workers, as well as Convention 190, concerning violence and harassment in the workplace. However, in general, dialogue between employers and workers only occurs during salary campaigns triggered by wage adjustment dates, and the right to union organization in the workplace is not formally recognized.

#### **4. Discrimination**

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According to the ILO, the fight against discrimination at work is related to the Decent Work guidelines, of decent work, in conditions of freedom, equal opportunities, and protection of the human dignity of male and female workers, but beyond the work sphere, the fight against discrimination is intrinsically related to the defense of human rights, a principle reiterated by ILO Convention 111.

Brazil has a vast legislation to combat discrimination, starting with the Federal Constitution, which ensures, in its preamble, that one of the fundamental objectives of the Republic is to "promote the wellbeing of all, without prejudice based on origin, race, sex, color, age, and any other form of discrimination". There is a set of laws and decrees aimed at protecting historically discriminated segments such as women, Black people, people with disabilities, the elderly, children and adolescents, indigenous people, etc.

According to the executives of SindiMármore, in everyday work relationships, prejudices and discrimination present in Brazilian society are reproduced, a situation that has worsened in the country over the past four years due to the increased political influence of ultraconservative sectors in the government.

The union has an important role in the combat against all forms of discrimination and is even called upon by employers on some occasions to seek alternative ways to address conflicts among workers. For example, there was an episode of prejudice among employees towards a worker with HIV/AIDS in which the union assisted the company by providing information and clarification activities to resolve the conflicts.

Regarding the issue of race, which is one of the most pervasive forms of discrimination in Brazil, in the perception of the executives, explicit forms of discrimination are not observed in the recruitment and selection processes or in the internal human resources policies of many companies, however, it is clear that there is a lack of representation of black individuals in management and leadership positions, as well as of women, whose presence in mining companies is limited, mainly to administrative roles and more meticulous production operations such as finishing and resin application.

## 5. Salaries

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The Federal Constitution establishes a nationally unified minimum wage, whose premise is to meet the basic needs of the worker and their family, including housing, food, education, healthcare, leisure, clothing, hygiene, transportation, etc. There is a set of laws protecting wages in the country in various aspects such as equal pay, deductions, non-reduction of wages, base salary floors, etc. that guide the establishment of collective bargaining.

The value of the minimum wage set in May 2023 is R\$ 1,320.00 (approximately \$270.00), which falls short of the minimum necessary for a dignified living. According to calculations by the Inter-Union Department of Statistics and Socio-Economic Studies (DIEESE), the minimum necessary wage for a dignified living should be around R\$ 6,700.00 (approximately \$1,367.00), based on the cost-of-living index.

In the state of Espírito Santo, the base salary set for 2022 in the Collective Bargaining Agreement for marble and granite workers is above the minimum wage, but still far from the minimum necessary for a surviving:

<b>Position</b>	<b>Base Salary</b>	<b>Amount in U\$</b>
Servant	R\$ 1.370,00	279,29
Bagger	RS 1.573,00	321,02
Skilled Professionals	R\$ 1.883,00	384,28
Production Sector Supervisors	R\$ 2.297,00	468,77
General Supervisor	R\$ 3,929,00	801,83

The collective bargaining agreement signed by SindiMármore establishes a set of guarantees regarding payslips, deductions, calculation of overtime hours, etc. According to union leaders, in general, the companies pay the salaries regularly, without delays, and without errors in the values. Eventually, there are some problems or difficulties, only in the case of companies in financial crisis.

Regarding deductions, an important irregularity committed by many companies is deducting social security contributions from the payroll but failing to make the payment to the government, as well as not depositing the Severance Premium Reserve Fund (FGTS), both situations that create difficulties, especially at the end of the employment contract.

## 6. Working hours and overtime

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In Brazil, labor law determines that the normal duration of the workday should not exceed 8 hours per day, and the Federal Constitution further states that the total hours in each week cannot exceed 44 hours. The collective bargaining agreement of SindiMármore reinforces the legislation and

establishes parameters for uninterrupted work shifts, both with and without relay, overtime, compensatory time off, and timekeeping records, among other provisions.

According to the company's executives, in general, the companies do not exceed the 44-hour weekly limit. However, it is common practice in several companies, especially those with a reduced number of employees and inadequate staffing, to not respect rest breaks, including lunch hours. Workers record their lunch breaks in the timekeeping system but remain at their workstations, where they have their meals hastily while simultaneously monitoring the equipment.

Besides not receiving overtime pay, such practices exponentially increase the strain on workers, making them more vulnerable to work accidents.

Long working hours and excessive overtime are detrimental to the physical and psychological well-being of workers, especially in strenuous, hazardous, and unhealthy activities such as mining. In addition to the high physical loads, the daily exposure to the risks of severe and fatal accidents imposes a significant psychological burden. Rest breaks during the workday are crucial for preventing fatigue, maintaining physiological balance, and protecting mental health. Therefore, it should be a concern of labor management and risk prevention programs.

## **7. Gender Equality**

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Historically, women have occupied more vulnerable positions in the labor market, they earn less than men in the same jobs, they hold fewer leadership positions despite being more qualified, and they lead the unemployment and poverty rankings and other indicators widely denounced by research institutes, unions, and relevant parties such as the International Labor Organization (ILO).

In the ornamental stone sector, the presence of women in production is limited, especially in quarries, where the work is physically demanding. Generally, according to union leaders, women are more commonly found in finishing operations in sawmills, which require attention to detail and aesthetic care, as well as in administrative roles and cleaning. As in other sectors, women are more vulnerable to moral and sexual harassment at work, both from bosses and co-workers.

From the point of view of labor rights, the collective bargaining agreement reiterates the legislation protecting the rights of pregnant women and extends maternity leave, i.e., in the legislation the maternity leave is 4 months, and the collective bargaining agreement establishes 6 months.

Promoting equality and increasing job opportunities for women presupposes changes in the organization of work procedures, and in technological innovations that reduce workloads, making them more suitable for human limits so that work can be performed by both men and women without exacerbating fatigue or compromising the workers' health.

## 8. Occupational Health and Safety (OHS)

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The protection of health in the workplace is a right guaranteed by the Federal Constitution and by the Consolidation of Labor Laws (CLT), which establishes in Chapter V, concerning Occupational Health and Safety, a set of provisions that oblige employers to ensure working conditions, among them the obligation to implement the parameters established in the <sup>1</sup>regulatory norms for the protection of workers' health.

In addition to the requirement of maintaining specialized occupational health and safety services, internal accident prevention committees with workers' participation, regular medical examinations, and occupational health programs, as well as the provision of personal protective equipment and other more general regulations, the mining sector has a specific regulatory norm - NR 22 Occupational Health and Safety in Mining - which establishes a very comprehensive way, technical parameters for safety measures at work.

The country is also a signatory of ILO Convention 155 and other conventions that address health-related issues, and it has robust social security legislation.

An analysis of the terms of adjustment of conduct made by the Public Labor Prosecution Office had already pointed out a series of irregularities regarding occupational health and safety. Most of the companies do not have risk management programs and fail to comply with basic safety requirements, as confirmed by workers in the on-site activities, as reported below.

### ***Work-related accidents and workers' perception of risks***

On May 8, 2023, the researchers and union leaders visited an injured worker who had suffered a commuting accident seven months ago, resulting in the amputation of one of his legs due to complications in the healing process after using an orthopedic cage for bone recovery.

The accident occurred in 2021 in the early hours of the morning when the worker was riding a motorcycle to the company to start his work shift. When reconstructing the accident context, he reported that in the days leading up to the accident, he was very nervous and worried because he was pressured by his boss to learn how to operate a new piece of equipment, otherwise, he could be fired.

The fear of unemployment is justified considering the worker's overall situation. He is the breadwinner of his family, and, at the time of the accident, he was over 50 years old, had limited education (incomplete elementary school), and had limited professional experience, mainly in low-skilled occupations in the public sector, quarries, and sawmills. Workers with this professional profile, when dismissed, are unlikely to find a new job in a labor market that is increasingly demanding from the technological and organizational point of view. Those who do not meet the requirements are essentially discarded, becoming more vulnerable to precarious forms of survival and even social exclusion.

Although he has social security protection and is receiving sick pay and rehabilitation services, the accident has caused immeasurable suffering to the worker and his family, both because of the physical and emotional pain, the feeling of loss of identity and belonging to the work group and other

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<sup>1</sup> The first regulatory norms were published through Directive 3214 in June 1978

social groups with which he related, and, above all, the feeling of abandonment by the company, which gave him practically no support.

According to the worker, the company merely followed the legal procedures, and it seems, the company failed to properly compensate the worker's rights guaranteed by the collective agreement, including compensation payments, a situation that would have been better investigated by the union, that should also have helped the worker's process of having the work-related accident recognized by the National Institute of Social Security.

In Brazil, the legislation defines occupational accidents as those that occur in the course of work at the company's service, causing bodily injury or functional impairment resulting in death or permanent or temporary incapacity for work (Brazil:1991). They are divided into three categories:

- a) Typical accidents: These are accidents that occur within the premises of the company.
- b) Commuting accident: This refers to accidents that happen during a work-related trip or during the commute between home and the workplace, and vice versa.
- c) Occupational diseases: These are diseases that have a direct relationship with the specific activities performed in the workplace. Work-related diseases, on the other hand, are those caused by the working environment itself.

As pointed out in the first stage of the study, the mineral extraction sector is, worldwide, one of the segments with the highest occurrence of work accidents, most of them serious and fatal. Among the 15 workers present at the meeting, 05 suffered serious accidents (fall from height and explosion) with head trauma and loss of brain mass, which resulted in physical, neurological, and behavioral sequelae, making it impossible to reinsert them in productive activities, in addition to important impacts on family and social relationships.

Another serious problem pointed out earlier and brought up by the group of workers is silicosis. Among the 15 participants, 10 have a confirmed diagnosis of silicosis, and part of them have not received any compensation from the companies, nor has the National Institute of Social Security (INSS) recognized them as having had an accident at work, although they have already presented medical reports with the respective causal link.

They are away from work, receiving social security sick pay, as if referring to any illness, due to common contingencies of life, when they should receive **work accident sick pay**, due to a work accident. Therefore, a social condition imposed by the employer, which would assure them a period of job stability and other labor guarantees, as well as the reimbursement to the State for social benefits granted in the face of a work accident, the so-called regressive lawsuits.

According to union leaders, many work leaves due to tuberculosis are, in fact, unrecognized diagnoses of silicosis, since the symptoms can be similar, and tuberculosis is a very frequent comorbidity in silicosis cases. Since it is a recognized disease of occupational origin, silicosis ends up being underreported and covered up by other diagnoses, which are not necessarily directly related to work and would not result in compensation.

Although the notification of occupational accidents is a legal requirement and a fundamental requirement for health surveillance actions and intervention in risk factors, there is a refusal by the companies' occupational physicians to issue the Work Accident Communication – CAT( in Portuguese), a common practice not only in the mining sector, but unfortunately in all production segments. This refusal accentuates the difficulties in the processing of administrative proceedings for

the reparation of damages with the Social Security, since, paradoxically, in these institutions a logic of protection of the companies prevails, many times to the detriment of the workers' rights.

Since work accidents are events that can be prevented and avoided, most companies resist issuing the CAT, because it would be a kind of "admission of guilt" for the negligence with the working conditions and with the measures to protect the workers' health, besides the labor and social security costs generated by the classification of work accidents. In general, who ends up issuing the CAT is the union, based on the reports of health professionals from the public health network and/or linked to universities, especially in the case of occupational and work-related diseases, widely mischaracterized as work accidents.

When, despite the reports presented, the clinical and epidemiological evidence, the medical expertise of the social security institute does not recognize the work accidents, the workers are left with the choice of renouncing their labor rights or seeking their rights in the labor courts, by means of lawsuits. The SindiMármore does an important job of welcoming, following up, and legal support to the sick and injured workers, including an active search in the workers' homes, when the complaints do not reach the union.

Still within the scope of social security, there is enormous pressure from the INSS to "rehabilitate" silicotic workers, forcing them to go back to school and seek alternatives to reinsert themselves in the labor market. Professional rehabilitation in itself is not bad, studying and becoming qualified is, in theory, positive, as well as reducing the economic impact of illnesses on social security, but the problem is that silicosis is incurable, tends to evolve to more severe forms, leading to shortness of breath even when the person is resting, therefore, there would hardly be a suitable job or an employer would hire a worker with such limitations.

Moreover, due to the lack of coordination of public policies that effectively ensure professional reintegration, workers end up being held individually responsible for their disabilities and are left to their own devices, with a rehabilitation certificate in their hands, to find an occupation compatible with their personal and professional characteristics.

Regarding the basic rules of health and safety at work, the workers' perception is that there is a systematic non-compliance with the following aspects:

- Insufficient or inadequate Personal Protective Equipment (PPE) (One of the reports, quite interestingly, indicates the contradiction between the requirement to wear a facial protective mask and, at the same time, perform a heavy task that requires physical exertion, where the mask hinders breathing. To be able to complete the task, the worker loosens or removes the mask to breathe, exposing themselves to dust. Otherwise, they cannot perform the required task because the protective equipment hampers the modes of operation. Ergonomic studies on these aspects would be essential to seek collective protection measures and/or changes in work processes in order to eliminate risks or, if not possible, develop PPE that is suitable for the workers' operational modes).

- In 70% of the analyzed companies by SindiMármore in the state of Espírito Santo, no training and/or professional qualification is provided. Learning takes place through daily practice and/or knowledge passed down by more experienced workers, including shortcuts that can jeopardize safety, as mentioned above regarding the mask.

- 70% of the analyzed companies by SindiMármore do not provide occupational health and safety training. Most of them only conduct mandatory training of approximately two hours on Regulatory

Norm 11 - Transportation, Movement, Storage and Handling of Materials. for which certification is required by labor inspections.

-In most companies, safety technicians and the Internal Commission for Accident Prevention (CIPA) are prevented by supervisors from taking action when, in their view, the required safety procedures could delay production (for example, waiting for the replacement of a PPE or uniform item and other situations)

-CIPA parity is not respected (the employer has full control over the positions, held by those in charge)

-In several companies, medical exams are used to identify and dismiss workers with illnesses.

-Few companies have a risk management program, and those that do not inform workers about the existing risks or the preventive measures.

-Few companies have their own specialized team in Occupational Health and Safety, and the outsourced companies that provide services do not always know the reality of the work. They produce reports, risk control programs, and occupational health programs only to be presented to labor inspectors.

-Companies do not provide training for risk or emergency situations, nor do they have adequate infrastructure for first aid. When serious accidents occur, the concern is to quickly remove the victim from the workplace, even by hastily placing them in any available vehicle, so that they do not die on the company premises, generating further costs.

-Several companies refuse to issue the Work Accident Communication (CAT)

-CIPAs do not investigate the causes of work accidents.

-It is common in a large number of companies to have uninsulated electrical installations, wires, and cables and with risks of high-voltage shocks, especially in damp areas.

-Handling of loads without adequate safety structures (some of the serious accidents reported by the group were caused by this).

-Non-compliant stairs (including wooden ones) without handrails.

-Machines and equipment without protection and maintenance.

Table 4 presents a simple categorization used in the assessment that defines the company's level of compliance with labor issues. A summary of the evaluation is presented in Table 5, followed by conclusions and recommendations.

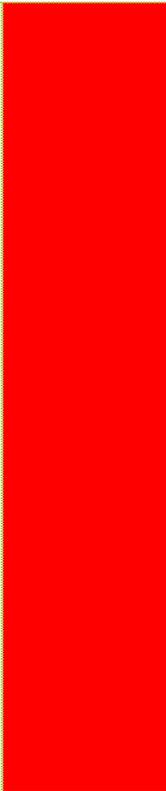
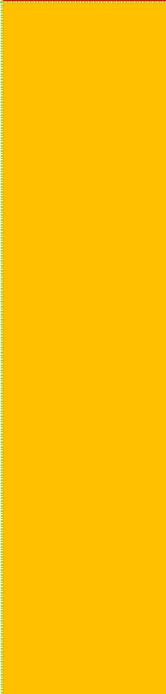
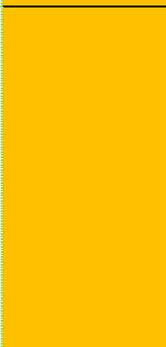
**Table 4 - Categorization of labor compliance level**

<b>Color Code</b>	<b>Compliance Level</b>	<b>Definition</b>
	Very low	The company does not comply with several key issues on the topic and does not seem to be taking any concrete actions for compliance.

	Low	The company does not comply with some key issues on the topic. The company is aware of the problems but is still lax in taking concrete actions for compliance.
	Average	The company addresses several key issues with concrete actions. However, it still needs to take some actions for continuous improvement.
	High	The company complies with most of the key issues with concrete actions and has established good measures for continuous improvement.

**Table 5 Non-compliance with labor standards**

Labor Issues	Summary of the results	Summary of nonconformities/infractions	Compliance Level
Child Labor	<ul style="list-style-type: none"> <li>In the researched scope, companies do not employ child labor or underage workers.</li> </ul>	<ul style="list-style-type: none"> <li>No violations were found in the present study.</li> </ul>	
Degrading Work	<ul style="list-style-type: none"> <li>Systematic non-compliance with occupational health and safety standards.</li> <li>Poor hygiene and comfort conditions, especially in quarries (lack of proper restroom facilities, physiological needs are made in the bushes, there are no showers)</li> <li>Psychological harassment as a management method (unpreparedness of managers and team leaders).</li> <li>High number of occupational and work-related diseases.</li> <li>High number of serious occupational accidents, with severe injuries, mutilation, and disability</li> </ul>	<ul style="list-style-type: none"> <li>Federal Constitution of Brazil - Article 1 – Human Dignity and the Social Value of Work; Article 7 - Rights of urban and rural workers; Articles 196 to 200 (the right to health).</li> <li>International Labor Organization (ILO) Convention C155 - Occupational Safety and Health Convention.</li> <li>International Labor Organization (ILO) Convention C190 - Violence and Harassment in the Workplace.</li> <li>Consolidation of Labor Laws (CLT) - Chapter V - Occupational Safety and Health.</li> <li>Penal Code (Article 149).</li> </ul>	

<p>Union Representati on and Freedom of Association</p>	<ul style="list-style-type: none"> <li>• Intimidation of union representatives</li> <li>• Several companies make it difficult for union representatives to access workers.</li> <li>• Workers are not free to hold meetings.</li> <li>• Moral harassment (persecution and disqualification of the work of union representatives in the workplace).</li> </ul>	<ul style="list-style-type: none"> <li>• International Labor Organization (ILO) Convention C087 - Freedom of Association and Protection of the Right to Organize and Collective Bargaining Convention, 1948 (although Brazil is not a signatory, there is an ethical commitment to observe the principles).</li> <li>• International Labor Organization (ILO) Convention C098 - Right to Organize and Collective Bargaining Convention, 1949.</li> <li>• International Labor Organization (ILO) Convention C135 - Workers' Representatives Protection Convention.</li> <li>• International Labor Organization (ILO) Convention C190 - Violence and Harassment in the Workplace Convention.</li> </ul>	
<p>Discrimination</p>	<ul style="list-style-type: none"> <li>• Discrimination (gender and people with disabilities)</li> <li>• There are few women and few people with disabilities in production and in the industry, because the work is so physically demanding.</li> <li>• Women work mainly in finishing and resin application.</li> <li>• Women are mainly in administrative positions</li> <li>• The victims of bullying are mostly Black people</li> <li>• Few Black people in management positions</li> </ul>	<ul style="list-style-type: none"> <li>• International Labor Organization (ILO) Convention C100 - Equal Remuneration Convention, which addresses equal pay for men and women for work of equal value.</li> <li>• International Labor Organization (ILO) Convention C111 - Discrimination (Employment and Occupation) Convention, 1958.</li> <li>• Law 1316/2015 - Brazilian law that promotes the inclusion of people with disabilities in the workforce and protects their rights.</li> </ul>	
<p>Salary</p>	<ul style="list-style-type: none"> <li>• Low salaries</li> <li>• Many companies do not compute, nor pay overtime</li> <li>• Several companies deduct INSS from the workers' payment, but do not deposit it.</li> <li>• Several companies do</li> </ul>	<ul style="list-style-type: none"> <li>• International Labor Organization (ILO) Convention C131 - Minimum Wage Fixing Convention.</li> </ul>	

	not deposit the FGTS		
Working Hours	<ul style="list-style-type: none"> <li>• The weekly working hours fixed by law are respected, but rest breaks during the workday are systematically disregarded.</li> <li>• In many companies, extra hours worked during breaks are not paid.</li> <li>• Lunch time is not respected (worker registers leaving and returning from lunch, but remains at work)</li> <li>• Overload and accumulation of functions due to the reduced number of employees.</li> </ul>	<ul style="list-style-type: none"> <li>• ILO Convention 001 - Duration of work in industry</li> </ul>	
Gender	<ul style="list-style-type: none"> <li>• Cases of sexual harassment (there are few women in production, most are in the administrative sector and are more vulnerable to sexual harassment)</li> </ul>	<ul style="list-style-type: none"> <li>• International Labor Organization (ILO) Convention C111 - Discrimination in Employment and Occupation.</li> <li>• International Labor Organization (ILO) Convention C190 - Violence and Harassment in the Workplace.</li> </ul>	
Occupational Health and Safety (OHS)	<ul style="list-style-type: none"> <li>• Insufficient and inadequate PPE</li> <li>• In 70% of the companies there is no training and/or professional qualification (learning by doing and/or passed on by older workers)</li> <li>• 70% of the companies do not do any health and safety training at work, most of them only do the mandatory training of a few hours on the Regulatory Norm 11 - Load Movement.</li> <li>• Safety Technicians and CIPA are prevented from acting</li> </ul>	<ul style="list-style-type: none"> <li>• International Labor Organization (ILO) Convention C155 - Occupational Health and Safety, 1981.</li> <li>• Chapter V of the Consolidation of Labor Laws (CLT) - Occupational Health and Safety.</li> <li>• Regulatory Norms (NRs) related to Health and Safety: <ul style="list-style-type: none"> <li>• NR 1 - General Provisions and Risk Management.</li> <li>• NR 4 - Specialized Service in Safety Engineering and Occupational Medicine.</li> <li>• NR 6 - Personal Protective Equipment.</li> <li>• NR 5 - Internal Commission for Accident Prevention (CIPA).</li> <li>• NR 7 - Occupational Health and Medical Control Programs.</li> </ul> </li> </ul>	

- CIPA parity is not respected (the employer has total control of the positions, held by those in charge)
- In many companies, medical examinations are used to identify and fire sick workers
- Few companies have a risk management program
- Few companies have a team specialized in Occupational Medicine and Safety.
- Occupational Safety and Medicine companies hired are unaware of the reality of the workplace.
- Workers are not informed/oriented about risks and prevention measures
- No training is done for emergencies and fires.
- No ambulance or adequate infrastructure for first aid and emergency situations
- Several companies refuse to issue the Work Accident Communication (CAT)
- CIPAS do not investigate work accidents
- Uninsulated electrical installations, wires, and cables.
- Massive movement without adequate safety structure.
- Stairs out of specification and without handrails.
- Machines and equipment without protection and maintenance.
- NR 10 - Transportation, Handling, Storage, and **Transport** of Materials.
- NR 11 – Safety in Electrical Installations and Services.
- NR 22 - Occupational Health and Safety in Mining.

## **Conclusion and Recommendations**

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As described, the companies do not comply with several or most of the key issues and do not seem to be taking any steps to align with legal requirements or guidelines to promote changes in work management practices.

Below are some recommendations on each of the topics evaluated. The contracting party should strive to work in partnership with independent experts and trade union leaders to develop an action plan to address the issues identified and implement the recommendations outlined.

### **Degrading Work**

The counterpoint to degrading work is to promote decent work, with respect for fundamental rights at work, as advocated by the ILO, that is, work relations with union freedom, with the right to collective bargaining, without any form of discrimination, and with protection for workers' health and safety. One of the fundamental goals of the companies should be to reduce work-related illnesses and accidents, eliminating or promoting the effective control of risky situations, including seeking funding for changes in the technological and organizational base, which reduces or eliminates the hazardous work, through negotiation with workers.

It is fundamental to develop policies to value workers, to comply with health and safety norms at work, to take basic hygiene and comfort measures, such as the installation of chemical toilets in the quarries, and regular cleaning of the bathrooms, canteens, and common spaces. Besides this, it would be of great value to develop social policies to monitor and assist injured workers, especially in the case of mutilations that require a radical readaptation of daily life, such as the case of the worker who had his leg amputated.

### **Freedom of association and collective bargaining**

Ensuring access to workplaces and recognizing the right to union organization of workers in the workplace are two key aspects to advance the construction of decent work in mining, especially to ensure the compatibility of production interests with health protection and the promotion of workers' well-being.

According to the precepts of French-Belgian ergonomics, it is necessary to understand the work in order to transform it, from the perspective of those who live daily the constraints imposed by the contradictions between what is demanded of workers and what is effectively possible to produce, within the technological, organizational, and environmental conditions offered by employers. In this regard, it is necessary to establish permanent spaces for dialogue and negotiation in the workplace and not only during salary campaigns, while recognizing the conflicts inherent to labor relations, that is, it is up to union representatives to defend the interests of male and female workers.

## **Discrimination**

Emphasizing the importance of the social role of work in shaping values and practices, workplaces have an enormous potential for combating all forms of prejudice and discrimination, both by incorporating the issue in the daily management of work, and by ensuring protective clauses in collective agreements, such as, the prohibition of moral and sexual harassment; the creation of reporting channels and instances to investigate manifestations of prejudice and discrimination; spaces for support and assistance to victims of discrimination and prejudice; the promotion of equal rights and opportunities for women and Black people in management positions, etc.

## **Salary**

Salaries in the sector are above the official minimum wage, but far from the minimum necessary to survive with dignity. If it is economically impossible to promote a substantial increase in the nominal value of salaries, it would be important to expand social guarantees, such as, for example, the offer of quality food in the workplace and/or food allowance for use in supermarkets or meal allowance for use in restaurants, in addition to other possibilities of aid to increase income (aid to buy school supplies, to take courses, etc.).

## **Working Hours and Overtime**

The reduction of the working day without reduction of salaries is a historical banner of the workers, which, in the mineral sector, would have fundamental importance, especially to reduce the time of exposure to risky situations and intense fatigue

It is also necessary the immediate correction of the irregularities regarding work breaks, an absolutely necessary condition for the workers' physical and psychological balance, and therefore for the preservation of the workers' health.

## **Gender**

In addition to changes in the technical and organizational aspects of work, which reduce their loads and favor a balance in the hiring of men and women, the promotion of equal rights and opportunities and the fight against all forms of prejudice and discrimination, companies can also promote reflection at SIPATS (Internal Week of Prevention of Work Accidents) and other spaces on other themes proposed by the ILO such as sharing family responsibilities, fighting misogyny and domestic violence and other problems experienced by women.

## **Occupational Health and Safety**

Without a doubt, this is the most serious problem found in the documental analysis and in the workers' reports. It is urgent and necessary to agree on commitments to reduce work-related illnesses and accidents, which entails not only compliance with legal requirements but also the incorporation of prevention and health promotion policies in the daily management of work. It is necessary to change the corporate vision that considers workers as nothing more than disposable "means of labor", devoid of physical and psychological limits. Health and well-being must be understood as a requirement for quality and productivity at work.

The transformation of NR 22 into risk management programs, along with the implementation of other regulatory norms for health protection, must be made possible as a priority in all companies in the sector. Methodologies must be developed for the identification of risks and hazards present in work processes and environment, with the participation of workers, the establishment of control measures, in addition to methods for the analysis of accidents and plans for dealing with emergencies, which workers have extensively reported as lacking.

Two aspects should be addressed with priority in risk management programs: dust exposure assessment and prevention of silicosis, and safety mechanisms for the prevention of serious and fatal accidents.

Professional qualification and training programs about risks and prevention measures must be developed in a regular and systematic way, and not just in a bureaucratic way at the moment of hiring. In fact, it is important and urgent that all prevention measures are implemented in an effective way and not just bureaucratically to generate documents to be submitted to the labor inspection, as has been the practice in most companies.

The parity in representation must be ensured and the CIPAS must be strengthened in order to exercise their role in accident prevention, as well as the permanent dialogue and negotiation of working conditions with the unions.

## **EMPOWERMENT AND STRENGTHENING OF TRADE UNIONS**

Finally, it is essential to develop a project to support and strengthen trade unions in order to devise intervention strategies in risky situations to promote the workers' health and rights, under the premise of Decent Work in the Mining Sector. In order to achieve this, resources should be provided for:

- a) An In-depth study of the reality of work in ornamental stone companies in Espírito Santo, Minas Gerais, and Bahia, through action research, with the objective of gathering information and, at the same time, empowering the workers to intervene and modify the situations of risks at work.
- b) Developing a methodology for evaluating risks at work, based on the precepts of Franco-Belgian ergonomics and on the principles of the Italian Worker Model, which values the knowledge of the workers.
- c) Developing a methodology for assessing accidents at work, in coordination with the

research programs of the Forum on Accidents at Work, an initiative that brings together researchers from the University of São Paulo (USP) and the São Paulo State University (Unesp),

- d) Launching a national campaign to combat silicosis, bringing together the public authorities and the union movement.
- e) Developing partnerships with Fundacentro<sup>2</sup> and other research institutions for technical support and to deepen the knowledge about the reality of the sector.
- f) Organizing a schedule of courses on Mining Worker Health
- g) Strengthening the unions to build an agenda to demand the responsibility of the public authorities, especially from the Labor, Health, and Social Security areas, for labor inspection and supervision regarding health protection measures.
- h) Supporting the unions to develop a national campaign to raise awareness and explain to the workers the risks at work, preventive measures, and rights, by means of videos, brochures, and communication instruments that are appropriate to the workers' profile.
- i) Organizing a training agenda for union leaders on working conditions and collective bargaining

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<sup>2</sup> The Jorge Duprat Figueiredo Foundation is a Brazilian public government foundation linked to the Ministry of Labor that elaborates researches and studies on labour hygiene, environmental, health, and safety.