

Insights, News & Events

NEW LAW IN BRAZIL REQUIRES EMPLOYERS TO ASSESS PSYCHOSOCIAL RISKS IN THE WORKPLACE: 7 COMPLIANCE TIPS

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Employers in Brazil will soon have to assess psychosocial risk factors for employees in their workplaces. Brazil's Ministry of Employment recently updated its Occupational Health and Safety Norms, which are a set of mandatory directives that regulate all types of workplace safety matters. Starting on May 26, in addition to analyzing biological, chemical, and ergonomic risks in the workplace, employers must also analyze psychosocial factors as part of their risk management programs. Read on to learn about the updates to Norm No. 1 (NR-1) and how you can comply.

What Are Psychosocial Risk Factors?

According to Brazilian authorities, psychosocial risks in the workplace include stress, anxiety, and depression. Many factors can contribute to these risks, such as unrealistic work goals, excessive working hours, lack of support, low morale, harassment, interpersonal conflicts, and lack of autonomy.

What Should Employers Do?

All employers, regardless of size or employee headcount, will need to identify and assess psychosocial risks in the workplace and create an action plan that includes preventive and corrective measures to tackle these issues. Employers should focus on promoting a healthy work environment that's free from harassment and other key risk factors.

In addition to identifying and assessing risks, employers in Brazil must also store documents related to their risk

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management program. The documents must be readily available in case of inspections by labor authorities, which are not uncommon. Brazilian authorities will prioritize inspections in high-stress industries, such as banking, healthcare, and telemarketing. Inspections may also be prompted by anonymous complaints made to the Ministry of Employment.

Employers should be prepared for inspection agents to analyze company culture; review data on employee leaves related to depression, anxiety, and similar disorders; and interview employees to identify possible psychosocial risks.

What Are the Risks of Noncompliance?

Employers who fail to comply with NR-1 may be subject to fines of about USD \$1,000, which may be increased depending on the number of affected employees or in case of recurrence. In addition, employers who maintain or fail to correct unhealthy work environments may face employee lawsuits or claims for damages.

An Employer's 7-Step Compliance Guide

If your company has employees in Brazil, you will need to assess psychosocial risk factors and either update or establish an action plan to tackle these issues. In addition, you should consider taking these seven steps to ensure a healthy work environment and avoid potential liabilities:

- 1. Review your occupational health and safety policies and practices** and update as needed.
- 2. Train managers and supervisors** to understand, identify, and combat psychosocial risks.
- 3. Train all employees** on identifying psychosocial risks, as well as how they arise, how to address them, and how to contribute to a healthy and harassment-free workplace.
- 4. Encourage open dialogue and awareness** on the topic.
- 5. Establish or review existing employee communication channels** to monitor for and address complaints related to psychosocial factors, such as excessive workload, excessive working hours, anxiety, and harassment.
- 6. Maintain and store all applicable documents** in case of an inspection by labor authorities or to use as defense in a

lawsuit.

7. Reach out to our [International Practice Group](#) to help your business navigate these changes.

Conclusion

If you require any assistance related to compliance with workplace health and safety rules in Brazil, please contact your Fisher Phillips attorney, the authors of this Insight, or any attorney in our [International Practice Group](#). We will continue to monitor the situation and provide updates as warranted, so make sure to sign up for [Fisher Phillips' Insight System](#) to receive the most up-to-date information.