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OCCUPATIONAL SAFETY AND HEALTH IN BRAZIL: LABOR LEGISLATION FROM THE COLONIAL PERIOD TO THE OLD REPUBLIC (1930)

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ABSTRACT

The regulation of labor relations between employers and employees began in Europe, becoming more evident in the eighteenth century, with the Industrial Revolution, which promoted the illness of workers, subjected to long working hours, in unhealthy environments and with low wages. Brazilian labor legislation had a different trajectory from those of European countries and, thus, the objective of this study was to present the evolution of this legislation from Colonial Brazil, when slavery was the predominant form of work, to the first decades of the twentieth century, when the country began its industrialization process. The theoretical analysis of the legal instruments related to labor was carried out. It was found that until the end of the Brazilian Empire, there was no specific labor legislation on health, with the first laws being enacted only at the beginning of the twentieth century.

Keywords: Jurisprudence. Labor Law. Occupational Health. Administrative Acts. Legal Norms.

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INTRODUCTION

Thinking about workers' health in Brazil began late, around a century after the beginning of the industrial revolution in Europe, and its development was linked to the elaboration of legal norms related to issues of hygiene and safety at work, always linked to political and economic issues in the history of our country (Almeida; Lima, 2018; Mendonça *et al.*, 2018).

During the colonial period, the administrative and legal issues of our country were regulated by the Royal Letters, issued by the Portuguese Crown, as well as by the Afonsine, Manoelinas and Philippine Ordinances, which were a compilation of Portuguese laws. In these documents, one can observe the plurality of justices, that is, the justice linked to the captaincies and the central justice, linked to the governor and the ombudsman general, which generated conflicts that were difficult to resolve. Thus, changes in the legal system began to occur only with the arrival of the Royal Family (1808), and it was only after independence (1822) that the country adopted its own constitution and structured its legal system, strengthening the country's legal institutions and attempting to form a national culture (Guedes, 2012).

The way labor relations were regulated in the colonial and imperial period had a significant impact on the development of labor relations in modern Brazil, a fact that motivated the elaboration of this theoretical study. Thus, the objective of this work was to promote the rescue of some historical facts, from the period of colonial Brazil (1500) to the end of the First Republic (1930), which constituted the basis for the elaboration of legislation on safety and health at work.

METHODOLOGY

The development of the study began with access to data available on the website of the Superior Labor Court (TST) (https://www.tst.jus.br/historia-da-justica-do-trabalho), dealing with the history of labor legislation. Based on the title or amendment of the identified legal norms, they were located on official government websites (Portal of the Chamber of Deputies, Institutional Portal of the Federal Senate or Portal of the Planalto Legislation), for reading and analysis.

Next, a descriptive literature review was carried out with the terms "occupational safety", "occupational health", "labor legislation" and "history of Brazil". The consultations were carried out in Scielo, in the Portal of the Virtual Health Library, in the Knowledge

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Repository of the Institute of Applied Economic Research and official websites of the Federal Government. Documents in English, Spanish and Portuguese were included, available openly and free of charge, without time period restrictions.

All the documents returned by the search were read by at least two of the authors, blindly and independently, selecting the texts that addressed historical aspects about the origin of legislation on safety and health at work. The analysis of the studies and the synthesis of the data extracted from the articles were carried out in a descriptive and exploratory manner. All selected documents have been cataloged in the Zotero reference manager version 6.0.30 (Corporation for Digital Scholarship, 2024).

OF THE LANDING OF THE PORTUGUESE (1500?) UNTIL THE PROCLAMATION OF THE REPUBLIC (1888)

The arrival of the Portuguese fleet in Brazil occurred in the year 1500, with the Kingdom of Portugal claiming the territory due to the Treaty of Tordesillas, signed with the Crown of Castile (present-day Spain), in 1494. The first interest of the Portuguese in the new colony was gold, but its mere exploitation during the first three decades of colonization did not ensure Portugal the maintenance of the colony, threatened with occupation, especially by the French. It was only from 1530 onwards that the formation of the first Portuguese settlements in the immense territory was observed, which until then had always been dominated by the numerous original indigenous nations (Guedes, 2012; Machado, 2003).

However, in the face of European, especially French, greed for the riches of the new colony, the Portuguese Crown, in 1532, began the implementation of the system of Hereditary Captaincies. These were donated to donatários in order to take possession of the lands, defend them and populate them (Guedes, 2012).

Within the commercial and agricultural expansion project, which consisted of the exploration of minerals, timber extraction, sugar cane cultivation and animal husbandry, Portugal used the labor of enslaved Indians, especially between 1540 and 1570, since there was no labor force in the Iberian Peninsula and, even so, the transportation of people from Portugal was economically unfeasible (Machado, 2003; Melo; Vilela, 2022).

However, the original peoples had a way of life that was very different from that of white European men, which resulted in the organization of military expeditions to repress

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this indigenous life and culture. Those who did not die or who could not escape were then enslaved and subjected to precarious living and working conditions (Melo; Vilela, 2022).

The persecution and unbridled enslavement of the Indians by the colonists was justified by them with their own "financial incapacity", which prevented them from buying black slaves, much more expensive than the Indians. When he could not count on indigenous labor, the white colonizer could not find a solution other than the importation of African slaves (Sousa, 2002).

Plagued by wars, slavery and diseases (malaria, measles, venereal diseases and influenza, among others), the Amerindian populations of the coast of Brazil were drastically reduced or had to migrate to the interior of the country in the sixteenth century. member of the ruling class, in maintaining the exploitation of indigenous labor, strong pressure was generated on the Portuguese Crown for this type of slavery. There was no specific legislation that dealt with indigenous issues or even protection of their rights (Melo; Vilela, 2022; Ramos, 2004; Sousa, 2002).

The Portuguese government developed, from the beginning of colonization, a legal-administrative apparatus to enslave the native populations. However, with the arrival of the Jesuits and the installation of royal power in Brazil, a true "indigenous question" materialized, with the enactment of several legal norms that, such as the Law of 1595, which provided for a single reason to enslave the Indian: only imprisonment, made during a war, and carried out by direct order of the Crown. In fact, the fact behind these acts was the catechization of the original peoples, as well as the establishment of the "form of use" of this labor force (Sousa, 2002; Suchánek, 2012). In the colonial economy during this period, the slavery of Indians and Africans flourished, with ample legal, moral and political support, with administrative support and motivation and the Catholic Church (Guedes, 2012).

In 1570, the Law on the Freedom of the Gentiles was enacted, and only those Indians who had already been captured could continue to be enslaved. However, the interest of the Portuguese Court in this Law, to avoid confrontations with the ruling class, including the Catholic Church. It was actually a way of increasing their profit in the face of the possibility of enslavement of Africans, whose labor was extremely productive and, in addition, represented one of the largest enterprises of commercial capital at the time, since this labor was known and used by the Portuguese on the African coast since the fifteenth century (Melo; Vilela, 2022).

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It is not the objective of this article to discuss the entire process of abolition of indigenous enslavement, but we suggest some studies (Dornelles, 2018; Freitas, 2015; Pinheiro, 2021; Ramos, 2004; Sousa, 2002; Suchanek, 2012), which can contribute to a better understanding of this chapter of our history.

The end of indigenous enslavement was not due to a feeling of compassion and regret on the part of the Portuguese, but rather as a way found by the Portuguese crown and the ruling class to increase their profit in the face of the possibility of enslavement of Africans, whose labor force was extremely productive and, in addition, represented one of the largest enterprises of commercial capital at the time. and it was already known and used by the Portuguese on the African coast since the fifteenth century (Melo; Vilela, 2022).

However, with the independence of Brazil on September 7, 1822, enslaved labor became essential for the maintenance of the agrarian elites, who insisted on keeping the slave trade operating, even with the insurrections that took place throughout the territory (Melo; Vilela, 2022). In this sense, in the first Constitution of the Brazilian Empire, promulgated in 1824, as the country was still a slave country, there was no provision related to the protection of labor and, in fact, there was no determination about labor itself (Assis, 2021).

During the nineteenth century, labor relations were regulated by two laws. The first of these, approved in 1830, dealt with situations involving an employer and a worker who undertook to perform a service for a fixed period or to perform a specific task, having received advances in remuneration. The law approved in 1837, on the other hand, provided for employment contracts made with foreigners and, among other things, addressed the way in which contractual commitments should be signed in order to have legal value and the sanctions provided for those who, "without just cause", disrespected what had been agreed (Gonçalves, 2017; Machado, 2003; Mendonça, 2012). It is important to emphasize that, in these documents, there was no mention of occupational safety and health issues.

However, England, driven by the Industrial Revolution, categorically defended the end of slavery, vehemently pressuring Brazil to join the abolitionist movement. For the British, the slave trade was an impediment to the growth of their commercial interests, since it hindered the growth of the consumer market for their products (Melo; Vilela, 2022).

However, the rapid expansion of export crops – sugar, cotton and coffee – in response to international demand, however, caused an immediate increase in the need for

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labor and consequently the resumption of trafficking with greater force. Only in 1850 was there the definitive closure of the Atlantic slave trade, marking the transition from slave labor to free labor in Brazil (Gonçalves, 2017).

It was also from the second half of the nineteenth century that the process of Brazilian industrialization began, at a very slow pace. The country, as an exporter of primary goods, in the face of international and national pressures for the abolition of slavery, began to urgently need a massive supply of labor (Machado, 2003; Vasconcellos; Oliveira, 2011). In fact, the first legal mention of occupational accidents also dates back to this time and is found in the *Commercial Code of the Empire of Brazil,* of 1850, which, although not establishing a formal concept, provided that:

> Article 79 - Unforeseen and inculpable accidents, which prevent the agents from exercising their functions, shall not interrupt the salary of their salary, provided that the inqualification does not exceed three continuous months.
>
> Article 80 - If in the service of the proponent any extraordinary damage occurs to the representatives, the proponent shall be obliged to indemnify him, at the discretion of arbitrators (Brazil, 1850, original text).

In addition to industrialization, coffee production was also in full expansion, representing the new promise of the Brazilian economy. But the use of enslaved people on plantations became increasingly feasible, and European immigration was presented as the only solution to solve the labor shortage (Machado, 2003). Thus, through partnership contracts, the immigrants sold their work for the future, but at the same time they owed their employers the sea tickets, transportation to the place of work, the first supplies necessary for their subsistence, until they produced for their livelihood, the work tools and contract commissions (Gonçalves, 2017; Machado, 2003).

In summary, it can be seen that during the colonial and imperial period (1500-1889), as most manual labor was performed by enslaved people (Indians and blacks) and poor free men, there was no concern with safety and health at work, and compulsory labor was seen as natural (Santos, 2011).

The abolition of slavery in Brazil in 1888, and the consequent end of the exploitation of free labor, represented the beginning of free labor in the country, and consequently a new social panorama conducive to the introduction of labor disciplinary norms (Almeida; Lima, 2018; Assis, 2021). Abolition foreshadowed the irreversible weakening of the Monarchy and the rise of republican ideas. The installed political crisis was then resolved

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with the Proclamation of the Republic and the fall of the Empire, which was followed by profound changes in the legal and juridical structure of the country (Guedes, 2012).

However, for many workers, the late end of enslavement in Brazil at the end of the nineteenth century did not mean the end of a history of intense exploitation, imprisonment and aggression. The freedom achieved in the legal-formal field served to redirect the workforce, brokered to enrich the companies that were being established in Brazil, many of which circumvented the legislation that emerged to protect workers, usually without any punishment, revealing the State's neglect of policies to protect this group of people (Melo; Vilela, 2022).

In this environment of disparities, the Brazilian proletariat began to be formed, mixed by immigrants, poor whites and freed blacks, in the face of European events caused by the Industrial Revolution. From then on, new legislation would be necessary to regulate work in Brazil, which ceased to be free and free of charge, moving to paid work (Melo; Vilela, 2022). However, with the immigrants came the first socialist and anarchist ideas, but between the abolition of slavery and the Revolution of 1930, few rules were defined to measure the relationship between capital and labor (Maringoni, 2013).

Then, in 1879, Decree No. 2,820 was issued, regulating the contracts in agriculture of national and foreign freed workers, disciplining the leasing of services and the modalities of agricultural and livestock partnerships. This law contemplated, in addition to the contractual obligations between workers and farmers, anti-strike provisions and against any collective resistance to work. The great effort revealed by the law to guarantee the planters the maintenance of control of the labor of free and freed workers, now through strict contractual obligations, is visible (Gonçalves, 2017; Machado, 2003). Again, aspects related to safety and health were not even mentioned in this normative act.

FROM THE PROCLAMATION OF THE REPUBLIC (1889) TO THE END OF THE OLD REPUBLIC (1930)

With the end of slavery, Brazil began a period of hiring salaried labor, and the First Constitution of the Republic of Brazil, of 1891, did not have any provision related to the protection of labor (Assis, 2021). In order to facilitate the understanding of the evolution of labor laws in this period, the main rules that dealt with this topic are summarized in Chart 1.

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Chart 1 – Brazilian legislation on labor relations until the 1930 Revolution[6]

Norm	Syllabus
Decreto n.º 1.313/1891	*Establishes measures to regulate the work of minors employed in the factories of the Federal Capital.*
Decreto n.º 979/1903	*Allows professionals in agriculture and rural industries to organize syndicates to defend their interests*
Decreto n.º 5.156/1904	*Gives new regulation to the health services under the responsibility of the Union*
Decree No. 6,532/1907	*Approves the regulation for the execution of Legislative Decree No. 979, of January 6, 1903*
Decree 1.637/1907	*Crea professional syndicates and cooperative societies*
Decreto n.º 3.550/1918	*Authorizes the President of the Republic to reorganize, without increasing expenses, the Directorate of the Settlement Service, giving it the name of National Department of Labor.*
Decreto n.º 3.724/1919	*Regulates the obligations resulting from accidents at work* (1st law of occupational accidents)
Decreto n.º 13.498/1919	*Approves the regulation for the execution of Law 3.724, of 01/15/1919, on the obligations resulting from accidents at work.*
Decreto n.º 3.987/1920	*Reorganizes Public Health Services* (creation of the National Department of Public Health)
Decreto n.º 15.003/1921	*Makes modifications to the regulation approved by Decree No. 14,354, of September 15, 1920* (creation of the Police Stations of Professional and Industrial Hygiene)
Decreto n.º 16.027/1923	*Believe the National Labor Council* (CNT)
Decreto n.º 16.300 /1923	*Approves the regulation of the National Department of Public Health* (known as the federal sanitary regulation, it dealt with the work of women and minors)
Decreto n.º 4.682/1923	*Creates, in each of the railroad companies existing in the country, a retirement and pension fund for the respective employees* (Eloy Chaves Law)
Decreto n.º 4.982/1925	Concession of 15 days of vacation for employees and workers of commercial, industrial and banking establishments (Vacation Law)
Decreto n.º 17.496/1926	*Orders the granting of 15 days of vacation annually to employees and workers of commercial, industrial and banking establishments, without prejudice to wages, salaries or daily allowances, and makes other provisions*
Decreto n.º 5.803/1926	*Institue o Código de Menores*
Decreto n.º 17.943-A/1927	*It consolidates the laws on assistance and protection of minors.*
Decreto n.º 5.221/1927	*Determines that in the crime defined in decree no. 1,162, of December 12, 1890, the penalty will be imprisonment and the crime non-bailable, and provides other measures* ("Celerada Law"), authorized the closure of workers' associations
Decreto n.º 18.074/1928	*Gives new regulation to the National Labor Council*

Source: (Assis, 2021; Gomes, 2007; Maringoni, 2013; Melo; Vilela, 2022; Vasconcellos; Oliveira, 2011). Adapted.

Thus, it was only about 40 years after the enactment of the Commercial Code that Decree No. 1,313 was published (Brazil, 1891), considered the milestone of labor inspection in Brazil (Assis, 2021; Melo; Vilela, 2022). This document's main objective was to regulate the work of minors, both in relation to the working day and the work environment, instituting the permanent inspection of manufacturing establishments in which

[6] Throughout the work, the original writings contained in the texts of Brazilian legislation were maintained.

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minors worked, with the application of fines to those who did not comply with the determinations of the decree (Assis, 2021).

Some points of Decree No. 1,313/1891 are highlighted below:

> Article 2 - Children of both sexes under 12 years of age shall not be admitted to effective work in the factories, except, by way of apprenticeship, in the textile factories those who are comprised between that age and eight years of age.
>
> Article 4 - Female minors from 12 to 15 years of age and males from 12 to 14 years of age may only work a maximum of seven hours a day, not consecutively, so that continuous work never exceeds four hours, and males from 14 to 15 years of age up to nine hours, under the same conditions.
>
> Of those admitted to apprenticeship in the textile factories, only those from 8 to 10 years of age may be occupied for three hours, and for four hours those from 10 to 12 years, and for both classes the working time must be interrupted for half an hour in the first case and for one hour in the second.
>
> Article 5 - Any work, including the cleaning of the offices, on Sundays and days of national holidays, as well as from 6 p.m. to 6 a.m., on any day, is forbidden for minors of both sexes up to 15 years of age.
>
> Article 6 - The offices intended for work shall be sufficiently spacious and their cubage such that each worker shall have at least 20 cubic meters of breathable air.
>
> Article 7 - The ventilation of the workshops shall be frank and complete, at the discretion of the inspector, who may oblige the owner of the factory, when necessary, to employ any of the different processes of artificial ventilation, so that there is never a risk of confinement and impurification of the respiratory environment.
>
> Art. 8 - The floor of the workshops shall be perfectly dry and impermeable, the inconvenient debris promptly removed and the wastewater exhausted.
>
> Art. 9 - The inspector general shall advise, according to the quality of the factory, the other conditions that should be observed in the interest of hygiene (Brasil, 1891, original text).
>
> Article 10. Minors may not be carried out any operation that, due to their inexperience, exposes them to risk of life, such as: cleaning and steering machines in motion, working alongside steering wheels, wheels, gears, belts in action, in short, any work that requires excessive effort on their part.
>
> Article 11. Minors may not be used in the deposit of vegetable or animal charcoal, in any direct manipulation of tobacco, petroleum, benzine, corrosive acids, lead preparations, carbon sulphuride, phosphoros, nitro-glycerin, cotton-gunpowder, fulminates, gunpowder and other harmful tasks, at the discretion of the inspector(Brazil, 1891, original text).

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Assis (2021) points out that, despite the importance of this Decree, it was never effectively complied with, since the first inspectors general, who were supposed to evaluate the environmental aspects of industries, were only appointed in 1930. The author also highlights the subjectivity in the drafting of the document, by attributing to the "*inspectors*" the identification of the environmental conditions of the factories, with an indication of the measures she deemed convenient for the "effective care" of minors. In addition, it would be up to the inspectors to "advise", according to the quality of the factory, other conditions that they considered appropriate "in the interest of hygiene".

Rural workers, still in the First Republic, were contemplated with Decree No. 979, of January 1903, which established the norms for the creation of professional unions of agriculture and rural industry with the purpose of defending their interests, encompassing employees and employers. The Legislative decree was only approved four years later, by Decree No. 6,532, of June 20, 1907, signed by President Afonso Pena, which stipulated that agricultural unions could organize themselves without government authorization. In the same year, Decree No. 1,637/1907 authorized the creation of urban workers' unions and cooperatives (Maringoni, 2013)

The first health demands of Brazilian workers refer to the period 1890-1920, in the formation of workers, on the occasion of the implantation of capitalism in the country. The workers already identified the production system and the prevailing model of social organization as the cause of their ills and diseases. In other words, it can be stated that the main historical antecedent of the constitution of the field of workers' health in Brazil is the history of the Brazilian working class itself (Souza *et al.*, 2018).

It is observed that some issues related to the work environment were already beginning to arise, as in Decree No. 5,156 (Brazil, 1904), which laid down the health regulations for which the Union was responsible:

> Article 124. With regard to factories, offices and similar establishments, the sanitary inspector shall verify whether they are unhealthy due to their material conditions of installation, dangerous to the health of neighboring residents or simply uncomfortable.
>
> Paragraph 1 - In the first two cases, the owner shall be summoned to carry out the necessary improvements, proceeding in accordance with the rules established for any dwelling.

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> Paragraph 2 - If the factory or office is simply inconvenient, the sanitary inspector shall only order its removal, if there is no means of making it tolerable, at the discretion of the health delegate.
>
> Paragraph 3 - In the latter establishments, susceptible to repairs, which make them tolerable, the sanitary authority shall indicate them, issuing the summons to those who have the right, so that they may be executed, proceeding, in the absence of their compliance, in accordance with the process already established.
>
> Paragraph 4 - When these establishments are irremediable, their closure shall be ordered, which shall only be carried out in the manner and under the penalties already stipulated.
>
> Paragraph 5 - When in any factory or office the sanitary authority verifies that the industrial processes employed are not the most convenient for the health of the workers, it shall order those that must be adopted, setting a reasonable period for their replacement (Brazil, 1904, original text).

After the period after the First World War (1914-1918), Brazil experienced the unpleasantness experienced internationally by all countries. The economy, based on coffee exports, went into decline and the country, which had received a strong immigration flow, began to emphasize industrial growth. The country was faced with a scenario of great social pressure and demands for better working conditions, initiating the first projects aimed at labor and social rights (Brazil, 2022).

In this context, on October 13, 1917, a parliamentary session was held, which can be considered a milestone for the construction of labor laws in Brazil, in which it was proposed to prepare a project referring to the Labor Code, in order to solve the workers' demands regarding the protection of their economic situation, with the due guarantee of the rights of the bosses. Rights such as employment contracts, age of majority and minority for labor purposes, health in the workplace and salary were proposed in this Code, however, as expected, this attempt to establish a normative instrument to protect labor relations was strongly resisted by entrepreneurs in commerce and industry (Melo; Vilela, 2022).

From the point of view of public administration, perhaps the starting point for the regulation of labor legislation was the creation of the National Department of Labor (DNT), by Decree No. 3,550 (Brazil, 1918), being an administrative body that had as one of its attributions "to prepare and carry out regulatory measures related to work in general". Although the DNT was created to plan and supervise the implementation of social

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legislation in Brazil, it never actually functioned, but served as the basis for the creation of a future Ministry of Labor (Melo; Vilela, 2022).

In this environment, in 1919, the ILO emerged, as a result of an international agreement between industrialized capitalist countries, which were disparate in terms of their contractual rules on labor (industrialized European countries) and those that did not have them. The economic cost of labor, regulated in its aspects of labor and social security law, was highlighted in the international scenario for the countries that had been establishing these rules (Vasconcellos; Oliveira, 2011).

Pressured by the influences of the transformations that took place in Europe in relation to worker protection standards, the accession of Brazil as a signatory to the ILO and the labor movements, especially because of immigrant workers, increased with the emergence of industrialization, the Brazilian government thus began its process of labor regulation (Andrade; Martins; Machado, 2012; Maringoni, 2013; Santos, 2011).

In this context, the first norm on occupational accidents, Decree No. 3,724, is launched (Brazil, 1919), in which diseases caused by the employee's work were equated to work accidents, and which introduced the concept of occupational risk, determining the payment of compensation to the insured or to the family, proportional to the severity of the sequelae of the accident, since the employer had benefits and profits from work activities (Assis, 2021; Maringoni, 2013; Melo; Vilela, 2022; Marie *et al.*, 2018).

In Decree No. 3,724/1919, the definition of occupational accident arises:

> Art. 1 For the purposes of this law, the following are considered accidents at work:
>
> that produced by a sudden, violent, external and involuntary cause in the exercise of work, certain bodily injuries or functional disturbances, which constitute the sole cause of death or total or partial, permanent or temporary loss of the ability to work;
>
> the disease contracted exclusively by the exercise of work, when this is of a nature and in itself causes it, and provided that it determines the death of the worker, or total or partial, permanent or temporary loss of the capacity to work.
>
> Art. 2. An accident, under the conditions of the previous article, when it occurs due to the fact of work or during it, obliges the employer to pay compensation to the worker or his family. excepted for cases of force majeure or intent of the victim himself strangers (Brasil, 1919, original text).

Assisi (2021) He considers that in this decree there is a reductionist concept of work accident, at the time, understood as that "produced by a cause", while today we know that

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this is a complex and multifactorial event. Another highlight is the fact that it equates the disease (a consequence) with the accident (an event) at work. It also emphasizes its limited scope, which applied only to workers in civil construction, loading and unloading transport, industries and agricultural work. However, it indicates as positive the obligation to report the work accident, the "Accident Declaration", which should be forwarded to the police authority for the initiation of a judicial proceeding before the Common Court. Second Freire; Pacheco (2016), this indemnity and compensatory payment, through private social insurance, reflected the liberal ideology of the Old Republic.

The year 1919 was also characterized by numerous strikes triggered by workers from different sectors, who sought the eight-hour day and better wages, and the labor movement was strongly repressed. In this context, in 1920 the Special Commission on Legislation was created in the Chamber of Deputies with the function of analyzing any and all legislative initiatives in the labor area (Gomes, 2007).

After Decree No. 3,724/1919, a remarkable fact was the creation of the National Department of Public Health (DNSP), an agency linked to the Ministry of Justice and Internal Affairs, by Decree No. 3,987/1920, as a result of the demands for greater centralization and standardization of the federal government's health services. The DNSP had a large and complex structure, with specialized services, such as inspectorates, as well as hospitals, lazarettos, disinfection stations, laboratories, land and sea health police stations (Cabral, 2019). The DNSP regulation was established by Decree No. 14,354, and one of its attributions was:

> Art. 1 The National Department of Public Health, subordinated to the Minister of Justice and Internal Affairs, is in charge of the hygiene and public health services, executed or to be executed in the country by the Federal Government, comprising:
>
> hygiene and public health services of the Federal District, covering the general and specific prophylaxis of communicable diseases, the sanitary police of households, places and public places, factories, offices, colleges, commercial establishments and industries, hospitals, nursing homes, maternity hospitals, markets, hotels and restaurants (Brazil, 1920, emphasis added).

It is worth mentioning here that the federal capital at the time, the city of Rio de Janeiro, was going through serious problems with smallpox, bubonic plague, Spanish flu and yellow fever, which associated with the lack of basic sanitation, severely affected the population.

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Then, Decree No. 15,003 is approved (Brazil, 1921), which modifies Decree No. 14,354/1920, creating the "*Professional and Industrial Hygiene Police Stations*", which would be responsible for inspecting the hygiene of factories, commercial and industrial establishments, aiming at protecting the health of workers, according to the nature of each industry in particular (Cabral, 2019).

Then, a new regulation is approved for the DNSP, with the creation of the "*Inspectorate of Industrial and Professional Hygiene"*, by Decree No. 16,300 (Brazil, 1924), which consolidated in its attributions many of the services that were already performed by the agency, but were not expressed in its legal text. In addition, it has incorporated into its competences the responsibility for studies and work on industrial and professional hygiene (Cabral, 2019), according to texts extracted from this Decree:

> Article 1. The National Department of Public Health, under the Ministry of Justice and Internal Affairs, is responsible for the following hygiene and public health services, performed or to be performed in the country by the Federal Government:
>
> ...
>
> n) studies and works on industrial and professional hygiene.
>
> Article 4. The General Directorate of the National Department of Public Health will consist of: 71 health inspectors, 10 doctors from isolation hospitals, distributed among the health precincts and the following dependencies: Inspectorate of Prophylaxis Services, Inspectorate of Prophylaxis of Leprosy and Venereal Diseases, Inspectorate of Supervision of Foodstuffs, Inspectorate of Prophylaxis of Tuberculosis, Inspectorate of Child Hygiene, Inspectorate of Industrial and Professional Hygiene, Sanitary Advertising and Education Service and Hospitals.
>
> Art. 430 - The Directorate of Sanitary Services of the Federal District shall be in charge of the following services:
>
> b) General hygiene of private homes, lotions, factories, commercial and industrial establishments, colleges, shelters, asylos, hospitals, nursing homes, barracks, prisons and any other collective dwellings;
>
> Art. 431 - The services specified above shall be performed by the following dependencies:
>
> ...
>
> Industrial and Professional Hygiene Inspectorate;
>
> Article 1,019. The Inspectorate of Industrial and Professional Hygiene is responsible for supervising the hygiene of industries and industrial professions throughout the Federal District, in accordance with this regulation and with the special instructions that may be issued, opportunely, by the Minister of Justice and Internal Affairs.

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> Art. 1,020. It is within the competence of this Inspectoria:
>
> a) To license all new industrial establishments as well as the officiins, except those of food products:
>
> (b) authorise the transfer for other premises of the establishments of industries and officines, except those of food products;
>
> c) visit all factories and offices, issuing summons to correct existing defects;
>
> (d) inspect the operators of the manufactures and officinas and audit the settlements of the respective health registers;
>
> e) to promote the removal of all workers attacked by leprosy, open tuberculosis or any other infectious-contagious disease, during the contagious period;
>
> (f) order to proceed with the analysis of substances used in industries, which appear harmful to the health of the operators;
>
> g) To have measures adopted to ensure the health of workers in their work;
>
> h) to prevent factories and offices from harming the health of the residents of their vicinity;
>
> i) impose the administrative penalties established by this regulation, in so far as they relate to the services subordinate to it (Brazil, 1924).

It is worth mentioning that at that time Legislative Decree No. 4,682 had already been sanctioned (Brazil, 1923a), known as the Eloy Chaves Law, with the creation of the Retirement and Pension Funds (CAP), considered as the basic law of social security. This text also guaranteed railway workers job stability after 10 years of service (Andrade; Martins; Machado, 2012; Brazil, 2022; Melo; Vilela, 2022).

Although this law proposed a protection that seems logical for current times and the legislation came in a context of agitation that called for more social justice, the rule was not well received by businessmen. In fact, as the railroads were concessions, in order not to lose the contract with the Government, there was no other way for the businessmen but to obey the legal dictates (Brazil, 2022).

Its text stipulated the formation of a fund for retirements and pensions in each railroad company, guaranteeing four basic benefits: medical aid, retirement, pensions for dependents and funeral assistance, in addition to establishing that, after ten years of service in a company, the employee could only be dismissed for serious misconduct. In

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addition to work accidents, the railroad worker was guaranteed in sickness and old age, in addition to ensuring the subsistence of his family after his death (Gomes, 2007).

During this period, the National Labor Council (CNT) was established by Decree No. 16,027 (Brazil, 1923b), replacing the National Department of Labour, an advisory body to the public authorities on matters relating to the organisation of work and social security, which would also be responsible for appeals relating to the decisions of the CAPs, which had already been extended to port and maritime workers (Brazil, 2022).

Another legal instrument that was somehow related to workers' health was Decree No. 4,982 (Brazil, 1925), which stipulated the granting of 15 days of annual holidays, "without prejudice to the respective salaries, daily allowances, salaries and bonuses" to the "*employees and workers of commercial, industrial and banking establishments and charitable and charitable institutions in the Federal District and in the States*". The following year, Decree No. 17,496 (Brazil, 1926b) regulated this concession.

In the same year, the Minors Code is approved, in Decree No. 5,083 (Brazil, 1926a), consolidated by Decree No. 17,943-A (Brazil, 1927b), which were greatly disrespected until 1930. This code highlights the prohibition of the work of children under 12 years of age, as well as the prohibition of night work for adolescents under 18 years of age and the employment of children and adolescents in unhealthy and dangerous activities (Melo; Vilela, 2022), as highlighted as follows:

> Article 59. It is forbidden throughout the territory of the Republic to work for children under 12 years of age.
>
> Article 60. Nor can adults of this age be employed who are less than 14 years of age, and who have not completed their primary education. However, the competent authority may authorize their work, when it considers it indispensable for the subsistence of them or their parents or siblings, provided that they receive the school instruction that is possible.
>
> Article 61. Minors may not be admitted to power plants, manufactures, shipyards, mines, or any underground work, quarries, workshops and their dependencies, of whatever nature whatsoever, public or private, even when these establishments are of a professional or charitable nature, before the age of 14 years.
>
> Paragraph 1 - This provision applies to the apprenticeship of minors in any of these establishments.
>
> Paragraph 2 - Establishments in which only family members under the authority of the father, mother or guardian are employed are excepted.

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> Paragraph 3 - However, minors with certificates of primary studies, at least of the elementary course, may be employed from the age of 12 years.
>
> Article 62. Minors under 18 years of age are prohibited from work that is dangerous to health, life, morality, excessively tiring or that exceeds their strength.
>
> Article 63. No minor under the age of 18 may be admitted to work without being provided with a certificate of physical aptitude, issued free of charge by a doctor who has official quality to do so. If the examination is contested by the person legally responsible for the minor, another one may be carried out at his request.
>
> Article 65. In institutes where primary education is given, manual or vocational education for minors under 14 years of age may not exceed three hours a day, unless they have the aforementioned elementary course certificate and are over 12 years of age.
>
> Article 66. The work of minors, apprentices or workers, under 18 years of age, both in the establishments mentioned in article 60 and in those not mentioned, may not exceed six hours a day, interrupted by one or more rests, the duration of which may not be less than one hour.
>
> Article 67. Workers or apprentices under 18 years of age may not be employed in night work. Sole paragraph. All work between seven o'clock in the evening and five o'clock in the morning is considered night work.
>
> Article 69. Male minors under 16 years of age and female minors under 18 years of age may not be employed as extra actors, etc., in public performances given in theaters and other entertainment houses of any kind, under penalty of a fine of $1:000 to $3:000$000.
>
> Paragraph 1 - However, the competent authority may, exceptionally, authorize the use of one or more minors in the theaters for the performance of certain plays.
>
> Paragraph 2 - In cafés, concerts and cabarets, the prohibition is valid until the age of majority.
>
> Art. 70. No male under 14 years of age, nor a single woman under 18 years of age, may exercise any occupation that is performed in the streets, squares or public places: under penalty of being apprehended and judged abandoned, his legal guardian will be imposed with a fine of 50$ to 500$ and ten to thirty days of imprisonment (Brasil, 1926, original text).

Thus, in an environment where the workers' struggle was intensifying, Decree No. 5,221 was then approved (Brazil, 1927a), known as the "Hasty Law", aimed at repressing the workers' movement, the lieutenants and communism. There was censorship of the press and restriction of the right to assembly, with citizens being subject to arbitrary arrests, and entities or clubs being interdicted or summarily closed (Gomes, 2007).

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With Decree No. 18,074 (Brazil, 1928), the NTC was reorganized, starting to exercise executive functions in labor matters. The council was empowered to judge labor lawsuits, and could also propose to the government the measures it deemed appropriate. It was responsible for supervising companies in matters of insurance against work accidents and the granting of vacations, with the authority to impose fines. Finally, the decree assigned to the CNT the function of mediator for the agreement or arbitration in collective matters between workers and bosses (Gomes, 2007).

On the international level, the turn of the 1920s to 1930s was marked by the economic crisis of 1929, the military power that the Soviet Union had become under the Stalinist dictatorship, and the ideological dispute between fascism and communism, in part due to the strategic interest of the Soviets in supporting communist movements in various countries. President Washington Luís was deposed by the military ministers, a fact that became known as the Revolution of 1930, which culminated in the coming to power of Getúlio Vargas, giving rise to a process of state planning of the economy and a social policy for the workers, which met the economic interests of expanding industrial production (Maringoni, 2013; Vasconcellos; Oliveira, 2011).

From 1930 onwards, the State began to arbitrate the relations between employers and employees, imposing a series of labor and social laws, which had gained strength particularly from 1919 onwards, due to the daily struggles of workers and their unions. In the Vargas era, the creation of workers' unions of the most diverse categories was observed, even in places where until then, it had never existed (Melo; Vilela, 2022), as well as the creation of the Ministry of Labor, Industry and Commerce, by Decree No. 19,433 (Brazil, 1930), ushering in a new era in the regulation of occupational safety and health issues.

Finally, the national state would be reformulated, and Vargas led to an accelerated process of industrialization, with significant changes in the relations between social classes. But, if on the one hand the new administration created social rights on a scale and breadth never seen in the history of the country, at the same time a dictatorial government was implemented, with arbitrary arrests, torture, censorship of the press and strong political repression (Maringoni, 2013).

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FINAL CONSIDERATIONS

It is interesting to note that the evolution of labor legislation reflected the socioeconomic changes of the colonial, imperial and first Brazilian republic periods. However, for more than 300 years, the country's development was linked to the work of enslaved people, without any type of regulation of aspects of occupational safety and health were even considered. Thus, with the changes that were taking place in Europe, triggered by the Industrial Revolution, Brazil was pressured to hire immigrant labor, which began the process of regulating labor relations.

The emergence of a heterogeneous working class was observed, made up of enslaved and freed indigenous and Africans, immigrants and free poor people, who were forced to resist and fight for their rights, thus contributing to the publication of the first labor laws, even if incipient.

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