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A aposta nos escombros: reforma trabalhista e previdenciária - a dupla face de um mesmo projeto

A stake on the wreckages: labor and social security reform - the double face of the same project

La apuesta en los escombros: trabajo y la reforma de la seguridad social - las dos caras de un mismo proyecto

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RESUMO

Este artigo tem como centro de suas reflexões a reforma trabalhista brasileira e suas repercussões no mundo do trabalho. É parte de seus objetivos apresentar elementos que permitam pensá-la como projeto articulado, em diferentes níveis, a uma outra reforma, em trâmite no Congresso Nacional, a da previdência. Seu percurso metodológico, de inspiração ontológico-dialética, parte do universo empírico existente para melhor investigá-lo, em sua interioridade e concretude. Desse modo, procura oferecer alguns de seus principais elementos analíticos, capazes de possibilitar uma melhor compreensão do fenômeno estudado. Busca, assim, contribuir para a projeção de alternativas e formas de resistência ao que denominamos como *aposta nos escombros*.

PALAVRAS-CHAVE: Direitos sociais e do trabalho; reforma trabalhista e previdenciária, neoliberalismo.

ABSTRACT

This paper has as center of its reflections the Brazilian labor reform and its repercussions in the labor world. Part of the objectives is to present elements that allow it to be thought as a project which is tied, at different levels, to another reform, in progress in the National Congress, the Welfare Reform. His methodological course, of ontological-dialectical inspiration, starts from the existing empirical universe to better investigate it, in its interiority and concreteness. In this way, it tries to offer some of its main analytical elements, capable of making possible a better understanding of the studied phenomenon. It seeks, in this context, to contribute to the projection of alternatives and means of resistance to what we call a stake on the wreckages.

KEYWORDS: Social and labor rights; labor and social security reform, neoliberalism.

RESUMEN

Este artículo se centra en la reforma laboral brasileña y sus repercusiones en el mundo del trabajo. Es parte de sus objetivos presentar elementos que nos permitan pensar en él como un proyecto articulado, a diferentes niveles, a otra reforma, en curso en el Congreso Nacional, la de la seguridad social. Su trayectoria metodológica, de inspiración ontológico-dialéctica, forma parte del universo empírico existente para

investigarlo mejor, en su interioridad y concreción. De esta manera, pretende ofrecer algunos de sus principales elementos analíticos, capaces de permitir una mejor comprensión del fenómeno estudiado. De esta manera, busca contribuir a la proyección de alternativas y formas de resistencia a lo que llamamos la apuesta por los escombros.

PALABRAS CLAVE: Derechos sociales y laborales; reforma laboral y de seguridad social; neoliberalismo.

INTRODUCTION

The expression precariousness of work, initially restricted to the academic environment, has become, nowadays, a common term. Its popularization, however, is not only explained by the production and dissemination of countless and diverse researches on the world of work and its constant transformations. It results, above all, from a moment of profound correspondence between academic research and the conditions of social existence.

As Octavio Ianni (1989, p. 126) has pointed out, "this reciprocal correspondence and determination [...] become clearer when social configurations of life come into crisis." Ianni adds: "It is in the times of the internal commotion of these configurations that scientific reflection turns directly to the fundamental problems." In making this movement, academic production gives us multiple angles of reading phenomena. This opens the space for critical thinking.

The idea of a historical period in which the tendencies to degradation in the way of being of work would have deepened (although not depriving it of its centrality), of the emptying of its meaning (to the detriment of the theses that postulated its promotion), was put under question by those who saw, in the wake of the development of Information and Communication Technologies and flexible specialization, "new times" for the working class.

But the New Times did not take place. In the last three decades, gradually, precarious work has become a reality lived by millions of men and women around the world. Although experienced in a different way, precariousness, as well as the usurpation of social rights as a whole, is no longer restricted to segments, even broad



ones, of the working class. On the contrary, it has become a rule, a distinctive feature of contemporary sociability, to which few escape.

Work, as an activity subjected to class domains, exploitation practices, has always been subjected to precariousness. But while valid, such a statement does not help us understand the particular characteristics of the so-called new times. The work, in times of neoliberal globalization, of digital technologies and artificial intelligence, has reconfigured itself. The flexible specialization, hailed by researchers in the 1970s and 1980s as an experience potentially capable of freeing labor from the yoke of exploitation, soon revealed that its essence harbored a tangle of new and old forms of labor-style that were about to break the barriers that limited capital accumulation.

The new times preserve mass manufacturing systems, which are very present “in East Asia and Southeast Asia”, but articulate them with “highly decentralized, though increasingly organized, employment patterns of digital [...] work and microfinance in self-exploiting settings as oppressive as traditional industrial work” (Harvey, 2018, p. 65).

The legion of workers who resort to Uber, amid unemployment and low wages, a source of survival is emblematic of the dynamics imposed by the pattern of flexible accumulation and its repercussions in the precarious work routine.

Workers with their work instruments (autos) bear their expenses of insurance, maintenance, food etc. In the meantime, the "application", in fact, a global corporation, engaged in occasional and intermittent work, appropriates the overwork generated by drivers' services, without concern for labor duties. [...] The picture is so clear that, as this global company rapidly increases its profits, it develops a new, fully automated, digitized driverless vehicle prototype [...] Amazon combines online selling with profoundly manual work (the packaging of books), while already working with magazines without living workers, all being digitally controlled (Antunes, 2019).

Greater heterogeneity, therefore, makes up the fabric of contemporary sociability. Forged in the context of the structural crisis that emerged in the early 1970s (Mészáros, 2002; Chesnais, 1996), and intensified from 2008, it unfolds from a



vast process of productive restructuring that has resulted in forms of flexible accumulation. Characterized by productive relocation, it is fed by the expansion of subcontracting networks, flexible wages, production cells, work teams, multipurpose and multifunctional work, forms of daily work that cannot do without participatory involvement. It is necessary to constantly incorporate into the work processes the knowledge of who executes it in order to reduce costs, improve procedures, and increase productivity (Antunes, 2014 and 2018). As a result, millions are moved into the foggy field of intermittent, sporadic occupations, eventually, if not, unemployment and discouragement.

In the world designed by neoliberalism, the “pragmatics of 'goals' and 'competencies', effectively realized by the admirable world of 'collaborators'” (Antunes, 2019, p.137) are woven by a set of discursive and behavioral practices that take hold of the world. It is based on daily life inside and outside work, objectively and subjectively embodying the ideal of work and worker corresponding to the sociability needs of our time (Praun, 2016a, 2016b). As stated by Dardot and Laval (2016, p. 327),

[...] it is now a question of governing a being whose subjectivity must be wholly involved in the activity which he is required to perform. He must work for his own effectiveness, for the intensification of his effort, as if this conduct came from himself, as if commanded from within by an imperious order of his own desire, to which he cannot resist.

The result of these joints can be seen everywhere: expanded and multifarious precariousness, where workers are the main victims. In periods of expansion, jobs are expanding, such as in the service sector, where high turnover is practiced, combined with low qualifications and low pay for outside work. Jobs in telemarketing and call centers, hypermarkets, hotels and restaurants, commerce exemplify this dynamic well. On the other hand, in times of crisis and recession, as experienced not only in the countries of the north but also in the south of the globe, the result is even better



known: devastating erosion of jobs and corrosion and exponential demolition of labor rights¹.

It also expands, it is worth mentioning, the unpaid working time. On the one hand, the persistence of the old forms of social reproduction that are found in unpaid female work as an essential support. On the other hand, the significant changes in the work configuration, largely regulated by the well-known “labor reforms” in different countries, which increasingly make each one entirely available to market demands.

Unpaid work is effective even when we present ourselves to the market as consumers, performing activities previously under the responsibility of corporations and, therefore, in the past, remunerated. This is why the expression precariousness of work has won the world. Its appropriation was due to the deep encounter between academic research and the conditions of social existence.

This article focuses on its reflections on the Brazilian labor reform and its repercussions in the world of work. It assumes the relationship between changes in labor legislation and the cycles of capital accumulation. In line with the foregoing, it includes among its objectives the reflection on elements that allow us to think about changes in the sphere of labor legislation as also articulated, at different levels, to another reform, pending in the National Congress, that of social security.

The proposed path is to present separately important expressions of the ongoing change, identifying their meanings and articulations with the neoliberal sociability project. Finally, as an opening to the debate, it points to some of the challenges ahead. Its methodological course, of ontological-dialectical inspiration, starts from the existing empirical universe to better investigate it, in its interiority and concreteness. Thus, it seeks to offer some of its main analytical elements, capable of allowing a better understanding of the studied phenomenon.

It is worth noting that the issues presented here are far removed from the complexity of the ongoing process. They should be taken as attempts to interpret the process; as part of a collective quest to unveil the dynamics assumed by capitalism

¹Cf. Antunes, 2019; Antunes and Praun, 2018.



today, its expression in specific localities – such as the Brazilian one – in order to identify the challenges ahead. It is part of building a counterpoint to the rubble. A bet on humanity.

1 BRAZILIAN REFORM: INCREASED PRECARIZATION AND LEGAL SECURITY

On November 11, 2017, with the entry into force of Act 13,467 of July 13 of the same year², and Provisional Measure No. 808³, changes in Brazilian labor law have reached a new level. The new rules result from the approval by the House of Representatives and the Federal Senate of House Bill 38/2017⁴, which introduced changes to 117 CLT (Consolidation of Labour Law) articles. These changes were preceded by the approval of Act 13,429, of March 31, 2017, which changed rules related to a fixed-term contract and extended without limitation the scope of workforce outsourcing, previously restricted to the so-called middle activities.

These changes in the legal standards, understood as part of ongoing neoliberal matrix reforms in different countries, in addition to being substantially relevant, have a qualitative impact on the structure and dynamics of labor relations in Brazil. They strongly affect the level and composition of jobs. They also directly and indirectly affect the workers' mobilization and union organization capacity, aiming to further weaken them, a factor that also contributes to the deepening of precarious occupations and access to rights (DIEESE, 2017; CESIT, 2017).

At the heart of the new rules and the changes they bring about (part of them under discussion since the 2000s) are the notions of legal certainty and flexibility. Both were aligned through at least four important and articulated dimensions of the so-called Brazilian labor reform. These dimensions, in turn, can only be understood if they

² Commonly known as Labor Reform.

³ MP 808/2017, which remained valid until April 28, 2018, was the result of a negotiation process between the Federal Government and the Senate during the approval process of PLC 38/2017 (PL 6,787/16), based on Act 13,467 from July 13, 2017.

⁴ Prior to approval by the House of Representatives, designated as Bill 6,787/16.



consider their connections both to the flow of the market and global finance and to the technological development levels that underpin it.

*The first of these refers to the institution of the prevalence of negotiated over the legislated. Such a measure, the backbone of the reform, opens the way for a broader flexibilization of labor standards through collective agreements or conventions, including situations in which individual agreements become valid. The establishment of this device makes it possible, in the midst of high unemployment and the projected closure of more jobs, as a result of ongoing technological innovations, the establishment of working conditions at ever lower levels, although, in theory, legal ones*⁵. The prevalence of the negotiated over the legislature is also key to open doors for global corporations that seek in the accentuation of the precarization of work particular conditions for the realization of their profits, now under the custody of the legal security instituted by the reform.

*A second dimension*⁶ concerns the suppression of non-working pores on working hours, making them as flexible as possible, associated with the expansion of the unpaid work.

The reform made it possible to reduce breaks within working hours; it also expanded the use of an important flexibilization device introduced in legislation since 1998, the Bank of Hours⁶. It also allowed its use on partial journeys. Regulated the possibility of their adoption through individual agreements.

In the same direction are the changes that make it possible to diversify, in line with what was already happening in other countries, the contractual bonds. Among other examples, it is emblematic that of the English companies, which introduced the

⁵ It has been a part of the resistance to the measures which have been in force since November 2017, for both the question and the legality of the regulations, that is inconsistent with the present principles of the Brazilian Constitution, as well as the gap between the recommendations of the international standards, such as the Conventions of the International Labor Organization (ILO). Cf. Souto Maior and Severo (2017), among others.

⁶ Law 9.601 / 98, which inserts article 59 of the CLT, among other measures, and which allows the institution of the bank of hours.



work mode called zero hour contact, similar to what is now called intermittent work in Brazil. Both here and there, workers, especially in the service sector, are fully available for capital, with no counterpart guaranteeing lasting work (Antunes, 2018; Delgado and Delgado, 2017).

Table 1 below presents a summary of the formal working bonds in force in Brazil and their main characteristics, considering the changes made in 2017.

TABLE 1 - Formal ties and working modalities and their characteristics

Bond (legal)	General characteristics / corresponding legislation
Indefinitely	Typical type of hiring envisaged by CLT.
Indefinitely	Change of the deadline, before, for this type of contract, from 90 days to 270 days, as amended by Law 13,429 of 2017, article 10, paragraph 1 and paragraph 2.
Outsourced	Possibility of outsourcing both middle and end activities, cf. Law 13.429 of 2017.
Part-time	Part time limit increased from 25h/w to 30h/w. Institution of the 26h workday with the possibility of holding up to six extra hours per week. Possibility of Bank of Hours in partial hours. Those who work part-time will be able to convert 1/3 of the vacation to which they are entitled to a monetary allowance, as per Act 13,467/2017.
Freelance	Law 13.467 / 2017 establishes the possibility of providing independent and continuous work for a single company. Prior to the 2017 reform, the institution of Individual Microentrepreneurs (MEI), cf. Compl. Act 128/2008, enabled the hiring in the form of Legal Entity, based on the notion of entrepreneurship.
Intermittent	No use restrictions. Worker must be notified of the work up to three days in advance. If accept the job, the non-attendance generates a 50% fine due to the employer. Remuneration: for hours worked only. Trend: monthly wages below the minimum wage, as per Act 13,467/2017. It should be noted that the MP 808/2017 foresaw a lack of 18 months so that one/the employee hired for an indefinite period would be dismissed and rehired, by the same company, as intermittent. This provision is no longer valid.



Sources: Act 9,601/1998; Act 11,598/2007; Compl. Act 128/2008; Act 13,429/2017; Act 13,467/2017; MP 808/2017.

As part of the amendments, Act 13,467/2017 introduced, in a specific chapter of the CLT, the modality of telecommuting, which can be performed either by fixed-term contract or in its typical form, indefinitely. Telecommuting must be performed fundamentally outside the company's premises, using technological support. It should be highlighted about this type of work the exclusion of the so-called teleworkers, by means of article 62, item III, of Chapter II, which regulates the duration of work/workday. Attention is also drawn to the legislator's interest in not detailing and regulating, in Chapter II-A, regarding teleworking, basic issues, such as responsibilities related to technological equipment and infrastructure necessary for the execution of the professional activity, among other issues, referring to the contract between employee and employer. Also on this expanding form of work, while excluding teleworking from the chapter on working hours regulation, the worker is referred to "precautions to be taken in order to avoid occupational diseases and accidents", according to Art. 75-E.

As maintained by Melo (2017), exclusion occurs in apparent contradiction with the technological means used by teleworkers, which enable "employers to control the exact location of the worker, the activities being performed and the start and end times". In the context in which work is increasingly subjected to productivity goals and performance appraisals, the exclusion of teleworking from the working day chapter clearly points to the institution of unlimited work, without the right to disconnect, unaware of any protection.

Although changes in Brazilian labor legislation converge with a similar movement in other countries, what is sought is not homogeneity of forms of work on a global scale, but their diversification through hyperflexibilizing devices. The "secret", therefore, is heterogeneity, it is the various forms of flexibility that are conveniently used, which rob the worker of time inside and outside the companies, imposing constantly rhythm, productivity and labor intensity. Heterogeneity that allows the



articulation of a small nucleus of formal workers, with indefinite contracts (and not by any means unrelated to precarious forms), with a flood of different forms of work, made as flexible as possible.

This scenario of qualitative changes in labor relations is linked to a new wave of technological innovation synthesized in the expression industry 4.0. The design of innovations is certainly more complex than the expression indicates, even though one of its important radiating poles is industry, in particular that of the automotive industry.

Having as technological support the informational systems and the automation, disseminated in the productive processes from 1970-80, the ongoing changes project a qualitative leap in the connectivity of the processes, with a high degree of incorporation of procedures and physical objects in virtual systems, which results in the accentuation of the integration between the productive process and services (FIESP, 2017).

The projections of the Department of Scientific Policy of the European Union, according to the Federation of Industries of the State of São Paulo – FIESP (2017), indicate that the progress of current technological innovations articulates the expansion of the global competitiveness of corporations, with higher qualification requirements of a restricted segment of the labor force, broad flexibility and control of production and labor and, consequently, a significant increase in unemployment⁷.

In Brazil, as part of this process, Mercedes Benz recently made adjustments to one of the production lines of its production unit in São Bernardo do Campo. In addition to the use of connectivity systems made possible by software, line screens, sensors and applications capable of interconnecting inventory, production and suppliers processes, part of the changes adopted is the use of autonomous trolleys that partially replace the displacement of workers in the production plant. These changes, even if limited when thought of in terms of what is projected under the so-

⁷ The material produced by FIESP (2017, p. 14) associates the increase in unemployment, among other variables, with “workers, SMEs, industries and national economies not having the knowledge or the means to adapt to Industry 4.0 and, consequently, fall behind”.



called Industry 4.0, have imposed a 15% reduction in production time for the four truck models coming out of this assembly line. The 100 hours previously required were converted to 85 (Miragaya, 2018).

These substantial changes in the technological base, it is worth noting, are in connection with the repeated processes of reorganization of work, adjustments in the legislation, dissemination of values and social practices through different social institutions, reforms in the educational system, among other roots. As Harvey states (2018, p. 115),

The evolution of organizational forms (such as modern capitalist companies, communication networks, universities, and research institutes) was as important as the development of hardware (the computer and the mechanics of the production line) and software (programmed design), applications, optimized scheduling, and just-in-time management systems). While distinctions between hardware, software, and organizational forms are important and useful, one must learn to recognize each of these elements as an internal relationship to the other.

In dealing with the question of technology and its dynamics under capitalism, Harvey (2018, p. 126), supported by Marx's formulations, points out that "technological and organizational transformation is endogenous and inherent in capital, not accidental." Thus, in a trajectory unable to become autonomous, technological changes affect and are affected by the forms of reproduction of life under capitalism.

Changes in the technological-organizational base mean changes in other spheres of social life. They are mediated, among other things, by the different forms assumed by the organization of labor and production, by the heterogeneity of contractual ties, giving rise to market pressures on the state to change previously effective but converted standards for the process of accumulation, from time to time in barriers to the market.



Technological innovations are also at the base of important changes in the configuration of what is called the productive sphere. What is increasingly observed is a deep intersection between the different sectors of the economy. In this sense, expressions incorporated into our vocabulary are quite suggestive: agribusiness, service industry, industrial services. “These sectors are increasingly controlled and totaled by capital, which converts them into commodities (whether material or immaterial)” (Antunes, 2018, p. 32). This intersection also results in the formation of a broad “social extract”, characterized by the set of forms assumed by the work, marked by informal, intermittent, partial bonds, among others. “There is a new morphology of the working class: it highlights the growing role of the new proletariat of digital age services” (Antunes, 2018, p. 32).

It is also in this context that the expression “collaborator” takes on its deepest meaning. To collaborate is above all to feed the systems and practices of the company, individually and collectively, daily, through an unmeasurable component of work, the knowledge⁸. This control of the knowledge produced by work, obtained through practices of different kinds aimed at involving and engaging in corporate business, also sets the ideological class dispute to a new level.

The third dimension, therefore, inseparable from the others, concerns the fragmentation, weakening and restriction of collective bargaining capacity, already present before 2017, but accentuated by changes in labor legislation. If, on the one hand, the changes brought about by the reform aim to provide legal legitimacy to a set of devices that accentuate the flexibilization of labor relations, widening the heterogeneity of labor bonds and further fragmenting the working class, on the other, they pressure with more effectiveness for the disruption of union representations both objectively and subjectively.

The unlimited expansion of the use of outsourcing, the diversification of contractual bonds, the impetus to negotiations by workplaces, the legal possibility of negotiation and individual agreements, added to the tendency to expand the

⁸ Like the *Continuous Improvement* and *Total Quality* programs.



contingent of intermittent, informal and unemployed, imposes huge challenges to worker resistance.

Last but not least, the fourth dimension concerns the various mechanisms that make it impossible for workers to gain access to labor justice. Legal certainty, an essential notion of the reform, is also realized by the attempt to prevent, imposed on workers, access to legal recourse, such as the institution, through Art.507-B, the term of annual discharge of obligations which advances both towards employers 'lack of responsibility and full encouragement to circumvent workers' rights. Such devices are against, as Souto Maior and Severo (2017) point out, the “notion of the right to access to justice as a fundamental right, which is a condition for the possibility of the exercise of social rights itself”. Maintained by the reform, the working class will be left with the legacy of rubble that neoliberalism tries to impose on it.

2 DEVASTATION OF WORK AND DISMANTLING SOCIAL SECURITY

One of the arguments repeatedly used⁹ in defense of labor reform, between December 2016 and July 2017, during which the project moved between the House and Senate, was structured around its supposed capacity to boost job creation, especially in the formal market, thus expanding the access of the most impoverished segments of the working class to rights available, until then, according to their supporters, only to those who participate in the formal market.

It is worth mentioning that these arguments assumed relative strength against a scenario of high retraction of job vacancies, clearly observed from 2015, both with the growth of the number of unemployed (38.1% compared to 2014)¹⁰ as with the closing of 2.87 million nationwide formal labor market posts. The industrial sector, especially in the Southeast region, was the most affected, with an 8% drop in the number of

⁹ According to the opinion of the Labor Reform Commission in the Chamber of Deputies, chaired by Dep. Daniel Vilela (PMDB-GO) and with rapporteur of Rep. Rogério Marinho (PSDB-RN).

¹⁰ According to the IBGE (2016), the unemployment rate in 2015 was 9.6%.



employed persons. The decreasing occupancy rate, according to the National Continuous Household Sample Survey (Pnad-c), was also accompanied by a reduction in the average real monthly income of all works, in the order of 5%, when compared to the previous year. 2014 (IBGE, 2016).

The discourse in favor of deepening the flexibilization of labor legislation was largely supported in this context, pointing out the changes proposed as a means of reversing the crisis and, articulately, as potentiating the recovery of employment levels. Such a situation, as we already indicated as a trend (Antunes, Praun, 2018), did not materialize. This is what is supported by the data consolidated by the Brazilian Institute of Geography and Statistics - IBGE and the Inter-Union Department of Statistics and Socioeconomic Studies - DIEESE, among other research institutes.

According to the National Household Sample Survey - Continuous PNAD, the unemployment rate measured in the last quarter of 2017 (October-November-December) was 11.8%, showing, due to seasonal expansion of occupations, a slight downward movement in relation to the previous four mobile quarters (Table 2).

TABLE 2 - Unemployment * in moving
quarters /
Continuous PNAD - 2nd Sem.2017

Mobile Quarters	Rate of vacancy
June-July-August	12,6%
July-August –September	12,4%
August -September-October	12,2%
September-October- November	12%
October-November -December	11,8%

Data Source: IBGE, 2018.

*As per reference week, among persons 14 years of age and over.



But the apparently favorable trend is already reversed in the following moving quarters¹¹. In the first quarter of 2018, the unemployment rate reaches 13.1%. In later quarters, throughout the year, it fluctuates slightly downwards, rising again in the first months of 2019 (Table 3).

TABLE 3 – Vacancy* in moving quarters/Continuous PNAD – 2018-2019

Mobile Quarters	Rate of vacancy
January-February-March	13.1%
February-March -April	12.9%
March -April -May	12.7%
April -May -June	12.4%
May -June -July	12.3%
June -July -August	12.1%
July -August-September	11.9%
August-September-October	11.7%
September-October- November	11.6%
October-November-December	11.6%
November-December - January/19	12%
December -January - February/19	12.4%
January -February -March/19	12.7%

Data Source: IBGE, 2018, 2019.

*Cf. reference week, among persons 14 years of age and over.

¹¹ November-December-January/2018 (12.2%) and December-January-February/2018 (12.6%) (Continuous IBGE-PNAD).



The persistent and growing indicator of unemployment¹² (13.4 million in the January-February-March/2019 quarter) is, however, the most dramatic expression of the scenario projected by changes in labor legislation, and its intersections with the constant processes of reorganization of labor and production in parallel to the process of expansion of technological innovations in different segments of the economy.

Evidence of job losses is everywhere. From condominium porters replaced by virtual ordinances to the progressive insertion, since 2015, of robots in call center services (a segment characterized in its period of expansion by the high absorption capacity of the workforce). According to the director of one of the call center technology developer companies in Brazil, interviewed by the Valor Econômico newspaper, “Robots talk an average of 225 hours and 49 minutes per month, while human attendants at call centers do it for 112 hours” (Melo, 2018).

On the other hand, it should be emphasized that, even if a reversal of the rising unemployment rate in the coming quarters is effected, such dynamics tend to take place in the context of what we call labor hyperflexibility, due, among other factors, to the range of ties established by the aforementioned legal amendments (see Table 1). This situation implies, as pointed out, among others, by IPEA (2018) studies, increasing heterogeneity, rotation and precariousness of work bonds, impacting both on their remuneration and on access to social rights and benefits arising from collective agreements.

It is in this context, of devastation of work, that the changes elaborated by the team of the Minister of Economy, Paulo Guedes, proposed by the Bolsonaro government through the Constitutional Amendment Proposal – PEC6/2019, whose text, sent to the National Congress, draws that, as per the words of the government itself, presents itself as “New Social Security”.

¹² Remember that the PNAD classifies as employed people those who in the reference week have worked for at least one full hour. This compensation may be “in money, products, goods or benefits (housing, food, clothing, training, etc.), or in work without direct compensation in support of the economic activity of a household member or relative residing in another household, or, also those who had paid work from which they were temporarily absent this week” (IBGE, 2019, p. 28).



In fact, what is proposed completely breaks with the principles that guided the Brazilian project of social and public security, which began to be instituted from the 1988 Constitution. Although never fully implemented and subject, over the last decades, to numerous limitations and attacks, the system was structured around three pillars: Social Security, the Unified Health System (SUS) and Social Assistance, jointly funded both by the social security contributions of workers and companies and by other tax sources.

The proposal sent by the government to Congress directly touches two important pillars of the security system, Social Security and Social Assistance, putting the whole system at risk of extinction. According to DIEESE (2019, p.2),

[...] a detailed analysis of the PEC reveals the intention to bring about a complete change in the foundations of Social Security laid down in the Federal Constitution of 1988. The changes threaten to replace the principles of solidarity, universality and public provision of social Protection, which today underpin the system, with principles based on individualism, the focus of public policies and the privatization of Social Security.

In the case of the amendments to the labor legislation enacted in 2017, the perspective of legal certainty and flexibility given the tone and the shape of the set of changes that have been made a little more than a year and a half later, it is intended to, in the midst of a profound de-regulation of employment relationships, flexible forms of employment, the wave of the duty cycle, and the downturn in jobs and occupations and to advance in terms of quality-in the process of privatization of social security, mainly driven by the introduction of a *mandatory individual capitalization system*, which tends to enable the emptying of the current General Social Security System, as PEC 6/2019 suggests.

In the event of the lack of the complementarity feature, the capitalization adopted in PEC does not favor broad coverage, does not guarantee a desirable level of protection and transfers all risks to workers. With the capitalization scheme, social security can become a mere business for those who can afford (DIEESE, 2019, p. 4).



Faced with a context in which millions of workers are sidelined by regulation and rights and subjected to sporadic work, it is possible to project, if the course of events is not interrupted by a strong resistance movement, the future reserved for new generations.

Remember that in the first quarter of 2019, PNAD data indicated a contingent of 13.4 million unemployed. This figure does not consider, as we know, the 4.8 million in dismay. When looking at the composition of the contingent of employed, the picture is also tragic. Of the total of 91.9 million employed persons in the period, 25.9% were the so-called self-employed, the same group that makes up 41% of the contingent of underemployed. According to IBGE, the contingent of “workers who are underemployed for insufficient hours worked¹³”, in the first quarter of 2019, reached the mark of 6.8 million (IBGE, 2019b).

Although some argue that part of the indicators related to the labor market is related to the poor performance of the Brazilian economy, the changes made in labor legislation, their articulations with the changes in the organization of work articulated amid the progressive insertion of new technologies, as previously indicated, do not point to a picture of reversal of precarious work. Nor do they indicate a future in which the capacity of a large contingent of workers to collect social security contributions is increased.

The “New Social Security Plan” proposed by Bolsonaro-Guedes, if approved, will eliminate retirement by contribution time, imposing minimum age levels that, from 2024, should be changed every four years. The basis of the change, as suggested by the proposal, will be the projected increase in survival of the Brazilian population. That is, the average life projection time calculated based on a certain age, in this case, the 65-year-old levels for men and 62-year-olds for women, disregarding all socioeconomic and regional specificities, those related to women's insertion into the labor market and focusing in a particular way to further penalize rural workers (See Antunes 2019b).

¹³ With working hours of fewer than 40 hours per week, “but who would like to work longer periods” (IBGE, 2019b).



PEC 6/2019 also establishes new bases for the so-called *full* retirement which, in fact, corresponds to the *social security contribution limit*. In order to obtain it, 40 years of contribution are required, conditions that, certainly, as a result of the different forms of work precariousness and the scenario already explained above, will only be reached by an excessively small group of workers.

We will have, excluded from social security, practically all those who today experience the nefarious condition of intermittent work. If this proposal is approved, they will be left with the option of *capitalization*, that is, to apply the resources (which do not even allow them to survive with a minimum of dignity) in private pension. It would be comical if it were not tragic.

The model that inspires the Bolsonaro/Guedes Reform was the one developed in Chile, where it is called AFP (Pension Fund Administrators). In it, only workers contribute, and the state and the business contribute nothing. It is a kind of savings that every worker has to make if he wants to try to live after his long retirement (See Antunes, 2019b). The tragic result of the Chilean experience is known. In this country,

[...] the implementation of privatized capitalization led to a drop in the percentage of workers with social security protection, from 73% in 1973 to 58% in 2006. Prior to the 2008 reform, only 45% of Chilean workers were able to self-finance any benefits; the remaining 55% were dependent on state-funded solidarity benefits. In addition, the low benefit amounts: 79% of pensions are below the minimum wage, which includes the 44% that do not even reach that country's poverty line. (DIEESE, 2019, p. 6)

Thus wickedness, then, is of great significance and significance. And the questions remain unanswered by the proponents of the “New Social Security”: if the work is limited to working a few hours a week, with ridiculous and inconsistent wages, as happens in Brazil today, how the poor will pay the welfare, if they have not even resources to survive? How will intermittent working hours be accounted for to enable them to enjoy full retirement? If “capitalization” for these social segments is a scam, will they find any way out other than their pure exclusion from public welfare?



The Bolsonaro-Guedes reform has the answer: there will be left for the poorest alms of R\$ 400, about \$ 100 a month, at the age of 60, and a minimum wage after 70. It is hard to imagine greater insensitivity towards workers in general and women in particular.

The proposal that allegedly wishes to “end privileges”, once its mystical envelope has been deconstructed, has its real meaning: the richest will have private and “capitalized ” Social Security (for the cathartic delight of the banks, who will earn fortunes beyond what they already receive in Brazil) and the poor workers will be excluded from public welfare, leaving them only a sharp assistentialism for the sexagenarians.

As the devastation is unlimited, it will only be necessary to approve the “green and yellow” (or will it be gray?) work card proposed by Bolsonaro during the election campaign, in which, according to his electoral platform, “the individual contract will prevail over CLT” for young people.

CONCLUSION

The ongoing changes constitute a quality leap in the corrosion of work and social rights in Brazil. Still, it is worth noting, this is not a process that is developed “unaware of the contradictions that are their own, among them, the different forms of resistance unleashed by those who experience daily degradation and increasing loss of rights (Praun, 2018).” But significant changes such as the one we are experiencing undoubtedly pose new challenges at different levels to the forms of resistance.

If, on one hand, it is necessary to fight on a daily basis against the union practices that are anchored in a supposed democratization of the relations between capital and labor, in order to rescue and strengthen another, founded on the democratization of the entities, on the approximation between leaders and the base, on independence



class and a much-needed internationalism, on the other hand, the current context requires going beyond that.

Trapped by the verticality of the professional categories, the unions are increasingly facing a significant decrease in the number of workers they formally represent. Attracted by the promises of negotiated restructuring, an important part of the once-combative Brazilian trade unionism has surrendered itself to the logic of "counterparts", always in return for local corporate investments, to wrest workers' rights and achievements.

Immersed in the logic of productivity and premiums for results, an important part of the unions have been exempt from the debate about the increasing pace and intensity of work, always linked to perverse performance evaluation systems, which ultimately contributes to the omission to the growth of a legion of physically and mentally ill workers.

In the margins of the unions, it is worth noting that there is a significant and heterogeneous contingent of workers, largely young, subjected to the most diverse forms of precariousness.

The effects of changes in labor legislation and the social devastation projected by social security tend to further highlight the gap between union representation forms and strategies and the needs of a working class increasingly marked by heterogeneity, precariousness and fragmentation, as well as by their race, gender and generation.

Trade unions, key tools in resisting capital attacks, must break the walls of formally established workplaces and categories. Going to the neighborhoods, being close to workers' representative entities and to the conditions of existence of a large contingent of workers living on the fringes of the formal market, many subjected to temporary, intermittent bonds, consumed by the daily struggle for survival and far from meetings convened at the entities, may be an important part of the challenges imposed by the moment. The articulation between old and new fight strategies, in



order to face the challenges ahead, is urgent. Without that, we will be left with the rubble.

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