

THE IMPLEMENTATION OF INTERNAL COMMISSION FOR ACCIDENT PREVENTION ON PUBLIC ADMINISTRATION AS A STRATEGY OF ABSENCE FUNCTIONAL CONTROL

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ABSTRACT

To describe the implement of the Internal Commission for Accident Prevention (CIPA) at the Public Administration human resources management policy in State of São Paulo and the existence of periodic functional diagnostics. A cross-sectional uncontrolled study with passive observational design and historical benchmarking, by applying a questionnaire to collect data from 91 Public Administration Institutions, sent by the Citizen Information Service, created by the Law on Access to Public Information. In addition, five assessment criteria were outlined in order to establish a score to rank of institutions. There is a need to adopt functional diagnostics to enable the identification, prioritization and documentation of risks in the workplace by the Direct and Indirect Administration; 66.6% of the Institutions that adopt the Labor Act regime have CIPA, whereas 18.5% of the Institutions that adopt statutory regime have such a committee; 33.3% of the Institutions of Direct Administration have systematic survey on occupational accidents, while 66.6% of Indirect administration of the institutions have such surveys; 55.5% of the Direct Administration Institutions had systematic surveys on sick leave, while 64.8% Institutions of Indirect administration had such surveys; only 4.9% of the institutions had surveys on the cost of absenteeism, all of them belonging to the Indirect Administration; only 2.5% of the Institutions have obtained the maximum score established. The implementation of CIPA in Public Institutions may enable the development of tools to measure the effective improvement of the health of state public official, and in the preparation of new studies whose results could contribute to the improvement and development of policies aimed to prevent sickness absenteeism and occupational pathology.

Keywords: *Absenteeism, Environment and Public Health, Occupational Health, CIPA*

INTRODUCTION

The Brazilian Constitution erected as a constitutional principle the right to health (article 6), which is inseparable from two other constitutional principles: the dignity of the human person and the assurance of a balanced work environment (articles 1, III, 225 and 200, VIII).²

Considering the evolution of the concept of Occupational Medicine to the Occupational Health Surveillance, the need of observing events emerged to draw diagnoses of situations at workplace and ensure both the intervention and prevention of occupational health. In addition, following up events illnesses associated with the absence from work becomes relevant to workers' health, as well as for the administrative perspective.¹⁵

In this matter, the article 7, XXI, of the Brazilian Constitution,⁴ establishes the principle of regressive minimal risk on the grounds of the right to "reduce the immanent job risks through health, hygiene and safety", carrying out a distinct environmental and sanitary character.

As appropriate, it's also worth mentioning that the article 39, paragraph 3, of the Brazilian Constitution also extends to public servants the right to have risks of working reduced based on laws that ensure the health, hygiene and safety (CF, article 7, XXII), once the appropriate and safe working environment is one of the most important and fundamental civil rights of workers, whether governed by statutory or Labor Act. In addition, according to the theory of administrative risk, the Public Administration is objectively responsible for harmful injuries caused, exempting the victim to prove the fault to get a proper money compensation, pursuant to the art. 37, paragraph 6, of the Brazilian Constitution, and the article 43 of the Civil Act.¹⁶

With a greater effect, the articles 3 of the Health Statute⁶ and 11 of the Act n. 9.505/ 1997²² establishes the obligation a removal of risks at source policy comprising public and private employers, so they might guide their activities to keep the health and environment.

The article 229 of the Constitution of São Paulo,²¹ which meets the article 13 of the Convention n. 155 of ILO,⁶ provides for state authorities the legal obligation to prevent sources of risk in the workplace and determine the measures in furtherance to cease their causes. In accordance, its paragraph 2 provides the possibility of

preventing their activities without prejudicing any of their rights to the public official servant, until the risk is removed.

That is why keeping systematic records to provide alternatives to reorient investments, training and reorganization of work processes is extremely relevant, since the identification of the environment at work is condition *sine qua non* for checking the risks related to a specific activity, bringing up the possibility for preventing the damages and to eliminate or at least decrease the working risk.²

To that extent, the Convention n.161 of ILO¹⁸ ensures the duty of formulation and application of a consistent national policy to gradually establish health services at work for all workers, including public sector and members of producers' cooperatives, in particular to identify and assess the risks to health in workplaces as well as for monitoring the health of workers and the factors and work practices that may cause any damage. In the same vein, the Recommendation R 171 of ILO¹⁹ provides that health services at work must take part into the information and education programs developed and adopted to workers as a measure to prevent illnesses and accidents to them.

In this regard, on the grounds of articles 115, XXV, of the Constitution of São Paulo,²¹ and 5.2 -nr 05⁹ and 163 and ff. of the Labor Act,⁵ CIPA might be an important tool for controlling absenteeism and its costs, pursuant to its goal to define regulations and the prevention of accidents and diseases resulting from work, in order to make it permanently suitable to life preserving and health promotion among workers.¹⁴

Due to its legal assignment to assess risks at the work processes as well as to take part into the measures in furtherance to enforce and assure the proper quality control of the preventive procedures, CIPA could be embodied into the government strategies to prevent absenteeism, marked by a collection of sick leaves of state officials from Direct and Indirect Administration nowadays.

In fact, one of the assignments of CIPA is to identify the risks of the work process, draw up the risk map and work plan which shall enable a preventive action regarding security and health problems at work, allowing the enforcement of the required controls.

Thus, the present work intends to describe the implement of the Internal Commission for Accident Prevention (CIPA) at the Public Administration human resources management policy in State of São Paulo and the existence of periodic functional diagnostics.

METHODS

A cross-sectional uncontrolled study with passive observational design and historical benchmarking was adopted, which was taken in furtherance by studying the data and the number of sick leaves stored in the Institutions.

A questionnaire was sent by the Citizen Information Service – SIC, brought up by the Law on Access to Public Information – LAI,⁸⁻²⁴ in order to collect data from 28 Institutions of Direct Public Administration (including Secretaries of State, the Public Prosecutors Office, General State Attorney Office and the State Audit Court) and 63 of the Indirect Public Administration (including Autarchies, Public Companies and Public Foundations), totaling 91 Institutions.

The inquiries intended to collect data regarding the existence of systematic surveys about work accidents and sick leaves, the cost of absenteeism, the setting up of CIPA, the existence of environmental risk map and preventive actions, per kind of institution.

Nevertheless, in order to avoid systematic bias which might wrongly influence the conclusions about the groups or distort the comparisons intended here,¹³ it was required to check the legal bond between public officials and the Government.

The officials are included into two major categories, according to their legal bond with the state: the statutory regime and the contractual regime (based on the Labour Act). In the first case, in which the officials hold positions and who are currently known as public servants, the state is placed in position of supremacy, being allowed to change certain working conditions unilaterally. In the second, in which the officials are holders of public jobs or functions (named function - activity in the state government of São Paulo,) and who are called public employees or government employees, the nature of the legal bond with the state is contractual and therefore submitted to a public employment regime, governed by the Labor Act.³

Based on these considerations, 05 criteria of analysis and their score were outlined:

POINTS	CRITERIA
dois	Existence of Internal Commission for Accident Prevention in the bodies of Direct and Indirect Administration, in compliance with the command brought by article 115, XXV, of the Constitution of the State of São Paulo, the Nr -5 and the Labor Act.
1	Existence of Environmental Risk Map, posted in a place readily accessible to employees, describing the physical, chemical, biological, ergonomic risks and accidents. .
1	Existence of surveys regarding the number of accidents at work and sick leaves over the past five (05) years.
1	Existence of internal control about the costs of absenteeism.
1	Existence of preventive measures adopted by the bodies of Direct and Indirect Administration, in order to improve the physical control of the worker, maintains healthier work environments and enhances the functional development.

In addition, the following scale was proposed to assess the results obtained:

SCORE	ASSESEMENT
6	The Institution has CIPA, Environmental Risk Map, systematic surveys, cost of absenteeism and preventive actions.
5	The Institution has CIPA, Environmental Risk Map, systematic surveys and cost of absenteeism.
4	The Institution has CIPA, Environmental Risk Map and systematic surveys.
3	The Institution has CIPA and Environmental Risk Map.
1	The Institution does not have CIPA, but it fulfills one of the criteria, such as Environmental Risk Map, systematic surveys, cost of absenteeism and preventive actions.
0	The Institution does not fulfill any of the criteria.

Once the assessment was exploratory, the data collected were tabulated using Excel application and verified in accordance with the criteria above proposed, applying proportions difference test with 95 % confidence level to make the comparison of results among the types of Institutions verified using the Epi-Info software, version 6.04.

As the data collection was taken from secondary sources, the risk to nullity was minor.

RESULTS

In fact, 81 institutions forwarded responses, 27 belonging to the Direct Administration (Secretaries of State , the Public Prosecutors Office, General State Attorney Office and the State Audit Court), which corresponded to 96.4 % of these Institutions, and 54 belonging to Indirect Administration of the State (Autarchies, Public Companies and Public Foundations), which corresponded to 85.7 % of all institutions of Indirect Administration.

On the other hand, inconsistencies in the responses were also found, once 28,4% of those Institutions or responded negatively to the inquiries contained in the questionnaire, but even so forwarded the requested data, or answered “yes” to questions but did not have or not forwarded the requested data.

In the field of occupational accidents, the Institutions of Indirect Administration, which adopt a contractual bond with its public officials as well as the General Regime of Social Security, that provides the obligation of issuing the Communication of Work-Related Accidents – CAT, and Epidemiological Social Security Technical Nexus - NTEP, reported to record such events to a greater extent when compared to Direct Administration ($p=0.000780$) as described in **Table 1**:

Table 1 – Institutions with systematic surveys of work accidents. São Paulo, 2014.

Institutions	Total	With Surveys	%
Secretaries, PPO, GSAO, SAC	27	9	33,3%
Autarchies	21	9	42,8%
Public Companies	18	16	88,8%
Public Foundations	15	11	73,3%
Total	81	45	55,5%

Source: Citizen Information Service – SIC – available in www.sic.sp.gov.br.

From the Institutions of Indirect and Direct Administration with occupational accident surveys, 100, 0% and 55, 0%, respectively, had CIPA.

In its turn, the Direct Administration reported documentary checks on absenteeism for sick leave, due to the requirement of obtaining a medical certificate from DPME. However, such surveys do not make the difference between the absenteeism by professional pathology, comprising the work accident and occupational diseases, from absenteeism for sickness, comprising sick leave or medical procedure,²⁰ as it can be seen in **Table 2**. No statistically significant differences were observed between the Institutions according to whether they carry out systematic surveys of sick leaves ($p = 0.0053028$).

From the Institutions of Indirect and Direct Administration with occupational accident surveys, 100, 0% e 33, 3%, respectively, had CIPA.

Table 2 – Institutions with systematic surveys of sick leave. São Paulo, 2014.

Institution	Total	With Surveys	%
Secretaries, PPO, GSAO, SAC	27	15	55,5%
Autarchies	21	9	42,8%
Public Companies	18	14	77,7%
Public Foundations	15	12	80,0%
Total	81	50	61,7%

Source: Citizen Information Service – SIC – available in www.sic.sp.gov.br.

Within the Public Administration, the expenses on benefit payments are included at the public expenditure and, therefore, inserted on the context of public accountancy.¹ However, only 4.3% of the Institutions perform such surveys, all of them belonging to the Indirect Administration. Nevertheless, the setting of an absenteeism management system that comprises both Direct and Indirect Administration and costs is required. In this regard, the **Table 3** represents the verified Institutions with costs of absenteeism survey.

No statistically significant differences among the Institutions were observed in carrying out systematic surveys of absenteeism costs ($p=0, 585000$).

From the Institutions of Indirect and Direct Administration with occupational accident surveys, 100, 0% had CIPA.

Table 3 – Institutions with absenteeism cost survey with CIPA. São Paulo, 2014.

Instituto	Total	Wirth Sorves	%
Secretaries, PPO, GSAO, SAC	27	0	0,0%
Autarchies	21	1	4,8%
Public Companies	18	1	5,5%
Public Foundations	15	2	13,3%
Total	81	4	4,9%

Source: Citizen Information Service – SIC – available in www.sic.sp.gov.br.

From the application of the criteria to assign the score to the verified Institutions, which varied from 0 (zero) to six (6) points accordingly, it could be inferred the lack of standardized routines and functional diagnostics keeping that might contribute to ease up absenteeism decrease (**Table 4**), once only 02 Institutions of Indirect Administration (2.5 % of all Institutions, therefore) achieved the maximum score.

Table 4 – Institutions Score according to the established criteria. São Paulo, 2014.

Institution	6		5		4		3		1		0		Total	P
	Nº	%	Nº	%	Nº	%	Nº	%	Nº	%	Nº	%		
Secretaries, PPO, GSAO, SAC	0	0,0%	0	0,0%	3	11,1%	3	11,1%	10	7,0%	11	40,7%	27	0,010643
Autarchies	0	0,0%	0	0,0%	8	38,1%	1	4,7%	3	14,1%	9	42,9%	21	0,009907
Public Companies	1	5,5%	0	0,0%	15	83,3%	0	0,0%	1	5,5%	1	5,5%	18	0,000000
Public Foundations	1	6,7%	0	0,0%	13	86,7%	0	0,0%	0	0,0%	1	6,7%	15	0,000001
Total	2	2,5%	0	0,0%	39	48,1%	4	4,9%	14	7,3%	22	27,2%	81	0,000000

Among the Institutions of the Direct Administration and Autarchies it was observed a higher frequency of zero score ($p = 0.01063$ and $p = 0.009907$, respectively). Public Companies and Foundations demonstrated a greater proportion of four score ($p = 0.000000$ and $p = 0.000001$, respectively).

DISCUSSION

The present report discusses and analyses the importance of the Internal Commission for Accident Prevention (CIPA) at the Public Administration human resources management policy in State of São Paulo and the existence of periodic functional diagnostics.

Indeed, the principle of risk retention in the source points out the prioritization of risk elimination at source, focusing on prevention rather than the simple protection of workers.²

As stated in the Constitution (article 225, *caput*) the general definition of the work environment comprises all the workers who perform some activity, whether paid or not, male or female, Labor regime or not, autonomous or public servant of any kind, once they are all embraced by the constitutional protection of a regular and safe work environment, required for a healthy quality of life.¹⁴

It's worth remembering that according to the National Plan for Health and Safety at Work - CTSST, in order to fulfill its role in ensuring the basic rights of citizenship, it is required for the state to make and implement government policies and actions guided by transverse and intersectoral approaches. From this perspective, the measures concerning the worker safety and health require a multidisciplinary, interdisciplinary and intersect oral approach to comprise the complexity of the relations regarding production - consumption - environment and health.¹⁰

And, with greater effect, it is a duty of the Public Administration to supervise its actions in order to restrain and correct any mislead in a quick way to prevent negative effects involved in its activities. This is the self-control of the Public Administration.¹²

Thus, it is worth studying and quantifying absenteeism especially through cross and intersectional actions consistent with the Direct and Indirect Administration, as without which it might result in a strong tendency to weaker workforce's skills to generate earnings and increase the costs of absenteeism.

Thereby, it is mandatory to the Institutions of Direct and Indirect Administration to carry out functional diagnostics according to the provisions of the Convention n.161¹⁸ and Recommendation R 171,¹⁹ both from ILO, which ensures the importance of keeping absenteeism causes records in order to obtain data for analysis that might contribute to meet their scale and propose solutions.

In fact, it could be noticed that the Institutions which had CIPA reported the most systematic surveys on the causes of functional absenteeism, so we shall conclude that this Commission can contribute to the establishment of a methodology to identify dangers and risk assessment which might allow a major self-control by the Institutions of the Direct and Indirect Administration.

In addition, the Institutions of Indirect Administration demonstrated to have functional diagnostics reports and CIPA, due to the requirement to issue documents such as CAT and NTEP, which provide the National Institute of Social Security medical examiner an epidemiological profile of illnesses and accident rates of the employees in all economic activities of the country¹.

It is also worth remembering the question concerning the employer's liability, applicable to those Institutions which adopt the Labor Act. In this regard, we emphasize that once the employer contributes to the accident event with fraud or negligence by acting or omission, there is the legal obligation to compensate the damage, regardless of related accidents coverage, as defined in article 121 of the Law n. 8.213/1991.⁶

In the same way, the paragraph 1 of Article 19 of the same law defines the liability of the company to adopt and use of collective and individual measures of protection and safety at work, bringing up the right of a cross claim by the Social Security in cases of negligence.

In case of the Institutions of Direct Administration, whose public officials are statutory, despite the provisions of article 115, XXV, of the State Constitution,²¹ and the article 5.2 of Nr-05,⁹ the lack of functional diagnostics and the low number of CIPA existing highlights the importance of incorporating a more preventive view.

In casu, the Direct Administration has made use only of data collected by The Medical Examination Department of the State of São Paulo – DPME, to calculate sick leaves, once the medical absenteeism is the one that perhaps has come up with a greater document control due to the need for a sick leave issue. In this way, most of them do not assess the sources of risk to health and work environment as a preventive factor of accidents.

On the other hand, the control over expenses related to absenteeism from work accident and sick leave, in which is included the benefit payments, should also receive a greater attention once they are also considered to be public expenditure.

Such survey seems to be relevant especially because many has been the difficulties found out to study and quantify absenteeism as well as to develop tools and policies for intervention and management of absenteeism by the Public Administration, which has caused enormous wastage of human and financial resources for the state .

Despite the liability for sharing controls in public service, once each Institution is responsible for releasing the accounting, management, budgetary, audit, operational and asset information within its area (self-control), only three (03) institutions, all belonging to Indirect Administration, reported to have such surveys, all of them with CIPA.

However, the lack of such surveys difficult the active transparency, based on spontaneous disclosure of public information¹¹ by the State Transparency Site, managed by the Internal Affairs Division, main office of the State Controllershship.²³

In addition, there is a lack of mechanisms to provide subsidies for the identification, prioritization and documentation of the risk which should enable the respective and proportional correction of failures in the administrative action, as well as a lack uniformity of administrative actions on controlling the functional absenteeism,¹² which emphasizes the need for periodic diagnostics to provide subsidies that might provide the implementation of self and internal control.²⁻²³

Therefore, the data concerning the measures and adoption of absenteeism related actions are of greater importance for Public Administration, as far as the costs also fits in public expenditures on human resources as defined in Law n. 4.320, enacted in March 17th 1964, so should be properly diagnosed and made available on the website of Public Transparency in order to provide control of actions to restrain the wastage of human and financial resources for the state.

In this regard, the Decree n. 60.171, enacted in February 21st 2014, set up a group to develop preventive strategies for intervention in functional absenteeism control actions by updating the provided information and assisting the management of issues related to absenteeism. It highlights the regulation of routines, the maintenance of databases, the setting of targets for reducing absenteeism and the definition of liability for omission.²⁵

Thereby, to establish a system of absenteeism control and management covering the institutions of the Direct and Indirect Administration which might be oriented for developing tools to assess the effective improvement of state public official's health as well as to prepare new studies whose results could assist in the improvement and development of policies aimed at preventing sickness absenteeism and occupational pathology, might get a particular concern at the state sphere.

This management system must be part of any organization, once it provides a set of tools that enhance the improvement in the efficiency of the risks in health and safety at work related to all activities of the organization. Therefore, the organization should implement health and safety objectives documents at the most relevant functions and levels, containing measurable objectives at the most extent feasible and consistent with the health and safety policy at work. Those aims are to be accomplished by the implementation of programs on this purpose, including the allocation of responsibilities, the means and terms to achieve the goals pursued.²

On balance then, we may conclude that encouraging the development of Internal Commissions for Accident Prevention in the human resources management policy of the Public Administration of the State of São Paulo, whose main objective is to meet of the levels of occupational accidents and absenteeism related to problems with the health, would settle not only an interactive framework for social rights democratization, but also an important tool for identifying health risks and the work environment, assisting on the development of work plans which might enable preventive action and absenteeism control.

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