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SUBJECT : Labor Minister Meets Sao Paulo Labor Leaders

REF :

SUMMARY

Minister of Labor, Julio Barata visited Sao Paulo for the stated intention of opening a dialogue with the trade unions. However, instead of allowing for an exchange of views, the Minister used the limited time to present his own views and recommendations to the assembled leaders. The absence of the much heralded "dialogue" left many Sao Paulo leaders disturbed. Following the Minister's remarks, the forecast for the trade unions is for continuation of rigid Governmental controls.

1. On January 16 Labor Minister, Julio Barata had his first encounter with Sao Paulo local labor leaders since his appointment last October to the Labor Ministry by President Garrastazu Medici. The meeting occurred during an inspection tour of labor-related federal agencies within the city. An encounter with labor and management officials during the visit was promoted as one of the principal objectives of the Minister's visit to Sao Paulo and was intended to demonstrate the opening of a dialogue between the Medici government and the trade unions. In preparation for the meeting, many Sao Paulo state labor federations had met and drafted petitions for presentation to the Labor

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Minister. The meeting, which took place in the offices of the Sao Paulo Regional Labor Delegate, was jammed with local union officials eager to appraise the new over-lord of the Brazilian labor movement.

2. The following report is based partially on the extensive press coverage of the encounter; according to those reports the meeting began with a lengthy discourse by the Minister. During his remarks Barata indicated that the Government had no intention of re-examining its salary policy but aimed to expand the purchasing power of workers indirectly by providing more educational scholarships (bolsas de estudos), increased medical assistance and greater funds for the acquisition of private housing for workers. He called for the cooperation of all unions in these endeavors and urged each sindicato to organize consumer cooperatives and local schools as a means of assisting the government in their efforts.

3. As for the role that he foresaw for the trade unions, the Minister remarked that the unions should be transformed into an authentic civic movement for the social advancement of workers designed to assist the government in the task of national reconstruction. Seeing the unions as extensions of the public health services, the Minister recommended that the sindicatos undertake extensive medical programs for the benefit of their members.

4. Regarding internal trade union matters, the Minister advised the unions that he would not tolerate the infiltration of foreign ideologies in the unions (specifically noting Communist or leftists ideas) nor would he permit any controversy (contestação) with the regime or disrespect of the government from the unions. Barata warned that the government would not allow the trade unions to be used as a springboard for political office. In this regard, the Minister observed that he considered it one of the missions of his Ministry to destroy the old image of the pelego--a labor sycophant--and to assist in the development of authentic labor leaders.

5. The Minister further explained that the government was committed to expanding and strengthening the rural trade union movement throughout Brazil and hoped to instill some of the same spirit found in urban unions among those of agricultural workers.

6. Minister Barata concluded his remarks with an invitation to all the sindicatos in the country, saying that his door would always be open to them and that he would set aside each Thursday afternoon for meetings with labor leaders when no appointments would be necessary.

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7. Following the Minister's comments one labor leader, Antonio Magaldi, a prominent pelego and apologist for the GOB, "coincidentally" arose to read his petition. Other federations were requested to pass their documents forward (the enclosed document, signed by 13 state and national federations representing over 1 1/2 million workers, was the principal petition presented to Barata), and before anyone else had the opportunity to speak, the Minister was on his way to the door, thus concluding the encounter and ending the dialogue with Sao Paulo labor leaders.
8. COMMENT: The advance billing of a "dialogue" prompted many Sao Paulo labor leaders to look eagerly forward to an exchange of views with the new director of the Ministry of Labor. It was only natural then that the complete absence of a dialogue left many disturbed and distressed. For some the encounter was nothing but a public relations gimmick without substance, intended to gain support among the people.
9. Many who participated in the encounter came away with negative impressions of the Minister. To them it was apparent that the Minister was not interested in their opinions or observations. One union leader considered Barata almost hostile in his attitudes (toward them.) His often repeated response to a question about a revision in the wage policy seemed to bear that out: "I know nothing and if I did I wouldn't say anything." The Minister's "open-door" invitation left one Sao Paulo union president cold, "---as though his office was around the corner."
10. Continuation of rigid governmental controls over trade union activities was clearly one of the messages in the Minister's comments. This certainly was implicit in his remarks as were his suggestions that the unions spend more of their time on social activities. Revealing his own priorities, the Minister suggested, as a means of paying for the envisioned "expanded activities", that the unions--particularly the state and national (confederations) labor bodies--reduce the frequency of union meetings and congresses, and by implication, those activities normally associated with trade unions.
11. Many of the Minister's proposals can only be interpreted as evading the issues, intended to divert the attention of the workers from the real problem. As with his proposal for "indirect salaries," the vital issue is a lack of buying power that will not be alleviated by increased scholarships or expanded medical care. Similarly his call for the elimination of

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pelegos will continue to be meaningless until he accompanies those pleas with fundamental changes in the governmental system that fosters peleguismo.

12. From the above remarks of the Minister one can only conclude that the prospect for the easing of governmental controls over the trade unions looks bleak.

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Excelentissimo Senhor Ministro do Trabalho e Previdência Social.
M.D. Professor Julio de Carvalho Barata.

Não há dúvida que com o advento da legislação reguladora das normas salariais, bem assim a adoção de medidas visando a implantação de normas rígidas de controle dos reajustamentos de salários, acarretaram sérias consequências às classes dos trabalhadores, com a distinção considerável de seu poder aquisitivo.

As entidades sindicais de trabalhadores deste Estado, interpretando o pensamento dos seus representados, aproveitando a oportunidade da presença de Vossa Excelência em São Paulo, se reuniram, discutiram e apreciaram os vários problemas que afligem os trabalhadores e ao mesmo tempo deliberaram colocar em debate algumas das principais preocupações da classe trabalhadora, consubstanciadas nos anexos que passamos às mãos de Vossa Excelência, para a devida apreciação, como seguem:

- a) - Política salarial;
- b) - Previdência Social;
- c) - Fundo de Garantia do Tempo de Serviço;
- d) - Férias;
- e) - Insalubridade;
- f) - Trabalhador rural;
- g) - Bolsas de Estudo (PEBE).

Ante o exposto, as entidades signatárias, desejando participar ativamente no jogo da verdade, através diálogo respeitoso e franco, desejam, destarte, buscar soluções aos problemas que afligem as classes assalariadas.

Outrossim, aguardamos uma breve oportunidade para discutirmos com Vossa Excelência os problemas ora enfocados; ocasião em que ofereceremos maiores subsídios.

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Sem mais e com o devido respeito, servimo-
nos do momento para augurar a Vossa Excelência uma gestão profi-
cua, inspirada nos princípios da justiça social.

São Paulo, 15 de janeiro de 1970.

[Signature]

FTI. do Vidro

[Signature]

FTI. Químicas

[Signature]

FTI. Construção e Mobiliário

[Signature]

FTI. Urbanas

[Signature]

FTI. Papel e Papelão

[Signature]

FTI. Extrativas

[Signature]

FTI. Vestuário

[Signature]

FTI. Borracha

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FTI. Metalúrgicas

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FTI. Gráficas

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FTI. Fiação e Tecelagem

[Signature]

FTI. Alimentação

[Signature]

FEE. Bancários

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A - POLÍTICA SALARIAL

Não há dúvida que com o advento da legislação reguladora das normas salariais, bem assim a adoção de medidas visando a implantação de normas rígidas de controle dos reajustamentos de salários, acarretaram sérias consequências às classes trabalhadoras, com a diminuição considerável de seu poder aquisitivo.

A inadequação das medidas adotadas se caracteriza pelo simples fato de ter imposto ao trabalhador grande parcela de sacrifício na luta anti-inflacionária, impedindo o estabelecimento de salários justos e compatíveis com a realidade nacional.

A medida com prazo de duração fixado pela Lei 4.725, de 13 de julho de 1965, era, até certo ponto, perfeitamente compreensível, todavia, a sua prorrogação com a instituição de legislação paralela colocou a família operária em permanente estado de sub-desenvolvimento, pois a sua principal fonte de subsistência ficou dependente de resultados matemáticos, que não atendem às suas necessidades.

Impõe-se, portanto, imediatas providências no sentido da total reformulação da política salarial vigente, de sorte a facultar aos trabalhadores, através de suas entidades de classe, as condições indispensáveis para a obtenção de salários que lhes permitam manter o equilíbrio de seu orçamento doméstico em relação à taxa inflacionária verificada em determinado período, bem como a reposição daquilo que lhes foi tirado desde o advento da atual sistemática salarial.

B - PREVIDENCIA SOCIAL

Os trabalhadores reafirmam aqui o que já diziam desde que se estabeleceu dentro do governo anterior, através dos Ministérios do Trabalho e da Saúde, diversidade de critérios sobre a melhor maneira de solucionar os problemas de presta-

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-prestação de assistência médico-hospitalar no país. Assim, assistimos, não sem reiteradas advertências às nossas autoridades, a progressiva deterioração dos "serviços próprios" do I.N.P.S. - por nós defendidos como a solução que melhor atende aos interesses e necessidades dos segurados da Previdência -, pelo estímulo dado a grupos e a entidades privados que, imediatamente, se organizaram para fazer da prestação dessa assistência, tão fundamental ao segurado, um rendoso e lucrativo negócio.

Os resultados de tal orientação agora podem ser medidos, em suas nefastas consequências: o Plano-piloto de Goiás esbarra na intransigência da classe médica daquele Estado, reagindo a qualquer tentativa de controle de sua atividade, e, o Plano Nacional de Saúde é "reestudado" por uma Comissão, na qual - e aqui mais uma vez nossa estranheza e nosso protesto - não estão representados os trabalhadores, os maiores e mais diretos interessados numa solução dos problemas previdenciários.

Finalmente, para que Vossa Excelência possa melhor conhecer e sentir nossas reivindicações e mais urgentes preocupações a respeito, passamos às suas mãos os "Anais" do 1º Congresso Sindical sobre Previdência Social, realizado em julho do ano próximo findo, em Ribeirão Preto, neste Estado. Lá estiveram presentes, além de centenas de trabalhadores das mais diversas categorias profissionais, o então Ministro do Trabalho, Cel. Jarbas G. Passarinho, o dr. Luiz Tôrres de Oliveira, ex-presidente do I.N.P.S. e técnicos do Ministério e da Previdência Social.

C - FUNDO DE GARANTIA DO TEMPO DE SERVIÇO

Não obstante as inúmeras modificações introduzidas na Lei 5.107, que instituiu o chamado Fundo de Garantia do Tempo de Serviço, entretanto, ainda aquela legislação padece não só de fundamentos, como de elementos que lhe possa oferecer um caráter de instituto capaz de substituir as normas e princípios jurídicos consolidados anteriormente na legislação trabalhista. Não há segurança de emprego. Coloca o trabalhador numa condição permanente de instabilidade, além de outras dificuldades inerentes à execução da referida lei.

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O descontentamento ainda permanece no seio do trabalhador, tendendo a agravar-se cada vez mais, em decorrência de suas falhas.

Urge, portanto, como condição imperativa para assegurar aos trabalhadores o estado de espírito indispensável para o seu trabalho do dia a dia, a revisão imediata da referida lei e, ainda, a abertura de novas perspectivas para o restabelecimento do instituto da estabilidade, consagrado em nossa legislação.

D - FÉRIAS

A instituição do Decreto-lei 1.031, de 21 de outubro de 1969, que introduziu modificações no art. 132 da Consolidação das Leis do Trabalho, não considerando o sábado como dia útil para efeito de férias dos empregados que trabalham em regime de 5 dias por semana, veio, realmente, ao encontro de antiga aspiração das classes trabalhadoras.

O que causou espécie para as entidades sindicais, foram os fundamentos que deram origem à Portaria 3.751, de 2 de janeiro de 1970, que incluiu o sábado como dia útil para os empregados que trabalham sob regime de compensação de horas.

Parece-nos, data vênua, que o texto daquela Portaria contraria frontalmente os princípios ditados pelo mencionado Decreto-lei 1.031, devendo, ainda, ser considerado que as normas consolidadas no art. 132 da C.L.T., determina que as férias sejam contadas em dias e não em horas. Portanto, o simples fato do empregado compensar com acréscimo de horas, nos demais dias da semana, perfazendo o total de 48 horas, obviamente não pode ser o sábado computado como dia útil.

E - INSALUBRIDADE

O interesse e a ganância de grande número de empregadores e as deficiências do Serviço de Fiscalização de Higiene do Trabalho, têm mantido verdadeiro contingente de trabalhadores em condições precárias de trabalho, em permanente contato com elementos nocivos à saúde e em locais de trabalho sem o mínimo requisito de higiene e segurança.

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Evidentemente, o trabalhador necessitando de um emprêgo para a sua sobrevivência se vê obrigado a sujeitar-se às condições que lhe são impostas.

Ora, decorrido um lapso de tempo, quando ele passa a sentir os efeitos negativos de seu trabalho, recorre à Justiça em busca dos reparos estabelecidos em lei, isto é, o recebimento da taxa de insalubridade, embora entendemos ser um paliativo, passa a usufruir daquele direito apenas a partir da data do ajuizamento da reclamação, nos termos do Decreto-lei nº 389 de 26 de dezembro de 1968.

Trata-se de uma injustiça. Se o empregador conhecendo as suas obrigações, e manteve o empregado em serviço de insalubridade, não pode ele ser beneficiado. Não há dúvida de que uma vez apresentada a reclamação, o reparo deve ser feito a partir do momento em que o empregado foi submetido a um regime de trabalho de insalubridade, ou, na pior das hipóteses a partir dos dois últimos anos.

Nestas condições, a revogação do mencionado Decreto-lei é medida que se impõe, restabelecendo-se o sistema anteriormente vigente, por ser de Justiça.

F - TRABALHADOR RURAL

Dentre as inúmeras preocupações das organizações de classe, destaca-se como imperativo inadiável a implantação de um sistema agrário que possibilite a integração do homem do campo no desenvolvimento da economia nacional. A extensão da previdência social ao trabalhador rural, bem como um regime de salariedade que seja efetivamente respeitado pelo patronato, através de melhor fiscalização dos órgãos competentes, nos parecem pontos fundamentais dessa integração.

Ninguém desconhece por outro lado que, a integração do homem do campo em nossa economia, somente será possível com a adoção de medidas para a solução dos pontos de estrangulamento e desenvolvimento da agricultura com o conseqüente aproveitamento mais intensivo e mais racional da terra, oferecendo condições adequadas para a verdadeira recuperação e redenção do homem do campo.

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G - BOLSAS DE ESTUDO (PEBE)

O Plano Especial de Bólsas de Estudo, origi-
nariamente concebido como um meio de proporcionar auxílio indis-
pensável à educação do trabalhador ou de seus dependentes, além
do estímulo que traria à arregimentação associativa pelas entida-
des sindicais, tornou-se para estas, mercê da crescente exigência
burocrática ao seu processamento, um verdadeiro ônus administrati-
vo e financeiro, sem que até o momento se possa vislumbrar os
efeitos antes pretendidos, quando de sua instituição.

Assim, as medidas tendentes a coibir alguns
abusos, acabaram por dificultar a liberação das bólsas já existen-
tes. O aumento da renda "per capita", saudado pelas lideranças
sindicais como fator de incremento à concessão de novas bólsas,
foi imediata e inexplicavelmente anulado pelo anúncio de que "não
haverá possibilidades de ampliarem-se as bólsas já existentes",
criando dificuldades às entidades sindicais que, cumprindo deter-
minações do próprio PEBE, abriram inscrições a novos candidatos.

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1. On January 10 Labor Minister Julio Barata had his first encounter
with Sao Paulo based labor leaders since his appointment last October
to the Labor Ministry by President Garrastasiu Medici. The meeting
occurred during an inspection tour of labor-related federal agencies
within the city. An encounter with labor and management officials
during the visit was proposed as one of the principal objectives of
the Minister's visit to Sao Paulo and was intended to demonstrate the
opening of a dialogue between the Medici government and the trade
unions. In preparation for the meeting, many Sao Paulo state labor
federations had met and drafted petitions for presentation to the Labor

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EXCERPTS

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TRANSLATION

Professor Julio de Carvalho Barata
Minister of Labor and Social Welfare

The workers trade union entities in this state, interpreting the thinking of those they represent, taking the opportunity of the presence of Your Excellency in São Paulo, have met, discussed and studied the various problems afflicting the workers, and at the same time have decided to debate some of the main preoccupations of the working class, which are consolidated in the attachments we are now handing to Your Excellency, for due consideration, as follows:

- a) Wage Policy;
- b) Social Security; Welfare
- c) Guaranteed Separation Pay Fund (FGTS)
- d) Vacations;
- e) Insalubrity;
- f) Rural Worker;
- g) Scholarships (PEBE)

In view of the above the signatory entities desirous of participating actively in the "game of the truth", through a respectful and frank dialogue, therefore would like to seek solutions to the problems afflicting the salaried classes.

Further, we look forward to an opportunity to discuss with Your Excellency the problems now focussed, at which time we will offer more details.

With due respect we would like to wish Your Excellency a fruitful administration, inspired in the principles of social justice.

São Paulo, January 15, 1970

Signed by:
Federation of Glass Industry Workers
Federation of Construction and Furniture Workers

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Signed by (cont'd):

Federation of Paper Workers	Federation of Chemical Workers
Federation of Clothing Workers	Federation of Public Utility Workers
Federation of Metal Workers	Federation of Chemical Extraction Workers
Federation of Textile Workers	Federation of Rubber Workers
Federation of Bank Workers	Federation of Graphic Workers
	Federation of Food Workers

ANNEXA - WAGE POLICY

There is no doubt that the enforcement of legislation regulating the wage policy, as well as the adoption of measures aimed at the implantation of strict regulations for the control of wage adjustments, have brought about serious consequences to the working classes, with the considerable decrease of their purchasing power.

The inadequacy of the measures adopted is characterized by the simple fact of the worker having to bear a great parcel of sacrifice in the anti-inflationary fight, thus preventing the establishment of fair wages compatible with the national reality.

The measure with its duration fixed by Law 4725, of July 13, 1965, was to a certain extent quite understandable, however, its extension, through the institution of parallel legislation, has placed the labor family in a permanent state of under-development since its primary source of subsistence was dependent upon mathematic results which do not attend to their basic needs.

It is therefore necessary that immediate steps be taken for the total reformulation of the existing wage policy, so as to provide workers, through their entities of class, the indispensable requirements for obtaining wages that permit them to maintain the equilibrium of their domestic budget in relation to the inflationary rate verified in a determined period, as well as the restitution of what has been taken from them since the institution of the present wage policy.

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B - SOCIAL SECURITY

The workers hereby confirm what they have stated since it was established in the preceding government, through the Ministries of Labor and Health, a diversity of criteria on the best way to solve the problems of rendering medical-hospital assistance in the country. In this manner we have witnessed, not without reiterated warnings to our authorities, the progressive deterioration of INPS's "self-services", which we defended as the solution which best attend to the interests and needs of the Social Security members - by the stimulus given to private groups and entities who immediately organized themselves to make of such an assistance, so fundamental to the social security member, a yielding and profitable business.

The results of such an orientation can now be measured in their disastrous consequences: the pilot-plan for Goiás faces the intransigency of the medical class of that state that reacts against any attempt of control of its activity, and the PNS (National Health Plan) is "re-studied" by a committee in which--here again we find it strange and protest--the workers are not represented, they being the major and more directly interested party in a solution for the social security problems.

Finally, so that Your Excellency can better know and evaluate our demands and more urgent concerns in this respect, we are enclosing the "Annual Report" of the ITade Union Congress on Social Security, held in July of last year, at Ribeirão Preto in this state. In addition to hundreds of workers of the most diversified professional categories, this congress was also attended by the former Minister of Labor Col. Jarbas G. Passarinho, by Dr. Luiz Tôrres de Oliveira, former president of the INPS, and by officials of the Ministry and of the Social Security.

C - GUARANTY SEPARATION PAY FUND (FGTS)

Despite the numerous modifications introduced in Law 5107, which instituted the so-called Guaranty Fund of Separation Pay, that legislation still lacks foundations as well as elements which can offer the kind of

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institution that can replace the regulations and juridical principles formerly consolidated in the labor legislation. There is no assurance of employment. It places the worker in a condition of permanent instability, in addition to other difficulties inherent to the execution of the referred law.

Discontent still remains in the midst of workers with a tendency of aggravating even more as a result of its faults.

It is therefore necessary, as an imperative condition to assure workers the state of mind indispensable for his day-to-day work, the immediate revision of the referred law and also the opening of new perspectives for the reestablishment of the institution of stability sanctioned by our legislation.

D - VACATIONS

The institution of Decree-law 1031, of October 21, 1969, which introduced modifications in article 132 of the CLT (Consolidation of Labor Laws), not considering Saturday as working day for vacation purposes, in the case of workers who work on a five-day week basis came really as an answer to an old aspiration of the working classes.

What amazes the trade union entities, however, are the fundamentals that gave origin to Portaria (Regulation) 3751 of January 2, 1970, which included Saturday as working day for workers under the regime of hour compensation.

It seems to us, with all respect due, that the text of the above Regulation is frontally against the principles established in Decree-law 1031, with further consideration to regulations consolidated in article 132 of the CLT which determines that vacations should be counted in days, not in hours. Therefore the simple fact of the worker compensating with an increase of hours, in the remaining week days, making the total of 48 hours, Saturday cannot obviously be counted as week day.

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E - INSALUBRITY

The interest and the greed of a great number of employers and the deficiencies of the Fiscalization Service of the Department of Safety and Hygiene of Labor, have maintained a vast contingent of workers in precarious working conditions in permanent contact with elements hazardous to health and in working sites without the minimum requirement of hygiene and safety.

Evidently, the worker who needs a job for his survival is compelled to accept the conditions which are imposed on him.

After a lapse of time, when he starts feeling the negative effects of his work he appeals to the courts seeking the repairs established by law, that is, to receive the insalubrity pay although we think this to be a palliative, which benefit he starts to enjoy as of the date of his complaint, under the terms of Decree-law 389 of December 26, 1968.

This is an injustice. If the employer knows of his obligations, and maintained the employee in the job of insalubrity, he (employer) should not be benefitted. There is no doubt that once the claim has been presented, the repair must take effect as of the moment when the employee was subject to insalubrity or, in the worst circumstances, as of the last two years.

Under these conditions, the revoking of the above mentioned Decree-law is a necessary measure, thereby reestablishing the system previously in force, which was just.

F - RURAL WORKER

Among the numerous concerns of the class organizations, an imperative that can no longer be postponed is the implantation of an agrarian system that will enable the integration of the peasant in the development of the national economy. The extension of social security to the rural worker, as well as a regime of wages that be effectively observed by employers, through better fiscalization of the competent authorities, seem to be fundamental points for such an integration.

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No one ignores on the other hand that the integration of the rural worker in our economy can only be possible with the adoption of measures for the solution of the points of strangling and development of agriculture, with the consequent more intensive and more rational use of the land which would offer social and economic conditions for the true recuperation and redemption of the rural worker.

G - SCHOLARSHIPS (PEBE)

The Special Plan of Scholarships (PEBE), originally conceived as a means to render the indispensable assistance to the worker's education, or of his dependents, in addition to the stimulus which would result for the increase in membership within the trade union entities, has become, on account of the increasing bureaucratic demands for its processing, an administrative and financial burden for those entities, without permitting that the intended effects be achieved as had been forecast on the occasion of its institution.

Therefore, the measures to curb abuses have caused difficulty in releasing the scholarships already in existence. The increase of the "per capita" income, greeted by the union leadership as a factor of encouragement to the concession of new scholarships was immediately and inexplicably annulled by the announcement that "there will be no possibility of increasing the scholarships in existence", thus creating difficulties to the trade union entities that had, according to instructions from PEBE itself, opened the enrollment to new candidates.

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