

► ILO Brief – IRDS

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Collective bargaining systems

Registration of collective bargaining instruments: the Brazilian experience with the MEDIADOR platform

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Key points

- Collective bargaining is a fundamental right. It is rooted in the ILO Constitution and reaffirmed as such in the ILO Declaration on Fundamental Principles and Rights at Work of 1998. In this context, the measures adopted to publicise and guarantee access to collective bargaining instruments for the interested parties are important steps in ensuring compliance with its provisions, in accordance with the ILO Collective Agreements Recommendation, 1951 (No. 91).
- The registration of collective bargaining instruments allows the competent public authorities to monitor the evolution of collective bargaining, facilitating the analysis and dissemination of information on collective agreements.
- Information on the register can help employers and unions in their negotiations and is an important element of coordinated wage policies.
- The Collective Bargaining System - 'Mediator' - for the creation, registration and public consultation of collective labour instruments, implemented by the Brazilian Ministry of Labour and Employment in 2007, offers free online services to constituents and other interested parties for the registration and public consultation of collective agreements, collective bargaining agreements and amending or additional conditions entered into in all states of the country, disseminating knowledge about collective bargaining in the country.

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Context

Collective bargaining is a fundamental right. It is rooted in the ILO Constitution and reaffirmed as such in the 1998 ILO Declaration on Fundamental Principles and Rights at Work. It is a fundamental means by which employers, their organisations and trade unions can establish fair wages and working conditions. This principle was enshrined in the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).³ Several discussions and decisions of the International Labour Conference refer to the importance of collective bargaining and the unique role that the ILO plays in promoting it.

In this context, the ILO has adopted an integrated strategy for the promotion and implementation of the right to collective bargaining as a voluntary means of determining the terms and conditions of employment and as an important mechanism for promoting more inclusive, sustainable and just societies.⁴ The proposed strategy suggests priority actions, as well as the range of services and activities that the Office could carry out, including knowledge development.

In Latin America and the Caribbean, all countries have ratified Convention 98. Therefore, in response to the challenges facing the region and at the request of its constituents, the Regional Initiative to Strengthen Social Dialogue and Collective Labour Relations (IRDS) was created.⁵ Among other things, the Initiative aims to increase evidence-based technical assistance on social dialogue by carrying out regional and national studies and systematisations on labour relations practices, with special attention to issues relating freedom of association and collective bargaining.

In this context, measures taken to publicise and ensure access to collective bargaining instruments by the parties concerned are important steps towards guaranteeing compliance with their provisions. The Collective Bargaining Recommendation, 1951 (No. 91) recommends that

collective bargaining agreements be registered or deposited.⁶

The registration of collective bargaining instruments allows the relevant public authorities to follow collective bargaining developments and can facilitate the analysis and dissemination of information on collective bargaining agreements. This information can support employers and workers organizations in their negotiations and is an important feature of coordinated wage policies. Reliable information on collective bargaining can also help public authorities encourage cooperative labour relations by identifying and disseminating good practices.⁷

Furthermore, the administrative data that can be generated and consulted as a result of the register of collective bargaining instruments can also support public authorities in determining the degree to which certain sectors are regulated by collective bargaining, in order to direct their resources towards more vulnerable sectors where there is no collective bargaining. The register of collective instruments is also a means for public authorities to be better prepared to deal with disputes arising from the interpretation or non-application of a collective bargaining instrument.⁸

In this context, this document seeks to explain the functionalities and resources of the Collective Bargaining System - "Mediador" - implemented by Brazil's Ministry of Labour and Employment in 2007⁹, which offers free online services, coordinated by the Ministry's Secretariat of Labour Relations, for the registration and public consultation of collective bargaining agreements and additional conditions, as well as mediation in collective bargaining, in all states of the country.

³ [ILO Integrated Strategy to promote and implement the right to collective bargaining](#), para. 3.

⁴ [ILO integrated strategy to promote and implement the right to collective bargaining](#), paras. 44 - 48.

⁵ For more information on the IRDS, visit: [Regional Initiative for the Strengthening of Social Dialogue and Collective Labour Relations in Latin America and the Caribbean | International Labour Organization](#)

⁶ Paragraph 8 of the Collective Agreements Recommendation, 1951 (No. 91).

⁷ [Collective bargaining: a policy guide](#) / International Labour Organization, Governance and Tripartism Department (GOVERNANCE), Working Conditions and Equality Department (WORKQUALITY) - Geneva: ILO, 2015, p. 71

⁸ [Collective bargaining: a policy guide](#) / International Labour Organization, Governance and Tripartism Department (GOVERNANCE), Working Conditions and Equality Department (WORKQUALITY) - Geneva: ILO, 2015, p. 71.

⁹ [Ministry of Labour and Employment - Mediador](#)

Introduction to the Mediador

National regulatory framework for collective bargaining in Brazil

Collective bargaining in Brazil is regulated at constitutional level and by legal provisions. Article 7 of the Constitution of the Federative Republic of Brazil establishes that among the rights of urban and rural workers is the recognition of collective bargaining agreements.

At a constitutional level, the right to organise and the right to strike are recognised in Articles 8 and 9 of the Constitution. With regard to the right to organise, it is established that state intervention is limited to the registration of trade union organisations, the prohibition of multiple organisations in the same territorial base representing a professional or economic category, freedom of association and the obligation of to take part in collective bargaining. In addition, regarding the right to strike, it is established that essential services must be defined by law.

Employers' union organisation is based on the economic interest of those who carry out identical, similar or related activities. The organisation of workers, likewise, is based on the situation of employment in the same economic activity, or similar or related activities. There is also the possibility of workers organising themselves according to different professions or functions by virtue of a special professional statute, known as a differentiated professional category.

Brazil has ratified the following ILO Conventions on collective bargaining: the Right to Organise and Collective Bargaining Convention, 1949 (no. 98), the Workers' Representatives Convention, 1971 (no. 135), the Labour Relations (Public Service) Convention, 1978 (no. 151) and the Collective Bargaining Convention, 1981 (no. 154), incorporated into Brazilian law in accordance with articles 49, I, and 89, VIII, of the Constitution.

Trade union organisations are regulated in Title V of the Consolidation of Labour Laws (CLT) and collective agreements are regulated in Title VI of the same body of legislation.

The Ministry of Labour and Employment plays an important role in collective bargaining, since it is the body responsible for granting Trade Union Registration to trade union organisations, which must have an active registration and an up-to-date board of directors in the National Register of Trade Union Entities (CNES) system.¹⁰ In addition, in relation to freedom of association and collective bargaining, the Ministry of Labour and Employment, through its specific secretariats, also has a role in¹¹ i) registering and maintaining public archives of collective bargaining instruments¹²; ii) conducting mediation in the event of disputes related to collective bargaining¹³; and iii) inspecting and receiving complaints and, where appropriate, sanctioning non-compliance with collective bargaining agreements.¹⁴

According to Article 614 of the Consolidated Labour Laws (CLT), the parties to a collective bargaining agreement must deposit the signed collective instrument with the corresponding unit of the Ministry of Labour and Employment for registration and publicity, depending on the territorial scope of the collective instrument. The instrument enters into force 3 days after deposit. In addition, the collective instrument must be publicised at the head office or in the establishments included in the scope of application.

The mediation service for collective labour disputes is offered by the Labour Relations Secretariat of the Ministry of Labour and Employment, under the terms of Law No. 10.192, of 14 February 2001, and articles 304 to 308 of Ordinance/MTP No. 671, of 8 November 2021. For national or interstate disputes, through the General Coordination of Labour Relations - CGRT, and by the Regional Labour Superintendencies of the States and the Federal District - SRTbs for municipal and state disputes.

Regulatory framework of the Mediador system

The Collective Bargaining System - Mediador was implemented by Ministry of Labour Ordinance No. 282 of 06/08/2007, in accordance with articles 614 and 615 of the

¹⁰ [MTE Ordinance No. 3.472](#), of 4 October 2023.

¹¹ For more details on the duties of the Ministry of Labour and Employment, see Article 1 Annex I to the [Decree no. 11.779 of 13 November 2023](#).

¹² Articles 614 and 615, first paragraph of the CLT.

¹³ Article 616 of the CLT. See also Decree No. 10.854 of 10 November 2021 and MTP Ordinance No. 671/2021.

¹⁴ Article 1 of Annex I to Decree No. 11.779 of 13 November 2023. See also: [Competences and Legal Basis - Ministry of Labour and Employment](#)

Consolidation of Labour Laws - CLT.¹⁵ In addition, Normative Instruction No. 6, of the same date, which regulates the procedures for depositing, registering and filing collective bargaining agreements and their respective supplementary terms with the bodies of the Ministry of Labour and Employment - MTE, also details the responsibilities of the parties involved and the requirements for using the system.¹⁶ The publication of SRT Normative Instruction No. 16 of 15/10/2013, replaced by MTP Ordinance No. 671 of 08/11/2021¹⁷, regulates the module for requesting mediation.

Mediador system overview

The Mediador¹⁸ is an electronic platform for registration and search collective bargaining instruments and its additional terms. On the same platform, interested parties can draft, register and consult collective instruments, as well as access mediation services for collective labour disputes related to collective bargaining.

Before the Mediator System, registration was done in books, and the instruments were physically filed with the Regional Labour Superintendencies (SRT). The first version of the Mediador began by automating the System for Registering Collective Bargaining Agreements, and its use was optional from February 2007. As of January 2009, the Mediador became compulsory and the physical registration of instruments ceased to exist.¹⁹ In 2013, with the improvement of the system, the collective mediation component was created²⁰, through which unions and employers' organisations now have an online tool at their disposal that allows them to request the Ministry of Labour and Employment to mediate conflicts related to collective bargaining in any state in the country.

The Mediador is divided into four main sections: (i) request for registration of a collective bargaining agreement; (ii) consultation of a collective bargaining agreement; (iii) request for mediation in the event of a conflict or impasse in collective bargaining processes, or due to non-compliance with a collective bargaining agreement or

labour legislation; and (iv) instructions for using the system, containing a glossary of topics covered by the clauses of the agreement and a user guide.



Source: Webpage Mediador

Drafting and registering collective bargaining instruments

Registration of collective bargaining instruments and supplementary/modifying clauses

The applicant organisation can choose to request the drafting and registration of a collective bargaining agreement or supplementary or modifying clause to an instrument previously drafted by the Mediador.

The organisation requesting the registration must identify itself, including its National Register of Legal Entities (CNPJ) number, which is assigned to all trade unions and employers, as well as employers. In order to be informed in the Mediador, the entity must be active in the National Register of Trade Union Entities (CNES) and have a current board mandate. Based on the CNPJ, the Mediador automatically searches the CNES for information on board members and the territorial base of the organisations. In

¹⁵ Article 1 of [Ministry of Labour Ordinance No. 282 of 06/08/2007](#).

¹⁶ [Normative Instruction No. 6 of 06/08/2007](#).

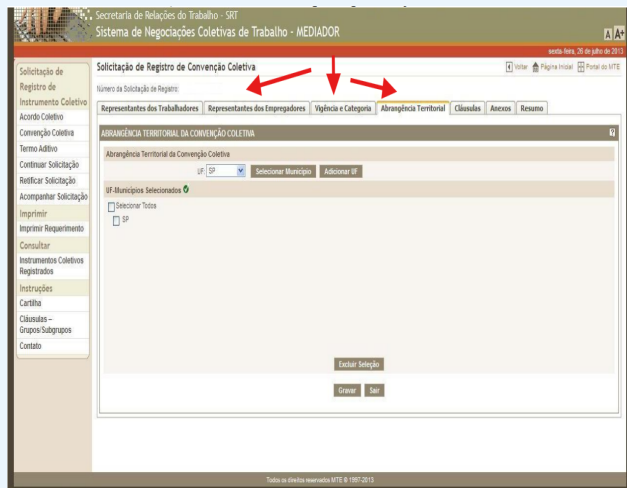
¹⁷ See here [Ordinance/MTP No. 671](#) of 8 November 2021 and its respective amendments.

¹⁸ [Ministry of Labour and Employment - Mediador](#)

¹⁹ Normative Instruction No. 9 SRT, of 5 August 2008.

²⁰ SRT Normative Instruction No. 16 of 15/10/2013.

the case of a request made by the employer, the system searches for the information in the Federal Revenue Service database and checks that the registration and tax situation are in order.



Source: Webpage Mediador

Identification of the parties to a collective bargaining agreement (workers' and employers' representatives)

The applicant for registration must provide the registration details of the entity representing the workers and the entity representing the employers, as well as their legal representatives. In the case of collective agreements concluded at enterprise level, they must provide the details of the employer or employers bound by the agreement.

Although the field is not compulsory, the collective agreement must be accompanied by the minutes of the assembly that approved the corresponding negotiation. Otherwise, the Ministry of Labour and Employment unit will not be able to register the instrument.

Duration, categories and territorial coverage

The organisation requesting registration must state the start and end date of the collective agreement, which according to paragraph 3 of article 614 of the CLT cannot exceed two years.

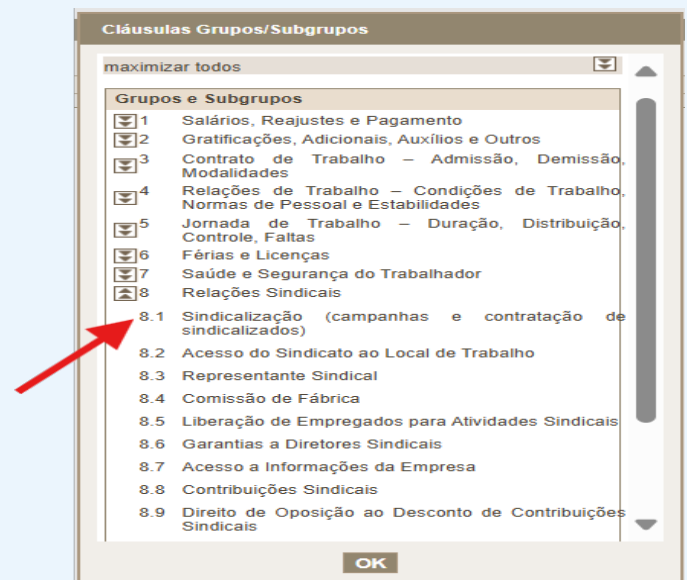
The base date of the category or categories to which the workers covered by the instrument in question belong must also be informed, and they must be within the scope of representation of the organisations taking part in the negotiations.

Another mandatory piece of information for registration is the territorial scope of the collective agreement. In the case of Brazil, this scope can be one or several municipalities, one or several states of the federation, common to the base of workers' organisations and the base of employers' organisations.

Thematic classification of clauses

The Mediador allows the parties to include clauses in the collective bargaining agreement according to a pre-established list of thematic topics divided into groups and sub-groups that can be the subject of collective bargaining. To make it easier to enter information, it is also possible to search for subgroups by keyword.

The subject groups include: (i) salaries, adjustments and payments; (ii) bonuses, additional, aids and others; (iii) employment contract - admission, dismissal, modalities; (iv) labour relations - working conditions, personnel rules and stability; (v) working hours - duration, distribution, control of working hours, absences; (vi) holidays and leave; (vii) workers' health and safety; (viii) trade union relations; and (ix) general provisions. Within each group, the applicant can choose between sub-groups of more detailed classification.



Fuente: Página web del Sistema Mediador

In the case of other thematic groups, such as salaries, the subgroups can refer to, for example, salary floors, readjustments and equal pay, among others. On the other

hand, with regard to the group on labour contracts, subgroups can cover rules for admission, hiring procedures and dismissal.

When a clause is included, its duration may be shorter than the duration of the collective bargaining agreement. Therefore, the duration of the clauses must also be specified.

Once the group and sub-group of the clause have been chosen, the system provides a field for the clause to be written out in its entirety, helping the parties involved to draw up the collective instrument themselves and, as will be seen later, facilitating the consultation of instruments using keywords. In addition, clauses can be imported to facilitate the drafting of a new instrument or an addendum.

The system also supports the inclusion of attachments, which can be typed in text or table format and can be copied from a computer file. Attachments can vary, such as documents from assemblies or those shared between the parties during negotiations.

At the end, the applicant can examine a summary of the registration request and proceed with the application for registration of the collective bargaining instrument, which must be signed by all the parties to the agreement or agreements and filed with the Regional Superintendence of Labour and Employment or with the Secretariat of Labour Relations, in the case of an interstate or national instrument. This application is the only document to be submitted to the Ministry of Labour and Employment, as the copy of the registered collective bargaining agreement is already in the system and does not need to be filed.

The applicant receives an application number to follow up or rectify their application, which is also done online via the same system.

Basic and advanced consultations on collective bargaining agreements and supplementary/modifying clauses

The Mediador has a range of possibilities with regard to the parameters of the consultation of the collective bargaining instruments.

The system user can make the enquiry using the parties involved in or entering into the collective bargaining agreement as a parameter, indicating a tax registration number or the name of the party. They can also enter the description of the desired category. The query will be carried out by word in the category of the collective bargaining agreement, such as "retail trade".

The query can also be made by type of collective bargaining instrument. The user can select the type of instrument they want to see in the result and the system will display the following options and allow them to select only one of them: All Types, Collective Bargaining Agreement (*Convenção Coletiva de Trabalho*), Collective Bargaining Agreement at enterprise level (*Acordo Coletivo de Trabalho*), Amendments to the Collective Bargaining Agreement (*Termo Aditivo*).

Users can search for collective instruments by the region covered by the collective instrument, municipal, intercity, state, interstate and national. The user can also search for information according to the state of the federation in which the registration was made or covered by the instrument.

With regard to the period, the user can enter the period, consisting of the start date and end date, which corresponds to the date the collective bargaining agreement was registered, or they can enter the period, consisting of the start date and end date, when the collective agreement is in force. The system returns all the collective bargaining agreements in force during the period entered.

In relation to the subject, the user can search for clauses using the thematic groups and subgroups or even by keyword contained in the description of a clause.

Consultation of registered collective agreements

Source: Página web del Sistema Mediador

Consultation of collective bargaining agreements registered by a higher-level trade union body

The Mediador also has a query by affiliation to a higher-level organisation, the purpose of which is to allow interested parties to consult the collective bargaining agreements concluded by higher-level organisations, as well as those concluded by their affiliated organisations. The query only returns the collective agreements in force, i.e. the end date must be greater than or equal to the date of the query.

The query can be made by the type of organisation, whether confederation, federation or trade union. In the case of a query by confederation or federation, the parameters can include a search by tax registration number (CNPJ), the state of the country where the representative organisation is registered and the type of representation, whether workers or employers.

Source: Webpage Mediador

The system will bring up a list of organisations that meet the criteria indicated and must display the following options and allow the selection of at least one of them and any combination between them: Collective Bargaining Agreement (*Convenção Coletiva de Trabalho*), Collective Bargaining Agreement at enterprise level (*Acordo Coletivo de Trabalho*), Amendments to the Collective Bargaining Agreement (*Termo Aditivo*).

Other features of the Mediador system

Request for mediation for collective bargaining, formalisation or for non-compliance with legislation or a collective bargaining agreement

The Mediador also offers collective mediation services in the case of i) negotiations to formalise a collective bargaining instrument; ii) non-compliance with a collective bargaining instrument; and iii) non-compliance with labour legislation.

In the case of requests for mediation to formalise a collective bargaining agreement or an amendment, in the same way as for the registration of collective bargaining instruments, the applicant must identify the trade union and employer representatives involved. In the event that the mediation is related to a collective bargaining agreement at enterprise level or the respective amendment, the employer's details must be included. Likewise, data relating to the term of the collective bargaining agreement, territorial scope and the base date of the category or categories involved and within the scope of representation of the organisations participating in the collective bargaining agreement must also be provided. The applicant must also include in the system the clauses pertinent to the collective bargaining instrument that is to be formalised via mediation, taking into account the available thematic groups and subgroups. In this case, if there is a previous instrument registered by the Mediador, the system allows the clauses to be imported in order to facilitate the inclusion of the necessary data.

At the end, the applicant can include annexes to instruct the mediation request and can review the information included before registering the request. The request for collective mediation, which must be signed by the signatory(ies) indicated, is filed with the Regional Superintendence of Labour and Employment or with the Secretariat of Labour Relations, in the case of interstate or national mediation.

Source: Webpage Mediador

The applicant can make a request for mediation in the case of formalising a collective bargaining agreement without a draft, i.e. one that does not have pre-established clauses or clauses that have already been negotiated. In this case, the subject of the mediation must be informed in a tab called "negotiation", including the description of the claim related to this subject, the estimate of workers covered by the category and covered by the negotiation in question, as well as indicating the location (Brazilian state) where the mediation should take place.

Source: Webpage Mediador

Request for mediation procedure for breach of collective bargaining instrument or labour legislation

The same procedure must be followed if mediation is being requested in the context of a complaint lodged alleging non-compliance with clauses in a collective bargaining instrument or with the labour legislation itself. In the case of non-compliance with clauses of a collective bargaining instrument, the request must also include an indication of the clause allegedly violated.

Source: Webpage Mediador

When mediation is being requested in the context of a complaint filed alleging non-compliance with labour legislation, other information must be provided, in addition to the estimate of workers covered by the category and covered by the negotiation in question, also indicating the location (Brazilian state) where the mediation is to take place. In this case, the request needs to include an indication of the labour legislation allegedly violated, a description of the grounds justifying the complaint and information on the location where the alleged breach took place.

In all cases, either party to the collective bargaining agreement can monitor the progress of the request.

Relevant statistical data

Statistical information provided by the system

The Mediador system, through its consultation module, is able to provide a series of statistics on working conditions, employment and other related data, whether general or specific by economic sector or category of worker. The information is public, and any citizen can consult the registered collective bargaining clauses, as long as they have the necessary information, such as the name of the enterprise or representative organization or another parameter required by the system. The information can be exported in Excel format.

In 2024, for example, 43,149 collective bargaining instruments were registered in Brazil, including 6,599 collective bargaining agreements, 33,073 collective agreements at enterprise level and 3,477 supplementary or modifying clauses

The system also makes it possible to search for statistical information on clauses in collective instruments that deal with specific topics. Between 2020 and 2024, 703 clauses were identified in collective agreements within the "Workers' Health and Safety" thematic group related to Covid-19 measures. The information provided can also be used to identify certain trends. For example, in the first half of 2024, 1,148 collective bargaining instruments were found with clauses relating to equal pay. Of these, 63 clauses mention Law 14.611/2023 on Equal Pay for Men and Women²¹, 57 of which are in Collective Agreements at enterprise level and six in Collective Bargaining Agreements.²²

Consultation of the system's statistical data by labour institutions

The statistical data provided by the Mediador system is widely used by institutions linked to the world of work. For example, the Inter-Union Department of Statistics and Socio-Economic Studies (DIEESE) produces studies of the most frequent clauses in the collective bargaining agreements of affiliated trade unions²³ and related indicators on certain topics²⁴ based on the information extracted from the system.

In addition, other institutions make use of the Mediador system, such as the Public Ministry of Labour (MPT). The MPT can access information on collective bargaining agreements and registered in the system to verify whether they comply with labour legislation and adequately protect workers' rights. If identified and depending on the irregularities found, the MPT can file lawsuits seeking to guarantee working conditions in accordance with the law. In the case of the Labour Courts, magistrates, prosecutors and parties can more quickly and securely access information on collective bargaining conditions and relevant clauses that can be analysed in cases of legal disputes.

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²¹ [Law 14.611 of 3 July 2023](#).

²² Data collected in a free search in the Consultation module of the Mediador system.

²³ For example, [Survey and analysis of clauses in the collective agreements of the unions affiliated to the National Confederation of Workers in Educational Establishments](#) - CONTEE, published in 2023.

²⁴ For example, [Study containing an analysis of collective bargaining registered in the Mediador System with a view to improving labour regulation: Analysis of union contribution clauses](#), DIEESE; MTE. São Paulo, 2023. [Promoting gender equality: challenges and perspectives in collective bargaining and access to and progression in professional careers](#), DIEESE; MTE. São Paulo, 2024.