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Brazil Orders Bars and Restaurants to Cut the Workweek to 42 Hours on Dec. 16

The rule ends the common 6x1 schedule, guarantees two weekly rest days, bars wage cuts, raises hourly labor costs

Tuesday, November 24, 2026



Brazil’s bars, restaurants and other hospitality employers will have to shorten employee schedules starting December 16 under new labor rules that cut the weekly limit to 42 hours, require two days off each week and forbid any wage reduction. For restaurants, the change means fewer hours available from each worker at the same monthly pay, with no special exemption for the sector indicated in the rule described by DIAP.

According to DIAP, which cited Ordinance No. 2,041/2026 published by Brazil's Ministry of Labor and Employment in the Official Gazette on Monday, November 23, the new framework sets out how companies and workers must adapt to the workweek reduction established by Constitutional Amendment No. 141/2026. The measure also ends the common 6x1 schedule, a six-days-on, one-day-off system widely used in service businesses with long opening hours.

The reduction will happen in two stages. The weekly cap will fall to 42 hours on December 16 and then to 40 hours on December 16, 2027, DIAP reported. In both phases, employers will be barred from cutting salaries. For the hospitality industry, where staffing costs are closely tied to opening hours, meal periods and weekend demand, that means the same monthly payroll will cover fewer regular hours of work.

That change also raises the value of each hour worked. Under the ordinance described by DIAP, monthly pay for workers on the 42-hour schedule will be divided by 210 to calculate the hourly value, and by 200 once the 40-hour limit begins in 2027. In practical terms, moving from a 44-hour ceiling to 42 hours without lowering monthly wages lifts the hourly wage by about 4.8%. The higher hourly base will also affect overtime and night-shift premiums, increasing labor costs for businesses that rely on late service or extended operating hours.

The new rest-day rule is likely to be especially important for restaurants and bars, which often depend on staggered schedules and weekend work. Workers will be entitled to two days off per week, but the days do not have to be consecutive. One of them should preferably fall on a Sunday, according to the DIAP account of the ordinance. Alternative scheduling arrangements may still be negotiated through collective bargaining, as long as they preserve an average of two rest days per week over the course of a month.

The ordinance also sets financial consequences when companies use employees on scheduled rest days. If a worker is required to work on a day meant for weekly rest, that day must be paid at double rate unless the employee receives compensatory time off during the same week. For hospitality operators that depend on holiday traffic, event service or busy weekends, the rule narrows the room for shifting staff into rest

periods without either granting offsetting time off quickly or paying a premium.

Workers who are paid by the hour, day, task, piece or commission must also be protected from income losses under the new system. DIAP said the ordinance requires those pay rates to be adjusted so that the reduction in hours does not reduce monthly earnings. That provision matters in food service because compensation in the sector can vary widely by role and by establishment, including workers whose pay changes with output, sales or variable schedules.

The Labor Ministry kept some special schedules in place. The 12x36 system, in which an employee works 12 consecutive hours and then rests for 36 hours, will still be allowed. But if the average number of hours worked under that arrangement exceeds the new weekly limit, the excess must be compensated or paid as overtime. That point is relevant for parts of the hospitality business that use long shifts in hotels, event venues, security, maintenance or overnight operations.

DIAP also reported that the ordinance contains specific rules for workers who have a college degree and earn at least 2.5 times the ceiling of Brazil’s social security system. Even in those cases, the right to two weekly rest days remains in place. The measure therefore limits the ability of employers to use higher-paid individual contracts to bypass the new time-off structure.

Collective agreements and union contracts that conflict with the new rules will stop applying, according to DIAP’s report on the ordinance, though any clauses that are more favorable to workers will remain valid. The regulation also lays out inspection procedures and health and safety protections, putting unions and employers under pressure to renegotiate schedules before the December 16 start date, especially in sectors such as restaurants where staffing patterns have long depended on six-day workweeks.