End of the 6x1 Work Schedule Constitutional Amendment No. 141 Enacted

What Companies Need to Know

October 21, 2026

Constitutional Amendment No. 141/2026 has been promulgated, bringing an end to the traditional 6x1 work schedule, under which employees work six days followed by one day of weekly rest. The new constitutional provisions guarantee two paid weekly rest days and establish a gradual reduction in the maximum weekly working hours from 44 to 40, without any reduction in pay. This constitutional reform represents a significant change in the organization of employment relationships, with direct implications for workforce scheduling, shift management, operating costs, and staffing requirements.

Companies will need to review their current working arrangements and implement the necessary adjustments in accordance with the transition periods established by the new Constitutional Amendment.

What changes in practice?

The main change is the **replacement of the traditional schedule of six working days followed by one rest day (6×1)** with a model that guarantees two paid rest days per week, one of which should preferably fall on a Sunday. In addition, the maximum working week will gradually be reduced from 44 to 40 hours, without any reduction in pay, including the minimum wage rates applicable to each occupational category.

Implementation will take place in two stages.
Two months after publication of the Constitutional Amendment, the maximum working week will be reduced to 42 hours, with employees entitled to two paid rest days per week. After an additional 12 months, which corresponds to 14 months after publication, the limit will be reduced to 40 hours per week.

The general limit of eight working hours per day will remain in place, but **the proposal allows for compensatory working time arrangements and alternative work schedules**, particularly through collective bargaining. One of the main changes is the possibility for collective bargaining agreements to provide for a different distribution of rest days, provided that employees are granted an average of two paid rest days per week within each calendar month and at least one rest day within any period of no more than one working week.

The changes will require companies to review their work schedules and, where necessary, reorganize their teams, particularly in operations that require continuous staffing, weekend work or special working hours.



20 Questions and answers

Key questions for companies

1 Will the 6×1 work schedule be banned altogether?

As a general rule, yes. The new model guarantees two paid rest days per week, replacing the traditional schedule of six working days followed by only one day off. However, the proposal allows collective bargaining agreements to establish alternative compensatory arrangements under which employees are granted an average of two paid rest days per week within each calendar month, provided that at least one rest day is guaranteed within any period of no more than one working week.

Accordingly, certain operations may retain a different distribution of days off, subject to the constitutional requirements and collective bargaining.



Will the two rest days have to be consecutive?

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Not necessarily. The proposal guarantees two paid rest days per week but does not expressly require them to be consecutive.
It also allows collective bargaining agreements to establish compensatory arrangements under which rest days may be distributed differently throughout the month.
In such cases, employees must be granted an average of two rest days per week within each calendar month, with at least one rest day guaranteed within any period of no more than one working week.



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Will companies be required to grant days off on Saturdays and Sundays?

No. The proposal provides that one of the rest days should preferably fall on a Sunday, but it does not require all companies to adopt fixed weekend days off. Rest days may be scheduled taking into account operational needs, applicable legislation and the terms of collective bargaining agreements.

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Will companies that operate on Sundays and public holidays be able to continue operating as usual?

Yes. The end of the 6×1 work schedule does not mean that stores, supermarkets, hospitals, industrial facilities and service providers will have to suspend their operations on weekends or public holidays.

They may continue operating, provided they comply with applicable legal authorization requirements and the new working-hour limits and rest entitlements.

In practice, companies may need to reorganize shifts, reassign staff or hire additional employees to ensure business continuity.

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Can pay be reduced in proportion to the reduction in working hours?

No. The proposal expressly provides that the reduction in working hours and the increase in rest days must not result in any reduction in pay, including on a proportional basis. This protection also extends to the minimum wage rates applicable to each occupational category.

Accordingly, employees currently working 44 hours per week must retain their pay when their working hours are reduced to 42 and subsequently to 40 hours per week. For companies, this change may increase the cost per hour worked, particularly in labor-intensive operations.

6 Will employees who already work 40 hours per week be entitled to a further reduction?

No. The proposal expressly provides that the effective date of the Constitutional Amendment will not result in a proportional reduction in working hours already set at or below 40 hours per week. However, these employees will also be entitled to two paid rest days per week, subject to the alternative arrangements permitted under the constitutional text.

7 How will overtime and time banking arrangements be affected?

Overtime and compensatory working time arrangements will remain permissible, subject to statutory limits and applicable requirements. However, the reduction in weekly working hours may require companies to review the criteria used to calculate overtime, their time banking agreements and their timekeeping systems.

Companies will also need to assess how the new working hours affect the calculation of hourly pay. Regular overtime should not be used as a permanent substitute for reorganizing work schedules.

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Will companies need to hire more employees?

There is no automatic requirement to increase headcount. However, companies that currently rely on a 44-hour working week to maintain their operations may need to hire additional employees, redistribute tasks or reorganize shifts. The need will depend on workload, the operating model and the potential for productivity gains.

9 Will existing collective bargaining agreements remain valid?

Collective bargaining agreements will need to be reviewed to assess their compatibility with the new constitutional provisions. The proposal expressly provides that, two months after publication of the Constitutional Amendment, any clauses governing working hours and weekly rest that are incompatible with the new rules will cease to have effect. Therefore, companies currently using alternative work schedules under collective bargaining agreements should assess in advance whether renegotiation will be necessary.



Will companies be able to negotiate alternative work schedules with labor unions?

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Yes. Collective bargaining will play an important role in helping companies adapt to the new rules. The proposal allows collective bargaining agreements to establish compensatory arrangements that ensure an average of two paid rest days per week within each calendar month, with at least one rest day guaranteed within any period of no more than one working week.

In addition, during the transition to a 40-hour working week, companies will be able to negotiate an extension of daily working hours to accommodate the distribution of the 42-hour workweek, subject to constitutional rest entitlements.

How will sectors with special work schedules be affected

11 Commerce and retail: will stores, supermarkets, pharmacies and shopping centers be able to remain open every day?

Yes. The proposal does not prevent these establishments from operating on Saturdays, Sundays and public holidays, provided they comply with applicable legal authorization requirements. However, companies will need to reorganize work schedules for sales staff, cashiers, stock clerks and other employees to ensure compliance with rest entitlements and the new working time limits. For establishments with extended business hours, this adjustment may require additional staff and a review of operating costs.

Collective bargaining may be used to establish compensatory arrangements that allow rest days to be distributed throughout the month, subject to constitutional limits.

12 Private security and guarding services: will the 12×36 work schedule remain permissible?

In principle, yes. The 12×36 schedule, consisting of 12 hours of work followed by 36 hours of rest, averages 42 working hours per week and is therefore compatible with the first stage of the reduction in working hours. However, once the limit falls to 40 hours per week, the arrangement will need to be adjusted, for example by granting an additional day off every six weeks to reduce average working hours. Maintaining this schedule will also require compliance with the new weekly rest rules and applicable collective bargaining agreements.

13 Will hospitals and healthcare providers be able to maintain their special work schedules?

Yes, provided they comply with the new constitutional limits. The amendment does not require the elimination of special work schedules used by hospitals, clinics and other healthcare providers operating around the clock.



However, arrangements such as the 12×36 schedule will need to be adapted to the maximum 40-hour working week. This may require additional days off or the reorganization of shifts, depending on the specific requirements of each activity and the terms of applicable collective bargaining agreements.

Aircrew: will pilots and flight attendants be affected?

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Aircrew are subject to specific legislation, particularly Law No. 13,475/2017, which establishes specific rules on duty periods, flight time limits, rest periods and days off. The proposal does not expressly repeal this special framework but requires the new constitutional entitlements to be taken into account when organizing work.

It allows collective bargaining agreements to establish alternative compensatory arrangements, including for employees subject to special working hours prescribed by law or regulation. Accordingly, companies in the aviation sector will need to assess whether their crew schedules comply with the new provisions, also taking into account operational safety and fatigue management requirements.

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Transport and logistics: will professional drivers and employees working rotating shifts need to change their schedules?

This will depend on the working arrangements in place. Professional drivers, employees working continuous rotating shifts and logistics workers may be subject to specific rules on working hours and rest periods.

The proposal does not necessarily impose a single work schedule across all these activities, but it requires compliance with the new constitutional entitlements. The possibility of establishing compensatory arrangements through collective bargaining may be particularly relevant to companies that rely on continuous operations, extended trips or rotating shifts.

16 Will outsourced workers also be affected?

Yes. The new rules will also apply to employees of outsourced service providers, subject to any applicable specific provisions. The reduction in working hours may require a review of outsourcing contract costs, particularly where contracts require permanently staffed positions, continuous coverage or minimum staffing levels.

Client companies and service providers should assess the operational and financial impacts in advance, including whether contract prices may need to be renegotiated.

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Will employees with college degrees and high salaries also be subject to the new working time limits?

These employees will not be subject to the rules on working hours and timekeeping, unless the employer voluntarily applies them or a collective bargaining agreement provides otherwise. However, their entitlement to paid weekly rest remains guaranteed, including the possibility of compensatory arrangements established through collective bargaining.





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Will different rules apply to microenterprises and small businesses?

The proposal allows a supplementary law to establish transitional measures to mitigate the impact of reduced working hours on individual microentrepreneurs (MEIs), microenterprises and small businesses, provided that employment levels are maintained. However, this provision does not automatically exempt these businesses from complying with the new rules. Any specific measures will require further legislation.

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Will the reduction in weekly working hours affect overtime calculations?

Will the divisor used to calculate hourly pay change?

Yes. The reduction in weekly working hours is expected to affect the calculation of hourly pay and, consequently, overtime pay. Currently, a divisor of 220 is generally used to calculate the hourly rate for employees working 44 hours per week. When the working week is reduced to 42 hours, the divisor will fall to 210 and subsequently to 200 when it reaches 40 hours. As monthly salaries will remain unchanged, the lower divisor will increase the regular hourly rate and, consequently, overtime pay and other payments calculated on that basis.

Companies will need to review their payroll system settings, taking into account actual working hours and any specific rules established in collective bargaining agreements.

20 What are the consequences for companies that fail to comply with the new working time limits and weekly rest rules?

Failure to comply with the new rules may result in notices of violation and administrative fines imposed by labor inspectors, as well as individual employment claims or collective actions. Companies may be ordered to pay overtime, outstanding wages and corresponding adjustments to other employment entitlements, as well as amounts due for failure to properly grant weekly rest, depending on the circumstances of each case. Repeated noncompliance may also prompt intervention by the Brazilian Labor Prosecution Service (Ministério Público do Trabalho, or MPT), including the execution of conduct adjustment agreements (Termos de Ajustamento de Conduta, or TACs) or the filing of public-interest civil actions.

Companies should therefore ensure that their work schedules, timekeeping systems and collective bargaining agreements comply with the new requirements before they become applicable, in order to reduce legal, financial and reputational risks.

How should companies prepare

Although the Constitutional Amendment still awaits promulgation, which is expected in the coming days, companies should begin assessing how the changes will affect their operations. The two-month period before the first implementation stage will require planning, particularly for operations that rely on rotating shifts, weekend work or continuous staffing.

The first step is to identify employees who currently work a 6×1 schedule or more than 40 hours per week. This assessment will help determine whether companies need to reorganize shifts, review contracts and collective bargaining agreements, adjust timekeeping and payroll systems or increase headcount.

Companies should also calculate the financial impact of reduced working hours, taking into account the increased cost per hour worked, any additional hiring, overtime expenses and potential effects on commercial and service agreements.

For companies using special work schedules, such as the 12×36 arrangement, we recommend a tailored legal assessment that considers the specific requirements of their operations and the scope for collective bargaining under the new constitutional framework. An advance review of collective bargaining agreements will be particularly important, as clauses that conflict with the new provisions will cease to have effect two months after publication of the Amendment.

The key recommendation is to plan ahead. The reduction in working hours may require significant changes to how work organization, but an early assessment will help identify legally sound and economically viable alternatives while maintaining business continuity.

Felsberg Advogados' Labor and Employment team is monitoring developments and is available to assist companies in assessing the legal, operational and financial impacts of the changes, as well as reviewing work schedules, employment contracts and collective bargaining agreements.

This Legal Alert is based on the provisions o**f Constitutional Amendment No. 141/2026, promulgated on October 16, 2026,** which establishes new rules governing working hours and paid weekly rest periods. The implementation of these changes must comply with the transition periods established by the constitutional provisions, as well as applicable statutory legislation and collective bargaining agreements governing each employee category.

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