



Case MI 2090 / DF

Agenor Pereira Dias Filho v. National Congress, MI 2090 / DF, Supremo Tribunal Federal [Federal Supreme Court] (2009) (Braz.).

Country: Brazil

Region: Americas

Year: 2009

Court: Supremo Tribunal Federal [Federal Supreme Court]

Health Topics: Occupational health

Human Rights: Right to social security

Facts

The plaintiff, Agenor Pereira Dias Filho, filed an action against the National Congress before the Federal Supreme Court of Brazil, asking the Court to have Â§4 of article 40 of the Federal Constitution regulated. The plaintiff claimed that the nature of his work as nursing assistant subjected him to unhealthy working conditions and entitled him to earlier retirement under the said constitutional provision. However, he argued, the necessary regulations for implementation of the constitutional provision were lacking.

Decision and Reasoning

The Federal Supreme Court, in compliance to Â§ 4 of article 40 of the Brazilian Constitution and article 24 of Law 8038/90, which regulates the procedure of remedies requested, ordered the National Congress to provide further information on the matter. Based on Â§ 1 of article 60 of the Constitution, the Supreme Court acknowledged that it was the President's responsibility to submit to Congress the necessary bill, and therefore, the Court would now need information as to whether or not this bill had already been submitted.

Decision Excerpts

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