

## Addressing the need for family-based elderly care policies in Brazil

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*The Brazilian population is ageing quickly. Of the country's 208 million inhabitants, 8.5% are aged 65 years or older. This percentage will reach 13.44% in 2030. Brazil's old-age dependency ratio, which is the ratio of older dependents to the working-age population, was 12.27% in 2017, compared with 6.68% in 1990. This increase creates a challenging situation with regard to elderly care. Because families are now smaller, they face more difficulty in providing care. This is a situation that needs to be addressed by government. Besides providing public services for elderly care, it is important to develop and implement public policies that effectively empower families. This work provides a review of family-based policies for elderly care from several countries that can be implemented in Brazil. There is also a brief review of elderly rights in Brazilian law and an analysis of current demographic trends in Brazil.*

### Introduction

The world's population is quickly ageing. According to World Bank Data, there were 7.53 billion people alive in 2017, of which 8.7% were aged 65 years or over (World Bank, 2018). This percentage was 5% in 1960, 5.9% in 1980, 6.5% in 1995, and 7.6% in 2010 (World Bank, 2018), so it is continuously increasing. This can be explained by the continuous rising of life expectancy (now, 72 years at birth) and the decline of fertility rates (nowadays, 2.43) (World Bank, 2018). Therefore, elderly population is growing in absolute numbers and in proportion.

Despite improvements in quality of life among the elderly, there are enormous challenges with regard to ageing and the care needs of this population. Changes in the family structure, mainly caused by lower fertility rates, bring additional challenges towards caregiving: with fewer people, it is harder to meet the care needs of family members, especially elders. These two factors place pressure on governments, which are responsible for providing care services for their ageing population.

Population trends in Brazil mirror the world's ageing population. According to World Bank data (World Bank, 2018), the Brazilian population consists of 208 million people, 8.5% of which are aged 65 or over - it was only 4% in 1990. Therefore, the Brazilian population is quickly ageing, four times faster than the ageing process in the 20<sup>th</sup> century in Europe (Wong and Carvalho, 2006). Some researchers project that by 2030, 13.44% of the Brazilian population will be aged 65 years or over (IBGE, 2018).

A valuable tool for assessing the needs of the elderly and the impact of those needs on society is the old-age dependency ratio, which is the ratio of older dependents (people aged 65 years or over) to the working-age population (those aged 15 to 64 years). The world's old-age dependency ratio was 13.3% in 2017. Brazil's old-age dependency ratio in 2017 was 12.27% and 6.68% in 1990, which represents a sharp increase.

There are several possible measures that could be taken to face the challenges of the ageing process. For example, governments could ensure access to public nursing homes for every elderly person, but these elders face more hopelessness than the ones fully integrated to society (Ron, 2008). Empower families through public policies that meet the care needs of the elderly population can be an alternative for these arrangements.

This work aimed to analyze family policies related to care of the elderly, mainly unpaid care, in Brazil. An analysis of the current Brazilian demographic situation was performed. Next, a review of Brazilian legislation and policies related to the care and rights of the elderly was performed, with emphasis on the strengthening of family relations to both meet the care needs of the elderly and promote intergenerational solidarity. Finally, we examined successful alternatives from other countries yet to be implemented in Brazil, with a clear focus on the empowerment of families and offering recommendations for policymakers.

## Methods

The work was conducted as follows: First, an analysis of demographic trends and composition of the Brazilian population, with special attention to ageing, family structure, and care activities was performed. Then a review of legislation on the rights of the elderly, particularly with regard to family companionship was conducted. Finally, an analysis of Brazilian public policy on care of the elderly, also evaluating some successful international experiences focused on strengthening families.

A brief analysis of Brazil's current demographic situation and its trends is possible using different available databases. The World Bank Open Data website<sup>1</sup> summarizes a large amount of information about Brazil. These data series range from 1960 to 2017. Another important source of information is the Instituto Brasileiro de Geografia e Estatística<sup>2</sup> (IBGE), the Brazilian public statistics bureau. The IBGE provides projections (for 2060) of the Brazilian population (IBGE, *Série relatórios metodológicos*, 2018), including projections for different cohorts (particularly on ageing). In 2017, the Instituto de Pesquisas Econômicas Aplicada<sup>3</sup> (Ipea), a public agency for the evaluation of public policies, published a report on gender inequalities in families, with an analysis of the family structure in Brazil (Ipea, 2017). This study uses data from the Pesquisa Nacional de Amostra de Domicílios (IBGE, *Pesquisa Nacional de Amostra de Domicílios*, 2015)<sup>4</sup>.

With regard to care activities, the most important resource for the present work was a new report by the International Labour Organization (ILO), titled *Care Work and Care Jobs for the Future of Decent Work* (ILO, 2018). The report features world data on care of the elderly and young people, information on trends for the world, and a review of successful public policies addressing this issue in different contexts.

In the evaluation of the rights of the elderly in Brazil, the main source of information for this work was the *Statute of the Elderly* (Lei nº 10.741, de 1º de outubro de 2003), a law that summarizes the rights of the

<sup>1</sup> <https://data.worldbank.org/country/brazil>

<sup>2</sup> <https://www.ibge.gov.br/>

<sup>3</sup> <http://www.ipea.gov.br/portal/>

<sup>4</sup> According to the IBGE, the Pesquisa Nacional de Amostra de Domicílios, "obtains yearly information about demographic and socioeconomical characteristics of the population, such as gender, age, education, work and income, and characteristics of the households, and [...] information on migration, fertility, nuptiality, among others, having as unit of collection the households."

elderly and provides guidelines for public policy. Based on this information and on the ILO report on care activities (ILO, 2018), some new possibilities for Brazil were determined, taking as reference the world's best practices. The goal was not to perform an in-depth analysis of each policy in order to adapt them to the Brazilian context, but to simply identify possibilities centered on the family that meet the care needs of the elderly.

## Demographic trends in Brazil

Brazil has one of the largest populations in the world. The country is inhabited by 209 million people (World Bank, 2018). **¡Error! No se encuentra el origen de la referencia.** shows the increase in the Brazilian population from 1960 to 2017, highlighting its continuous growth during this time period. **¡Error! No se encuentra el origen de la referencia.** presents more detailed data on this trend, based on the share (in percentage) of the population that was aged 65 or over, which has been increasing sharply since 1990.

The first explanation for this trend is the increase in life expectancy (at birth) in Brazil, which has continuously progressed since 1960, as demonstrated in **¡Error! No se encuentra el origen de la referencia.** Another important explanation is the decrease in the fertility rate. As shown in **¡Error! No se encuentra el origen de la referencia.**, the rate was 6.07 in 1960 and 1.73 in 2016. The combination of these two trends (higher life expectancy and lower fertility rates) leads to an increase in the number and the share of elderly persons living in Brazil. This situation also impacts family structure: in 1981, the average number of persons within a nuclear family in Brazil was 4.3; in 2006 it was 3.1 (Eugenia Troncoso Leone, 2010). This also impacts the old-age dependency ratio: **¡Error! No se encuentra el origen de la referencia.** shows this indicator from 1960 to 2017. There is clearly an upward trend in this index.

According to a recent document published by IBGE (IBGE, *Série relatórios metodológicos*, 2018), all these trends will consolidate. The Brazilian population will continue to increase until 2047, reaching 233 million people, when it will begin to decrease. Fertility rates are estimated to be 1.66 in 2060. Life expectancy may be over 84 years in 2060. A consequence of these changes is that the share of the population aged 65 or over will increase from 8.6% in 2017 to 25.5% in 2060.

These demographic trends clearly show the following: (1) Families are smaller. (2) There are more elderly persons than ever. Therefore, families are facing more difficulty in providing care for their elderly members. This situation could lead to a crisis in caring for the elderly (ILO, 2018).

## **Rights of the elderly and the responsibilities of families of the elderly in Brazil**

The rights of the elderly are specifically recognized in Brazilian legislation. The Constitution, promulgated in 1988, has one article dedicated to this issue, and a statute<sup>5</sup> was approved in 2003. This Statute of the Elderly is a result of mobilization of civil society and it is an important summary of these rights. Both the Constitution and the statute clearly discuss family duties regarding the elderly. Moreover, the latter clearly states that family companionship is a priority and a right of elderly persons, and therefore public policies must work under this principle.

The scope of the analysis in this work was restricted to the rights of the elderly and the responsibilities of families of the elderly—mainly the duties of families regarding care of the elderly and the rights of the elderly person to family companionship. These two aspects can be a strong foundation for public policies that target the promotion of both elderly care through families.

Article 230 of the Constitution (Constituição Federal, 1988), states the following:

Article 230: Family, society and the State have the duty of protection of elder persons, assuring their participation in the community, defending their dignity and well-being and assuring them the right for life.

§ 1º Programs for the care of the elderly will be held preferably in their homes.

There are two main aspects to highlight here: First, the Constitution recognizes families as the primary care providers for elderly persons, emphasizing a shared responsibility with society and the State (Selma Cristina Tomé Pina, 2016). Second, there is also the mandate that care be provided within the home when possible, which is important to allow families to assume the responsibility of care and avoid a premature need for nursing homes.

The Statute of the Elderly (Lei nº 10.741, de 1º de outubro de 2003) is a compilation of rights of the elderly; most of its effectiveness depends on specific public policies designed to assure those rights, sometimes with the implementation of public services (Gomes E. B., 2012). In the first article, the statute declares senior citizens to be persons aged 60 years or over and its third article states the following:

Article 3: It is obligation of Family, Community, Society and the State to assure to senior citizens, with priority, the effectiveness of the right to life, health, food, education, culture, sport, leisure, work, citizenship, freedom, dignity, respect and family and community companionship.

Here, “family companionship” is defined as a right. It is declared a “priority” for elderly persons with regard to public policy and, in §1st, there is an explanation of its implications:

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<sup>5</sup> In Brazil, a statute is a regulation or codex with the importance of a law or norm (Conheça os estatutos que protegem de crianças e idosos, 2009).

§ 1st The guarantee of priority is:

...

V- Prioritization of the caregiving of the elder person by his own family, to the detriment of nursing homes, except for those who don't have a family or whose families lack economic conditions.

Furthermore, Article 10 discusses the right of participation in family life. On Article 17 appears a guarantee for the elderly person to decide which medical treatment to undergo - the family takes on this responsibility only if the person is not lucid. Article 18 discusses the qualifications of health institutions that are to provide training to family caregivers of elderly persons. The right to housing appears in Article 37, with a specific mention of assuring family companionship for the elderly. There is a very important statement in Article 44: it declares that every measure of protection of the elderly must be oriented toward the "strengthening of familiar and communitarian ties". Finally, Article 49 declares that nursing homes must preserve familial ties.

Moreover, there is a specific cash transfer right with regard to social assistance that is assured by Article 34 of the Statute of the Elderly. It is granted for persons aged 65 and above that do not have a pension (even a public one), that cannot work and whose families cannot provide any assistance. Its value is equivalent to a monthly minimum wage. This benefit is called the *Benefício de Prestação Continuada* (BPC), which can be translated as the Benefit of Continuous Provision.

In conclusion, as several legal measures explicitly address the role of the family in caregiving in different ways, this legal framework provides a strong basis for proposing public policies targeted toward the empowerment of families to meet the needs of the elderly.

## Family-based care policies in a quickly ageing society

The ILO defines care policies as follows (ILO, 2018): Public policies that allocate resources to recognize, reduce, and redistribute unpaid care in the form of money, services, and time. **¡Error! No se encuentra el origen de la referencia.** lists and describes care policies related to care of the elderly (ILO, 2018). One important tenet of these policies is proper recognition of unpaid care activities. In other words, these policies guarantee not only the rights of the person under care but also the rights of the unpaid caregiver. The information in **¡Error! No se encuentra el origen de la referencia.**<sup>1</sup> will structure the discussion on unpaid care of elderly persons.

### Leave policies

There is no specific leave related to the care of the elderly provided in Brazilian legislation, the 'Consolidação das Leis Trabalhistas' (CLT), which is the law that regulates labor relations in Brasil (Consolidação das Leis Trabalhistas, 1943). However, based on a specific law,<sup>6</sup> public workers can obtain paid leave to care for a relative (father, mother, sons and daughters, or someone with proven economic dependency) in cases of illness (Maluf, 2012). In its Article 83, this law states that each 12 months one is allowed to be out for up to 60 days, consecutives or not, through paid leave, or up to 90 days, consecutive or not, through unpaid leave, both to care for a dependent person. There is also jurisprudence on guaranteeing workers in the private sector the same rights of public workers (Barros, 2017). It seems reasonable to update CLT or to create a new law to guarantee this right to everyone.

Even on an international level, the leaves aimed to support the care of elderly persons are not widespread, according to ILO. An analysis of 186 countries shows that only 54 provided this kind of benefit; 38 provided paid leaves and 16 provided unpaid leaves (ILO, 2018). For long-term leaves, there are some interesting examples: Italy assures carers full earnings up to 24 months in case a family member is in serious need of support; Belgium and Netherlands assure some payment up to a ceiling. For example, Belgians receive €740 per month for "palliative take care" (12 months) or "medical assistance leave" (1 to 3 months) (ILO, 2018). In Japan, there is a paid scheme for 3-months' leaves, which can be spread throughout the year or through half-time schedules. The earnings are up to 67% of the wage (ILO, 2018).

### Care services

Care services for the elderly in Brazil can be classified into three groups: home assistance; Elderly Companion program; and long-term care services (Fernanda Pretti Chalet Ferreira, 2014). Following is a brief review of the available services in Brazil and other countries, determining which are good practices.

Provision of home assistance is a priority in the Statute of the Elderly, as discussed in chapter 0; this policy aims to provide family and community companionship that effectively integrates the elderly into society. Some characteristics of home assistance services in Brazil are (Fernanda Pretti Chalet Ferreira, 2014): personal care for daily activities; community support for external activities; and evaluation of the need of

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<sup>6</sup> Law n° 12,269/2010, available at: [http://www.planalto.gov.br/ccivil\\_03/\\_Ato2007-2010/2010/Lei/L12269.htm](http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2010/Lei/L12269.htm)



complex hospital services. This form of care only works for elderly who have a carer, paid or unpaid (Fernanda Pretti Chalet Ferreira, 2014).

In Portugal there is a policy designed specifically for elderly persons (aged 60 years or above) who cannot live alone anymore and whose families are unable to support them; it is a family shelter program (Família de acolhimento de idosos e adultos com deficiência, 2012). In Brazil, the family shelter program is only available for children (Acolhimento familiar: uma alternativa de proteção para crianças e adolescentes, 2008). However, there is a proposition in the National Congress to pass a law that includes the elderly in the national family shelter program (Freire, 2017). Nonetheless, the National Council of the Elderly<sup>7</sup> has a resolution against this kind of program for the elderly (Resolução nº 13 de 11/04/2008 / CNDI - Conselho Nacional dos Direitos do Idoso, 2008). This controversy can only be solved with the approval of proper legislation.

The Elderly Companion program (Programa Acompanhante do Idoso) provides home care to vulnerable elderly without family or community support and with functional dependency (Fernanda Pretti Chalet Ferreira, 2014). The goal is to aid with activities of daily living within the household, assuring connections with health services. Also, the program aims to delay the entrance of the elderly into nursing homes.

Finally, there are nursing homes or long-term care services, which can be defined as “the provision of services for persons of all ages who have long-term functional dependency” (ILO, 2018). In Brazil, these institutions can be either governmental or nongovernmental and are designed for the collective living of persons aged 60 or over. There are 3,292 institutions of this kind in the country (Alcântara, Camarano, & Giacomini, 2016). Considering Brazil has 5,570 cities, there is a tremendous gap in coverage, a serious concern for policymakers.

Internationally, the situation is similar. In a study of 46 countries reviewed by ILO, only 9 provided the right to long-term assistance in the legislation. Twenty-three had very high deficits, and fourteen had 100% deficit (ILO, 2018).

### **Social protection benefits related to care**

This kind of benefit is related to the creation of social protection floors within national protection systems, as a strategy to ensure access to health care for all and basic income for children and older persons (ILO, 2018). The basic forms these programs can take are tax rebates and cash-for-care transfers; and cash transfer programs (ILO, 2018).

In Brazil there are no tax rebate or cash-for-care programs designed to support elderly care, nor there are any public works programs that offer employment opportunities to those who cannot find employment. The exception is the BPC, explained on Chapter 0. In 2014, 1,851,013 older persons received this benefit; however, there must be designed strategies to expand its reach, because several eligible persons don't have access to this right (Alcântara, Camarano, & Giacomini, 2016).

In the international level, cash-for-care benefits can work with two different strategies: to purchase care services or to subsidize carers directly (ILO, 2018). In the case of elder persons, these benefits facilitate

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<sup>7</sup> These councils are provided by specific legislation on the rights of the elderly and consist of professionals involved in the issue (both government agents and civil society representatives).

their close relatives to be the carers, recognizing unpaid care work, as they are paid by care recipients or the state (ILO, 2018). In Brazil, there isn't any initiative like this implemented yet.

### **Family-friendly working arrangements**

These arrangements are variations of a normal working pattern (ILO, 2018). Some arrangements of this kind include part-time work, reduced work time, flextime, and telework.

There are some drawbacks to part-time work. The workers under this scheme typically face penalties compared with full-time workers in terms of pay, job security, training, and promotion (ILO, 2018). In 2017, Brazilian labor legislation on part-time jobs changed, assuring more flexibility for work schedules (Katusca, 2017). However, only 5.6% of the workers have part-time schedules (Maurício Reis, 2016).

In an analysis of 42 countries provided by ILO, 20 countries provided reduced work-time schedules for mothers and fathers with childcare responsibilities, and 10 provided flextime, which allows the employee to decide when to start and finish his or her day (ILO, 2018). In Brazil, there are few possibilities for reducing working hours. Parliament is now considering a law that would make reduced work-time schedules more affordable (Marco Aurélio Serau Junior, 2017).

In 2017, some articles of CLT were changed, assuring new possibilities for reducing working time. An employee can negotiate a reduced work-time schedule with his or her employer without intermediation of his union; this individual agreement must be officially homologated (Jurídico, 2018).

Family-friendly working arrangements are common worldwide for parents with children (21 countries); however, few caring for elderly parents have this option. This option does exist, however, in Australia and the United Kingdom (ILO, 2018).

Another interesting arrangement is teleworking, which is growing in popularity in many countries. For example, among the 28 countries of the European Union, 17% of workers are under a teleworking scheme. In India, the percentage is 19%, except for agricultural workers, in Japan, 20%, and in the United States, 16% (ILO, 2018). According to a recent report of ILO on telework, in Brazil, only 1% of workers are under a telework scheme (International Labor Organization, 2017).

It is worth mentioning, however, that there are controversies around flexible work schedules. There is evidence that these arrangements can lead to longer working hours (Mary C. Noonan, 2012). Nonetheless, millennials (Loubier, 2017) are demanding more telework. Evidence suggests that teleworking does offer benefits (Tammy D. Allen, 2015). It is important to address these issues, particularly the possible blurring of the frontiers of work and family, which is a negative outcome, to improve the quality of teleworking practices.



## Conclusions and recommendations

The Brazilian population is ageing fast, following the international trend which is driven by two main factors: the rise in life expectancy and the lower fertility rates. Therefore, preparing the country for this new demographic situation must become a top priority for policymakers. In this scenario, family policies can play an important role to address elder rights, especially their care needs.

However, as families are smaller than ever, so the role of government with regard to issues of care is growing. Therefore, family policies may be a way to balance the situation, as families can be empowered in the provision of care for the elderly.

Besides recognizing family duties regarding the provision care for the elderly, Brazilian legislation also recognizes the right of elderly to family companionship. Thus, there is a favorable legal framework in Brazil to design family policies aimed at meeting the care needs of the elderly.

Despite the current demographic ageing trend, several good practices have yet to be implemented or fully implement in Brazil. Below is a brief summary of opportunities that policymakers should consider when designing policies to meet the care needs of the elderly, all of which are family-centered:

- Design paid and unpaid leave policies for persons who have elder parents (or close relatives) in need of care, beyond public service.
- Improve home assistance services in Brazil. Empower unpaid carers through specific formation (provided by public programs) and extend the access to well-trained paid carers through the Elderly Companion program.
- Introduce, through new legislation, shelter home programs for the elderly, with a focus on family companionship.
- Promote a great expansion of nursing homes in Brazil, in order to overcome the tremendous gap there is currently. Also, expand daily care centers for elders as an alternative to nursing homes.
- Implement cash-for-care programs to empower unpaid carers, especially women.
- Expand access to reduced work-time schedules for those with care responsibilities toward elders to avoid unnecessary integration to nursing homes due to a lack of time for caregiving, and to facilitate the unpaid carer a professional opportunity.
- Promote and encourage businesses to facilitate telework, especially for those with care responsibilities toward elders.

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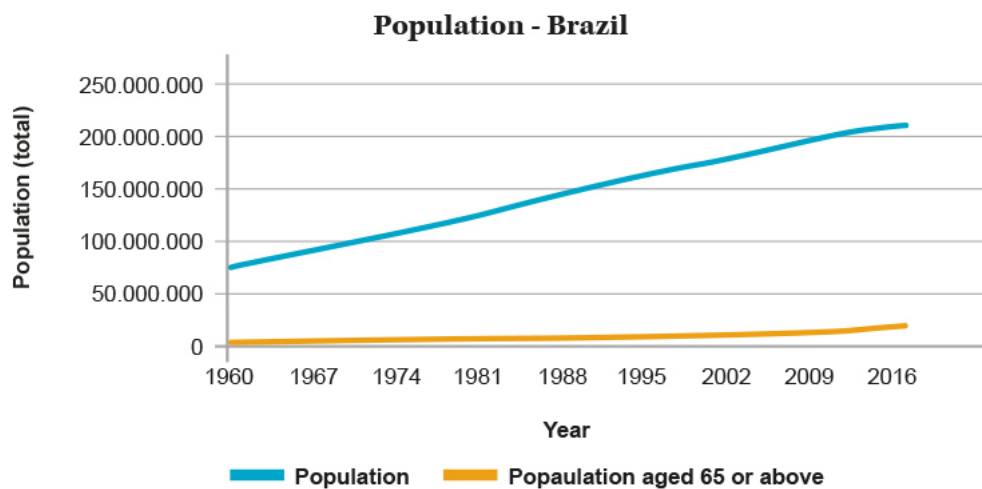
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*Figure 1. Brazilian population: total and aged 65 or above.  
Data from World Bank Open Data (World Bank, 2018)*

### Brazilian population aged 65 or above (% of total)

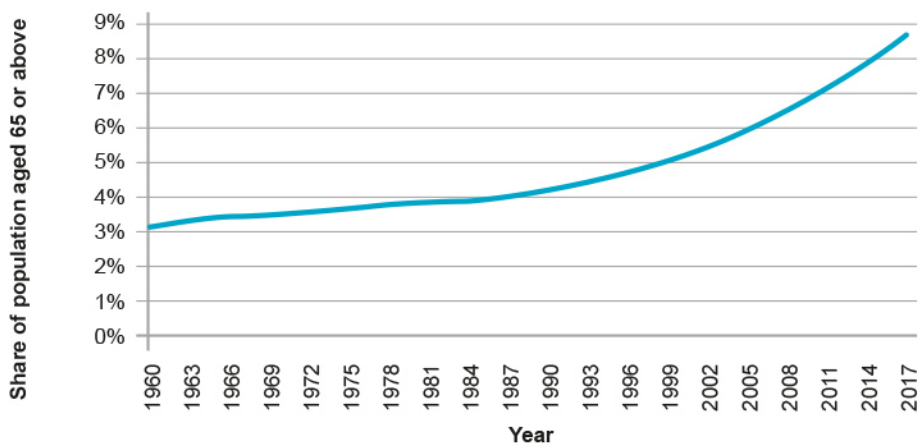


Figure 2. Brazilian population ages 65 or above (% of total).  
Data from World Bank Open Data (World Bank, 2018)

### Life expectancy at birth (years)

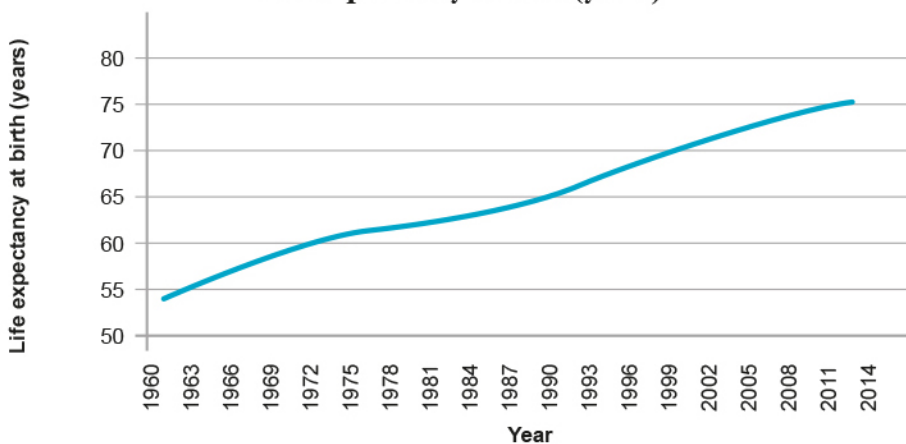


Figure 3 - Life expectancy at birth. Data from World Bank Open Data (World Bank, 2018)

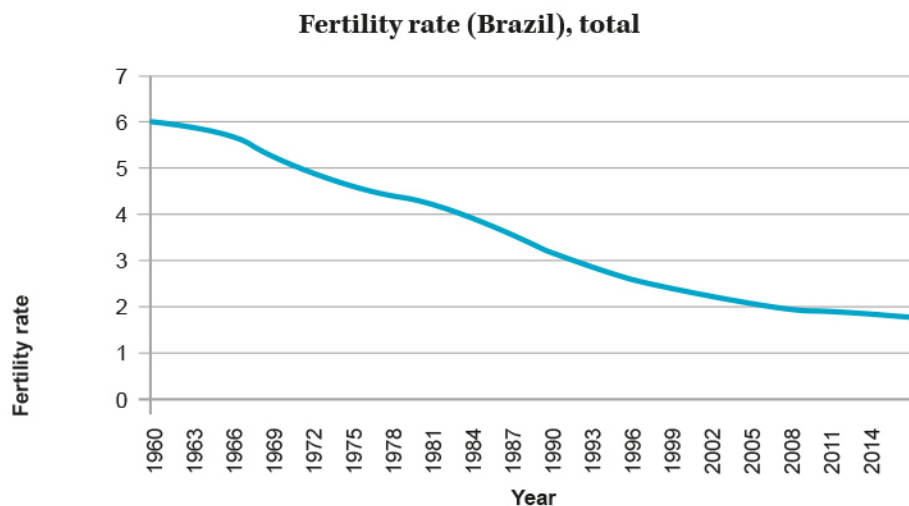


Figure 4. Fertility rate in Brazil, total. Data from World Bank Open Data (World Bank, 2018)

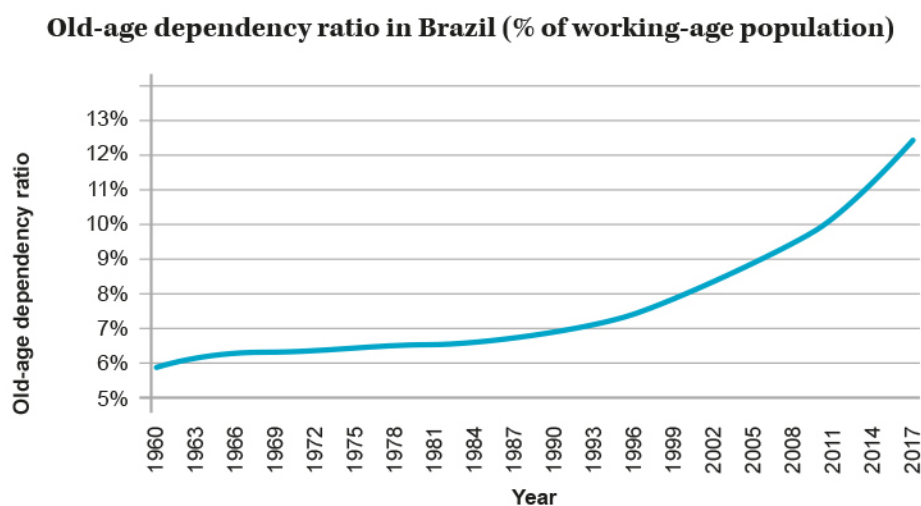


Figure 5. Old-age dependency ratio (Brazil). Data from World Bank Open Data (World Bank, 2018)



*Table 1 - Care policies related to the care of the elderly*

<b><i>Care policy</i></b>	<b><i>Brief description</i></b>
<i>Leave policies</i>	"Rights for unpaid carers in employment to take time off while receiving employment protection rights and income security through cash benefits" (ILO, 2018).
<i>Care services</i>	"Services that redistribute some of the unpaid carers share of unpaid care work" (ILO, 2018).
<i>Social protection benefits related to care</i>	These are often cash transfer benefits for persons in need of care or to unpaid carers. This also involves a social recognition of carers, such as in pension schemes. It also can include tax rebates and cash-for-care programs.
<i>Family-friendly working arrangements</i>	Flexitime, reduced working hours, the right to obtain part-time work, telework, etc.a