v. 1, n. 1

ISSN 2595-9689

Revista Jurídica TRABALHO e DESENVOLVIMENTO HUMANO
Procuradoria Regional do Trabalho da 15ª Região

The Superior Court of Labor and the slave work

O Tribunal Superior do Trabalho e o trabalho escravo

El Tribunal Superior del Trabajo y el trabajo esclavo

***José Claudio Monteiro de Brito Filho*[1]**

***Sarah Gabay Pereira*[2]**

ABSTRACT

This study intends to analyze, from a qualitative point of view, three decisions of the Superior Labor Court (TST) regarding work in conditions analogous to slavery. The purpose is to verify the compatibility of these decisions with the understanding of the Federal Supreme Court (STF) and the Superior Court of Justice (STJ) on the subject. Secondarily, the law, doctrine and, especially, STF and STJ decisions on the subject will be used as research sources in criminal law, linking the understanding in criminal matters with the understanding of the subject at hand. In summary, the present study has as its scope to comparatively identify the understanding of the decisions of the Superiors Courts regarding issues involving work in conditions analogous to that of slave.

KEYWORDS: Slavery. Superior Labor Court. Description. Employers' Registry. Dirty list.

RESUMO

Estudo que pretende analisar, do ponto de vista qualitativo, três decisões do Tribunal Superior do Trabalho (TST) no tocante ao trabalho em condições análogas à de escravo. O propósito é verificar a compatibilidade dessas decisões frente ao entendimento do Supremo Tribunal Federal (STF) e do Superior Tribunal de Justiça (STJ) sobre o tema. Secundariamente, serão utilizadas como fontes de pesquisa, a legislação, a doutrina e, especialmente, decisões do STF e do STJ sobre o tema, em matéria de direito penal, relacionando o entendimento em matéria penal com o entendimento do tema. Em síntese, o presente estudo possui como escopo identificar o entendimento comparado das decisões dos Tribunais Superiores em relação a questões que envolvem o trabalho em condições análogas a de escravo.

PALAVRAS-CHAVE: Trabalho escravo. Tribunal Superior do Trabalho. Caracterização. Cadastro de Empregadores. Lista suja.

RESUMEN

Estudio que pretende analizar, desde el punto de vista cualitativo, tres decisiones del Tribunal Superior del Trabajo (TST) en lo que se refiere al trabajo en condiciones análogas a la de esclavo. El propósito es verificar la compatibilidad de esas decisiones frente al entendimiento del Supremo Tribunal Federal (STF) y del Superior Tribunal de Justicia (STJ) sobre el tema. En segundo lugar, se utilizarán como fuentes de investigación, la legislación, la doctrina y, especialmente, decisiones del STF y del STJ sobre el tema, en materia de derecho penal, relacionando el entendimiento en materia penal con el entendimiento del tema. En síntesis, el presente estudio tiene como objetivo identificar el entendimiento comparado de las decisiones de los Tribunales Superiores en relación a cuestiones que involucran el trabajo en condiciones análogas a de esclavo.

PALABRAS CLAVE: Trabajo esclavo. Tribunal Superior del Trabajo. Caracterización. Registro de Empleadores. Lista sucia.

Received: 13.08.2018
Accepted: 21.11.2018

https://doi.org/10.33239/rtdh.v1i1.3

1 PhD in Social Relations Law from PUC/SP. Professor at the Graduate and Undergraduate Programs in Law from CESUPA – University Center of Pará. Holder of Chair No. 26 of the Brazilian Academy of Labor Law.

https://orcid.org/0000-0002-4435-6450

2 Undergraduate student in Law at CESUPA.

INTRODUCTION

The struggle against labor in slave-like conditions, since it became a regular practice of the Brazilian State since 1995, when Fernando Henrique Cardoso, then President of the Republic, recognized its existence in national territory[1], went through several phases.

Although there were criminal suits for the practice of labor in slave-like conditions, suits that were in large part hampered by the lack of definition regarding the competence for their trial: State or Federal Justice, which was only decided by the Federal Supreme Court (STF) from the middle of the first decade of the 20th century, when the Court decided for the jurisdiction of the Federal Court[2], the systematic fight began and was successful in the labor sphere through the work of the Special Task Force on Mobile Inspection of the Ministry of Labor[3] and the Labor Prosecutors, through the CONAETE coordinator that deals with the fight against slave labor within the scope of the Public Labor Ministry[4].

This fight was boosted in 2003 by the amendment of article 149 of the Brazilian Penal Code (CPB) by Law No. 10.803, dated 12/11/2003, which brought an analytical

[1]Notwithstanding the fact that it has been recognized from the normative point of view since 1940, as it is verified in article 149 of the Brazilian Penal Code, and in item 51 of the Explanatory Memorandum of the Special Part of the Code, which provides: "In art. 149, a criminal entity is foreseen, ignored by the Code in force: the fact of reducing someone, by any means, to slave-like conditions, that is, to suppress, in fact, libertatis status, subjecting them to complete and discretionary power. It is the crime that the ancients called plagium. Its practice among us is not unknown, especially in certain remote parts of our hinterland."

[2] An example of this position is the decision in case No. RE 398.041-6, rendered on 11/30/2006, of the report of the then Minister Joaquim Barbosa, which has the following notation: "Any conduct that may be considered as violating not only the system of organs and institutions with powers to protect the rights and duties of workers, but also of the workers themselves, reaching them in their most important spheres, in which the Constitution grants maximum protection, fall within the category of crimes against the organization of work if practiced in the context of labor relations."

[3] The Special Mobile Inspection Task Force was created with the purpose of curbing the practice of slave,
forced and child labor, through Ordinance no. 549, dated 6.14.1995, of the Ministry of Labor, and counts on the participation of other organs and entities, in the inspections.

[4] Within the scope of the Public Labor Ministry, not withstanding the fact that combating slave labor is part of the activities of all members who act as agents, the coordination of the activities, as stated, is the responsibility of the National Coordination for the Eradication of Slave Labor - CONAETE, which was created on September 12, 2002, through Ordinance no. 231, of the Attorney-General of Labor.

wording, precisely identifying the ways of carrying out the crime of submitting someone to Slave-like conditions, and, as mentioned, after the decision of the STF regarding jurisdiction, since, along with the repression in the labor sphere, another one, also systematic, has begun in the criminal sphere, now by the Attorneys of the Republic.

And this has motivated decisions by the STF, due to denunciations offered by the Attorney General of the Republic, which will be referred to in section 3 of this text, against parliamentarians accused of this practice.

This impulse also led to the creation of several other measures, always aimed at repressing slave labor, and it is worth noting the creation, by Ordinance no. 540, dated October 15, 2004, of the Ministry of Labor and Employment, of the "Register of Employers who have submitted workers to slave-like conditions," also known as "dirty list"[5].

All this movement generated an effort of the doctrine towards the characterization of the phenomenon and sustentation of the measures for the combat to slave labor, but it was mainly based on article 149 of the CPB and was guided with more vigor towards the criminal sphere, although not ignoring that the illicit is born in a labor relationship, although tainted by a crime being committed by the service taker and/or its agents[6].

The proposal of this article is to discuss the characterization, in addition to the dirty list, but in the scope of labor relations and, therefore, will be directed to decisions of the Superior Labor Court (TST) on these two issues.

In this sense, the research problem must be stated as follows: how has the Superior Labor Court been deciding the issues related to slave labor? In order to respond to this problem, and from the methodological point of view, the research

[5] In fact, Ordinance No. 1.234 of November 17, 2003, of the Ministry of Labor, had already established the sending, for certain bodies, of a list of service takers who had practiced slave labor, having been revoked by Ordinance no. 540/2004, which created the Register.

[6] Examples of this effort include, among others, the books by Brito Filho (BRITO FILHO, José Claudio Monteiro de. **Trabalho escravo**: caracterização jurídica. 2ª ed. São Paulo: LTr, 2017), Neves (NEVES, Débora Maria Ribeiro. **Trabalho escravo e aliciamento**. São Paulo: LTr, 2012) and Mesquita (MESQUITA, Valena Jacob Chaves. **O trabalho análogo ao de escravo:** uma análise jurisprudencial do crime do TRF da 1ª Região. Belo Horizonte: RTM, 2016).

initially made occurred in the TST site, from the following research arguments: "Slave;" " Slave labor;" "Slave-like labor;" "Labor resembling slavery;" "Degrading or slave labor;" "Workers in conditions analogous to slave labor;" "Contemporary slave labor;" "Submission of employees to conditions analogous to slavery;" "Provision of services in conditions analogous to slavery;" "crime of reduction to the condition analogous to slavery;" "modern slave labor;" "Slave condition;" "Situation similar to that of slave;" "Slave-like conditions;" "Labor in conditions analogous to slave labor;" "Slave worker;" "Hypothesis of a condition analogous to that of slavery;" "Slave service;" "Reduce someone to a condition analogous to that of slavery," when 137 decisions were found related to the arguments presented.

Once these decisions were tabulated, the first qualitative analysis was carried out, verifying the object of each one of them, as well as a summary of its contents. As a matter of course, it was possible to observe that, as is common in the scope of the TST, the discussions, especially in the applications for review and instrument appeal, are much more concerned with the procedural sphere than with the law discussed.

This makes an analysis of most of the decisions found uninteresting, since it is not in the interest of the purposes of this particular inquiry to know whether this or any other appeal is appropriate, nor the procedural issues that have been debated. Thus, it was necessary, at least in this first analysis, to focus on determinate decisions, with enough content to present a sample of the TST's thinking about the characterization of slave labor and the “dirty list.” For this, we selected, for the first purpose: characterization of slave labor, decisions in processes RR-178000-13.2003.5.08.0117 and RR 61100-07.2004.5.08.0118, and, for the discussion about the Register, the one numbered RR 184600.13.2007.5.16.0012.

Once the choice has been made, the research will follow the following course: initially, in item 2, we will analyze the selected judgments, verifying what was decided in each of them; first those relating to characterization, then the contents of the "dirty list."

Then, in item 3, we will analyze what was decided by the TST, in comparison with what has been decided by the Federal Supreme Court and the Superior Court of Justice to, in the end, make some considerations, by way of conclusion.

1 THE SUPERIOR COURT OF LABOR AND SLAVE LABOR: ANALYSIS OF DECISIONS CONCERNING IT

As stated at the end of the introduction, the objective of this item is to present the decisions of the Superior Labor Court that will be analyzed, making, first, a description of the aspects of the judgments of interest to the issues that concern us: the characterization of slave labor and the Judiciary's view of the "dirty list."

For this, we will divide the item in two. In the first subitem we will deal with the decisions in cases RR - 178000-13.2003.5.08.0117 and RR 61100-07.2004.5.08.0118. In the second, we will discuss what was decided in case RR 184600.13.2007.5.16.0012.

1.1 Decisions of the TST in which the characterization of slave labor is discussed

Although the purpose of the analysis of the two judgments listed above is identical: characterization of slave labor, the analysis will be done separately, describing, and discussing each one of them:

a) RR - 178000-13.2003.5.08.0117.

This judgment is a decision on appeal filed by

Construtora Lima Araújo LTDA and others, in the face of the Public Prosecutor's Office of the

8th Region, with distribution to the 1st Group of the Superior

Labor Court. The case was judged on August 08.18.2010, by

the Rapporteur Minister Vieira de Mello Filho.

The judgment sets out the following:

APPLICATION FOR REVIEW - COLLECTIVE MORAL DAMAGE - REDUCTION OF WORKER TO CONDITION SIMILAR TO SLAVERY - COMPANY RECURRENCE - REPAIR VALUE. The local Court, on the

> basis of the facts and the evidence of the case, concluded that the companies claimed had their workers under slave-like conditions and had already been convicted for the same reason in previous collective action. The appalling conduct perpetrated by the appellants culminates in directly reaching and confronting the dignity of the human person and the objective and subjective honor of the employees subjected to such degrading conditions of work, as well as reflexively affecting the entire labor protection system and the social and moral values of work, protected by art. 1 of the Federal Constitution. The value of collective moral reparation must be fixed in terms of compatibility with the moral violence suffered by the employees, the personal and economic conditions of those involved and the seriousness of the injury to the fundamental human rights, honor, and psychological and intimate integrity, always observing the principles of reasonableness and proportionality. In the event, given the peculiarities of the case, the economic capacity and recurrence of the applicants, the indemnity amount set by the ordinary body must be maintained. The legal norms pointed out remaining intact. **Appeal resource not known.** [7].

The documents came from the Regional Court of Labor (TRT) of the 8th Region which, in a judgment of an ordinary appeal, by the 1st Group, partially granted the requests arising from the appeal filed by the Public Prosecutor's Office (MPT), and dismissed the appeal of the opposing party, the most relevant matter being the request for the increase of collective moral damages.

We note as timely that, following the decision on an ordinary appeal, the defendants filed declaration embargoes, which was rejected.

Because of the persistent nonconformity of the defendants, they opposed an appeal of the TST, affirming an express violation of constitutional provisions and CLT. In their application, they stated that the judgment of the National Court was null and void, since they considered that the local Court denied a judicial remedy, that the fine imposed because the motion to clarify was considered to be postponement was inadequate, that there is an intemperance of the RO of MPT 8, that there was

[7] BRASIL. Tribunal Superior do Trabalho. **Recurso de revista**. Dano moral coletivo. Redução de trabalhador a condição análoga à de escravo. Reincidência das empresas. Valor da reparação. Recurso de Revista nº 178000-13.2003.5.08.0117. Primeira Turma. Relator: Ministro Vieira de Mello Filho. Julgamento em 18 de agosto de 2010. Available at: <http://aplicacao4.tst.jus.br/consultaProcessual/consultaTstNumUnica.do?consulta=Consultar&conscsjt=&numeroTst=178000&digitoTst=13&anoTst=2003&orgaoTst=5&tribunalTst=08&varaTst=0117&submit=Consultar>. Accessed on Monday, January 8, 2018.

curtailment of defense and the loss of the object of the suit occurred, and, finally, that the value fixed for collective moral damages had been unreasonable.

We will concentrate in this text on the last question: of the increase of collective moral damage, granted by the 1st group of the TRT of the 8th Region, by giving effect to the ordinary appeal of the MPT, since it is the part that is related to the central object of the work.

The rapporteur, in the decision of the 1st group of the TST, makes an extensive citation of the TRT's judgment, demonstrating the argument that led him to believe that the increase in moral damages is inevitable. In summary, it appears from the file that five inspections were carried out at Fazenda Estrela de Maceió between 1998 and 2003, and even with some resulting in agreements or condemnation of R$-30.000,00, the defendants maintained the degrading treatment afforded to workers.

Among the irregularities observed by the Mobile Inspection Group, during this period, it is possible to mention the absence of registration of the CTPS and of point control, lack of supply of drinking water (without drinking fountain in the accommodation) and sanitary conditions, without hygiene and safety, which are imperative to the work environment, lack of medical care for sick workers due to intoxication, failure to provide paid weekly rest, lack of personal protective equipment or, after some checks, the sale of this material, workers under the age of 14 and the control of the freedom to use the salary agreed upon, as a result of the numerous debts contracted by the workers in the warehouse that sold food and clothing.

In summary, in the contested judgment, it was clear that what was required by the defendants to reduce the compensation amount from three million Reais (R$ 3,000,000.00) to thirty thousand Reais (R$ 30,000.00) was impracticable, because the defendants had already settled a debt of approximate value and yet re-entered the above-mentioned practices. At the same time, TRT8 judged the increase proposed by the Public Prosecutor's Office to be exacerbated, claiming the amount of eighty-five million, fifty-six thousand reais (R$ 85,056,000.00) to be excessive or, if such amount was not accepted, to consider fifty-six million reais (R$ 56,000,000.00). The controversy between the parties being put in this way, the rapporteur, Suzy Koury, chose to establish collective moral damages in five million reais (R$ 5,000,000.00),

arguing that the amount must be compatible enough for the cessation of practice, because reiterated, despite not accepting the higher values sought by the MPT, as already stated.

The RR Rapporteur, in his vote, points out that the defendants maintain that the value set offends the principle of reasonableness and common sense, contributing to the unjust enrichment of the victim. His understanding is based on the same grounds of the contested judgment as to the fact that if the damage was fixed at R$ 30,000.00, the company would reinstate itself in the submission of slave labor, adding that the imposition of collective moral damages should neither be derisory nor abusive to the extent of favoring the illicit enrichment of the victim, based on the principle of reasonableness, proportionality and fairness, in order to protect constitutional principles, the dignity of the human person, the social values of work and the protection system of the worker, with due respect for fundamental rights.

With this reasoning, the TST decided to maintain the indemnity of R$ 5,000,000.00, considering it proportional to the repeated injury to workers' rights perpetrated by the defendants. According to this understanding, the devices presented by the applicants were understood as not dealing with collective moral damages, there being no relation between them and this matter and, consequently, the case not being the hypothesis that fits the RR that, because it did not lean on any of the hypotheses that fit, was not known, being the decision unanimous.

The judgment of RR - 178000-13.2003.5.08.0117 is pertinent because it establishes parameters both for the characterization of the work analogous to slavery, and for the fixation of the indemnifying quantum of collective moral damage in repeated practices of this illicit work.

Firstly, it is relevant to note that the judgment sets precedents as to what practices can identify slave labor, since it ratifies the recognition of the damage from what justified it, according to the Local Court. With such identification, attitudes such as the absence of registration of CTPS, non-provision of drinking water, the existence of substandard sanitary facilities and unhealthy housing, without adequate attention to the safety and hygiene of the worker, mean degrading working conditions. It also binds the conditions to (the violation of) the dignity of the human person.

In the background, the judgment is also interesting to be analyzed from the perspective of fixing the collective moral damages indemnified. Since the successive inspections, agreement, and condemnation of R$ 30,000.00 did not serve as a stimulus for the eradication of degrading work, the Rapporteur-Minister, Vieira de Mello Filho, saw no alternative other than confirmation of the decision given by the TRT8, given that the respondents had several chances of reversing the irregular work scenario. From this angle, the court has shown a significant understanding for the fight against slave labor: whenever the defendants insist on keeping workers in degrading conditions and exhausting working hours, before there had already been convictions for the payment of compensation for collective moral damages, the establishment of new moral damage cannot have a value inferior or approximate to what has already been settled by the service taker, considering that the permanence of the similar value does not discourage or restrain the employers to stop slave labor;

b) RR 61100-07.2004.5.08.0118.

In that case, the decision examined is one derived from the judgment of appeal filed by the Public Prosecutor's Office of the 8th Region, in which the defendant is João Batista de Jesus Ribeiro, and was rendered on 12.15.2010 by the 4th Group of the TST. We emphasize that there was a joint trial of the appeal filed by the MPT and the instrument grievance of João Batista de Jesus Ribeiro, due to the refusal to follow up on his appeal by the Regional Labor Court of the 8th Region. The rapporteur for the case was Minister Barros Levenhagen.

The judgment has the following notation:

> **APPEAL RESOURCE OF THE LABOR PROSECUTION'S OFFICE. CHARACTERIZATION OF WORK IN SLAVE-LIKE CONDITIONS. JURISPRUDENTIAL DIVERGENCE. NO CONFIGURATION. I -** It is verified of the foundation of sheets 1.021/1.022, of the contested judgment, the original rapporteur was based on the thesis that, in order to characterize slave labor, the lack of freedom to come and go and degrading labor conditions would not be essential. (sic). **II -** This is because, in a doctrinal way, forced labor would also constitute it, since it is the most perverse modality of slave labor, present in the case of labor in degrading conditions and in

exhaustive workdays, and what it had warned was precisely that which occurred in the concrete case. **III -** Hence the reason why, in the foundation of sheets 1.031, of the contested decision, Her Excellency understands as characterized the work in degrading conditions and the exhaustive workday, which, in his view, would be enough to configure the condition analogous to that of slavery, as typified in article 149 of the Penal Code. **IV -** The learned majority of the Group, however, diverged from Her Excellency, as is clear from the foundation of sheets 1.034, deducted in the conducting vote of the Honorable Judge Elizabete Fátima Martins, by which it was excluded from the legal sanction the obligations related to the refusal to require forced labor of employees, to enlist workers directly or through third parties from one place to another in the national territory; to coerce and induce employees to use warehouse or services maintained by the farm; to impose sanctions on workers deriving from debts; not using the truck system and not paying wages with alcoholic beverages or harmful drugs. **V -** As a consequence of the exclusion of this list of obligations that had been imposed on the defendant, the majority decided to reduce the compensation for collective moral damages from R$ 760,000.00 to R$ 76,000.00, this time, based on the conducting vote of the Honorable Judge Lúcio Vicente Castiglioni, who, for that matter, mistakenly consigned, in the foundation of sheets 1.039, that the Group would have considered non-existent slave labor. **VI - As** already explained, both the original rapporteur and the other members of the Collegiate agreed that the characterization of work in degrading conditions and exhaustive workdays would be enough to consider it as work in a condition analogous to that of a slave. **VII -** In this way, the innocuousness increases of the record drawn up, that the Group, in its majority, considered the slave labor non-existent, since it effectively considered it existing, not in the form of forced labor but in the form of degrading work, from which certain obligations imposed on the defendant were excluded from the legal sanction. **VIII** - In order to illustrate the aforementioned terminological misconception, there is nothing better than to bring to the fore the judgment delivered by the original rapporteur at the time of the judgment of the embargoes of declarations interposed by the appellant, in which His Excellency had established that there had been partial recognition of the existence of work in degrading conditions, of which the majority of the Group had shared, so much that, as he had pointed out, the conviction had been maintained in collective moral damages, but in reduced value. **IX -** On the basis of those legal and factual particulars of the contested judgment, which indicate that slave labor has been accepted in the form of degrading labor and not in the form of forced labor, there is evidence of the difficulties brought to the conclusion, far from dissenting from the contested judgment with it. **X -** It is true that all of them have been inclined to the same understanding of the Regional about the configuration of work in a condition analogous to that of slavery, to make the knowledge of the resource

> unfeasible by line "a" of article 896 of the CLT, because there is no requirement for the specificity of praetorian divergence. **XI -** Regarding the claim to reinstate compensation for collective damages, set by the Labor Court in the amount of R$ 760,000.00, the appeal is unfounded, inasmuch as the appellant did not indicate provisions of law and/or Constitution that they had been violated, nor did it bring to the fore any difficulties to demonstrate divergence of case law. **Resource not known.** [8].

The applicant states that the RR must be known by the principle of transcendence and by the existence of divergence of case law on the characterization of slave labor. Through these arguments, it requires that the value of the inaugural condemnation be reinstated.

The Rapporteur of the RR notes in his vote that in the contested judgment the Rapporteur of the Local Court had stipulated that there is no need for coexistence between the restriction of freedom of movement and degrading conditions of work, that is, the judge supported the doctrinal chain which corroborates that for the characterization of slave labor, the configuration of both facts is not necessary, much less obligatory. This means that the presence of degrading conditions is enough and legal sanctions are already applied to employers who subject workers to work similar to that of slave labor. Thus, in the case in question, it believes that the degrading work of the employees is configured, that is, with the identification of slave labor.

However, the majority of the class in TRT 8 diverged from the rapporteur, accompanying the vote of the adjudicator Elizabeth Fátima Martins. The vote of the adjudicator stated that some legal sanctions should be taken from the defendant, since what was found in the file is that only degrading work, not forced labor, was characterized. This perception culminated in the reduction of collective moral damages from seven hundred and sixty thousand reais (R$ 760,000.00) to seventy-six thousand reais (R$ 76,000.00), followed by a majority by the vote of adjudicator Lúcio

[8] BRASIL. Tribunal Superior do Trabalho. **Recurso de revista do Ministério público do trabalho**. Caracterização de trabalho em condições análogas a de escravo. Divergência jurisprudencial. Não configuração. Recurso de Revista nº 61100-07.2004.5.08.0118. 4ª Turma. Relator: Ministro Barros Levenhagen Julgamento em 15 de dezembro de 2010. Available at: <http://aplicacao4.tst.jus.br/consultaProcessual/consultaTstNumUnica.do?consulta=Consultar&conscsjt=&numeroTst=61100&digitoTst=07&anoTst=2004&orgaoTst=5&tribunalTst=08&varaTst=0118&submit=Consultar>. Accessed on Thursday, January 11, 2018.

Vicente Castiglioni.

The controversy of the judgment resided at the time the vote was written, as the rapporteur of the ordinary appeal, in the local court, stated that the group had not evidenced the presence of slave labor.

The RR rapporteur minister argues that there was only a misunderstanding in the wording, which would not lead to a framework of jurisprudential divergence, because it is clear from the vote of the rapporteur and the decision of the other judges that there was the characterization of slave labor, by the modality of degrading labor, and that the reduction of compensation was due to the configuration of only one of the possibilities that typifies irregular labor, without the modality of forced labor. In these terms, the Rapporteur, Minister Barros Levenhagen, was not acquainted with the RR and was accompanied unanimously by the ministers of the TST 4th Group.

In fact, it seems to us that there was no misconception, but a deliberate manifestation of the TRT Group of the 8th Region, by majority, which associated slave labor with an obligatory restriction on freedom of movement, a position that is still found, although it is not a majority, as we will see in the following item.

Faced with the analysis of the RR ruling, it is possible to conclude that, for some, it is still difficult to establish practical parameters that configure the predicted hypotheses of slave labor. The rapporteur for the ordinary appeal, in the TRT, understood that there was degrading and slave labor, while the adjudicator Elizabeth Fátima Martins, who presented a dissenting vote, together with the majority of the judges, pointed out the existence of only degrading work and, therefore, a large part of the reprimand to the claimant was dismissed. The wide subjectivity of classification and framing according to the facts produced in the case records can substantially modify the conviction, since the withdrawal of "slave labor" consequently led to a reduction in compensation. The questioning is as a seemingly understandable question, which is that work in degrading conditions is one of the modes of execution of slave labor, refer to the distinct interpretation and contrary to the law.

This is what is seen, at the trial of the TRT, in the manifestation of the judge Lúcio Vicente Castiglioni in affirming that he condemned the defendant to the

payment of R$ 76,000.00 or degrading work, but, at the same time, denying the existence of slave labor.

We believe that this imperfect analysis stems from the insistent association between the terms slave labor and forced labor as synonyms, a fact that the rapporteur-minister, in the judgment of the appeal resource, believed to be a misconception, when, in fact, it was deliberate. Forced labor is only one of the modes of execution that characterize labor analogous to slavery, so it is not limited to slavery. In this way, the configuration of slave labor is completely viable in the absence of forced labor, since, in addition to the forced labor modality, there is the submission to exhaustive working hours, degrading conditions and the restriction of freedom to come and go due to contracted debt, all provided for in art. 149, caput, of the Penal Code, in addition to the equivalent figures provided for in § 1 of the same article. And the modes are autonomous, liable to occur in isolation. In the case in question, the misconception resided in the incorrect use of the term "slave labor," since the modalities may occur in a non-cumulative manner, the confirmation of degrading work by itself qualifies labor as work analogous to slavery.

Anyway, the analysis done under the TST is correct, except for having considered that what happened in the TRT was the result of a mere misunderstanding.

1.2 "Dirty list": the decision in RR 184600.13.2007.5.16.0012

For the question of employers' registration, as we have previously informed, we will work with only one decision, since it is the one that is best presented for this purpose based on the research made.

The judgment in question is the subject of an appeal, bringing the Union (applicant) and Francisco Andrade de Alencar (defendant) as parties, the original case being from the Regional Labor Court of the 16th Region. The rapporteur was Minister José Roberto Freire Pimenta, and the case was judged on August 23, 2017.

The judgment notation is as follows:

> **SUIT DECLARING NULLITY OF ADMINISTRATIVE ACT WITH REQUEST FOR ANTICIPATION OF SUPERVISION. EXCLUSION OF**

THE NAME OF THE REGISTER OF EMPLOYERS THAT MAINTAIN WORKERS IN SLAVE-LIKE CONDITIONS. PERMANENCE IN THE REGISTRATION FOR THE PERIOD OF TWO YEARS. ORDINANCE No. 540/2004 OF THE MINISTRY OF LABOR AND EMPLOYMENT.

As an integral part of the operational strategies established by the Federal Government in the National Plan for the Eradication of Slave Labor, the eradication of contemporary forms of slavery is mentioned on a timely basis. In this line, the Ministry of Labor and Employment issued Ordinance No. 540/2004, creating the Register of Employers who have maintained workers in slave-like conditions, with the purpose of establishing, within the Ministry of Labor and Employment - MTE, a list of those employers acting illegally. Pursuant to article 2 of Ordinance No. 540/2004, the name of the offender is included in the register or "dirty list" after a final administrative decision regarding the notice of infraction drawn up in an inspection procedure. On the other hand, article 4, caput and § 1, of Ordinance no. 540/2004 delimits a period of two years for the monitoring of said registry and verification of the regularity of working conditions, so that, in case of non-recurrence, the offender's name can be removed from the list after the administrative fines and the labor and social security debts arising from the tax action have been settled. The exclusion of the name of the offender, therefore, is conditional on the payment of fines resulting from tax action and possible labor and social security debts, in addition to the regularity of working conditions and non-recurrence of the employer in a two-year period. These are cumulative and non-exclusive requirements. In this way, compliance with the term of adjustment of conduct assumed before the Public Prosecutor's Office, as well as the reorganization of irregularities, despite representing the ideal to be repaired by the offending employer, do not have the power, on their own, to entail exclusion of the name of the employer from the Employers Register, because it is necessary to complete the "quarantine" period provided for in Ordinance No. 540/2004. In the present case, it is inferred from the contested decision that the author was fined nine times by the prosecutors of the Ministry of Labor and Employment in 2006, for subjecting workers to degrading conditions such as: lack of hygiene at the place of meals, inadequate shelters, lack of supply of PPE, illegal discounts, truck system practice and excessive workday. The name of the defendant was included in the Register of Employers who kept workers in conditions analogous to slave labor in July 2007 and excluded in June 2008, as a result of the sentence handed down in these proceedings. Therefore, the name of the defendant did not remain in the registry of violators for a period of two years, as required by article 4 of Ordinance 540/2004. Thus, the exclusion of the penalty imposed on the author for the practice already carried out denies enforceability and effectiveness to Ordinance no. 540/2004 and to the principles of human dignity and social valorization of work, elected by the Federal Constitution as foundations of the

> Federative Republic of Brazil (Article 1, subsections III and IV). It should be emphasized that the discussion in this case is delicate and involves serious infractions committed by the company, to the point that nine notices of infraction were drawn up as a result of the practice of adopting labor in slave-like conditions. Ordinance no. 540/2004 of the Ministry of Labor and Employment, dealt with in these proceedings and in force at the time of the infractions committed, was published with a focus on the principles of the dignity of the human person, of work as social value and the social function of property, provided for, respectively, in articles 1, items III and IV, and 5, item XXIII, of the Federal Constitution. In turn, according to article 186, items III and IV, of the Constitution of the Republic, the social function of rural property will be fulfilled when observing the provisions that regulate: 1) labor relations; and 2) the well-being of owners and workers. Appeal resource **known** and **provided**.[9]

As stated in the introduction, the Ministry of Labor and Employment, by means of Ordinance 540/2004, established a list with the names of employers who submit their employees to work analogous to that of slave labor[10]. This register is commonly called the "dirty list." It is sufficient for the MTE to identify the presence of slave laborers and, according to art. 2 of the ordinance, after the full administrative process, the employer is added. According to art. 4 of this normative instrument, the term of stay on the dirty list is 2 years. This means that even if the employer changes the working conditions and proves that he has complied with the labor legislation, his name can only be removed after that period. However, it is possible that even after 2 years the employer does not adhere to the parameters established by the TAC, for example, and decides to maintain irregular labor practices. In this scenario, because of recidivism, his name will remain on the dirty list until further surveys are performed.

In summary, there is only the exclusion of the name of the employer by

[9] BRASIL. Tribunal Superior do Trabalho. **Recurso de revista do Ministério público do trabalho**. Caracterização de trabalho em condições análogas a de escravo. Divergência jurisprudencial. Não configuração. Recurso de Revista nº 61100-07.2004.5.08.0118. 4ª Turma. Relator: Ministro Barros Levenhagen Julgamento em 15 de dezembro de 2010. Available at: <http://aplicacao4.tst.jus.br/consultaProcessual/consultaTstNumUnica.do?consulta=Consultar&conscsjt=&numeroTst=61100&digitoTst=07&anoTst=2004&orgaoTst=5&tribunalTst=08&varaTst=0118&submit=Consultar>. Accessed on Thursday, January 11, 2018.

[10] See note about it in the introduction.

means of the cumulative observation of certain criteria: the fulfillment of labor and social security fines and other agreements transacted, as well as with the course of 2 years.

In the case under analysis, the employer was fined nine times in the same year (2006), which led him to be included in the list in July 2007. However, unlike the provisions of the device, it was withdrawn in June 2008, which violates the normative effectiveness of Ordinance 540/2004.

In the process, according to the ruling, the TRT 16th Region decided to confirm the first instance sentence, ratifying the thesis that the name of Francisco Andrade de Alencar could be excluded from the register of the dirty list of employers. The Court's argument to uphold the thesis put forward in the first-instance court was that, even if the defendant had not fulfilled the temporal requirement of duration on the dirty list, he complied with the established charges and has borne the fines resulting from his practices.

The Federal Union appealed on the ground that all the mandatory requirements for the exclusion of the employer's name from the list had not been fulfilled. He stated that the Local Court upheld the decision of the first instance court, knowing full well that the cumulative requirements were not fulfilled, since the employer was kept on the list for less than 2 years. The federal entity ratified the joint necessity of such requirements, namely: the employer's stay for 2 years in the list, non-recurrence and the proper discharge of fines and labor and social security debts. It believed that it is possible to appeal to the Superior Court in view of the express violation of the administrative act, namely: Ordinance 540/2004.

The TST ruling resumes the discussion of lower instances: the employer was included in 2007, after the inspections carried out on the farm of the appealed (Fazenda Padre Cícero); in the judgment, published on June 30, 2008, there would not yet be 2 years of continuity in the registry.

In examining the case, the rapporteur, José Roberto Freire Pimenta, says that Brazil has committed itself to the fight against the practice of slave-like labor, with various measures at the national level, such as public policies for the recognition of employers, in order to discourage the possibility that its productive chain corroborate

with the slave labor and, at the same time, provide the knowledge of the society as to who the offenders are. In this context, the Ministry of Labor and Employment has innovated by creating the register of employers who submit their workers to degrading work, by administrative means, with due respect to the ample defense and the contradictory. Thus, the normative instrument strengthens the application of constitutional principles, in which it is possible to establish a free, fair, and solidary society, aiming to eradicate social inequalities.

The rapporteur analyzes the Ordinance, more precisely the contents of art. 2 and 4. Regarding article 2, it alleges that it was properly executed, since the defendant was included in the list after the inspection of the MTE (9 fines) in July 2007, with the administrative proceeding concluded at the Regional Office of Labor. With regards to the application of art. 4, caput and §1, of ordinance 540/2004, it demonstrates to disagree with the Regional Court's understanding, considered the permanence of the name of the employer to be reasonable, which would not constitute too much punishment, even if he has already paid off his debts and is not drafted as a repeat offender. To corroborate his understanding, he mentions TST's previous quote on the same subject. Basically, the rapporteur concluded his reasoning by stating that removing the name in less than two years means denying and removing the normative force and effectiveness of Ordinance 540, going against the constitutional principles that legitimize it (art. 1, III and IV, CF).

Accordingly, the ministers of the 2nd Group of the Superior Labor Court decided, by majority vote, to hear the appeal to, on the merits, uphold him, Minister Renato Lacerda Paiva being unsuccessful.

Now, with the presentation of the three judgments, we will, in the following item, verify its compatibility with the jurisprudence of the STF and STJ.

2 COMPARATIVE ANALYSIS OF DECISIONS WITH THE JURISPRUDENCE OF STF AND STJ

The first question to be analyzed concerns the characterization, and it is surely the greatest effort received from the actors involved in this discussion, since it

is what delimits what is considered slave labor in those labor relations that develop in a more precarious way, in Brazil - and there are so many -, and what is prohibited, but it does not constitute a more serious offense, capable of generating repercussions in the criminal sphere, as well as in the labor sphere.

In relation to it (the characterization), it is verified that the two judgments of the Superior Labor Court that were analyzed agree with what the Federal Supreme Court has already ruled, and with the decisions of the Superior Court of Justice.

The TST, in the first decision analyzed (RR - 178000-13.2003.5.08.0117), understood, among other things, that slave labor offends the dignity of the human person, which was also the subject of a decision by the STF in Inquiry 3.412 Alagoas, in which Minister Rosa Weber was the Writer, after the expiration of the Rapporteur, Minister Marco Aurélio, when the Federal Supreme Court ruled that the main legal rights protected by Article 149 of the Brazilian Penal Code are the dignity of the human person and freedom, not only the freedom to come and go, but personal freedom[11], although there were votes in the decision of the STF to recognize only freedom as a protected legal right[12]. In this sense, also, the decision of the 5th Group of the STJ, in the REsp 1.223.781 MA, judged in 2016[13].

On the second (RR 61100-07.2004.5.08.0118), the main issue, and which motivated, within the scope of the TRT of the 8th Region, the incorrect recognition that work in degrading conditions does not constitute slave labor, related to the modes of execution which constitute this illegality. In this case, although the TST has not substantially corrected the misconception in the TRT trial, it has at least made clear that there is no need to restrict the right to come and go for the

[11] BRASIL. Supremo Tribunal Federal. Pleno. **Inquérito nº 3.412**. Alagoas. Relator: Ministro Marco Aurélio. Data de julgamento: 29 de março de 2012. Available at: <http://www.stf.jus.br/portal/processo/verProcessoAndamento.asp?incidente=4209286>. Accessed on Thursday, August 9, 2018.

[12] See discussion about it in Brito Filho, Jucá and Duarte (BRITO FILHO, José Claudio Monteiro de; JUCÁ, Ana Carolina Del Castillo; DUARTE, Beatriz Bergamim. A jurisprudência do Supremo Tribunal Federal e a caracterização do trabalho em condições análogas à de escravo: repercussões nas relações de trabalho. In: **Revista da Academia Brasileira de Direito do Trabalho**. São Paulo: Editora LTr, ano XXII, nº 22, 2017, p. 184-185).

[13] BRASIL. Superior Tribunal de Justiça. **Recurso Especial nº 1.223.781/MA**. Quinta Turma. Relator: Ministro Napoleão Nunes Maia Filho. Julgamento em 23 de agosto de 2016. Available at: <http://www.stj.jus.br/SCON/jurisprudencia/toc.jsp?processo=1223781&&b=ACOR&thesaurus=JURIDICO&p=true>. Accessed on Thursday, July 27, 2017.

characterization, and work in degrading conditions is autonomous and able for this purpose.

It is, by the way, what the doctrine defends. As Capez states: “it is enough to characterize one of these situations so that the crime is configured, not requiring the coexistence of all of them” [14].

The interesting thing is that the STF, in a decision with the same parties in a procedural sense: The Federal Public Prosecutor's Office and the owner of the farm where slave labor took place, decided the exact opposite of what the TRT concluded, that is, that work in degrading conditions constitutes slave labor. This occurred in Inquiry 2.131 Federal District, in which Rapporteur Minister Ellen Gracie, and Designated Writer Minister Luiz Fux, after the retirement of the Rapporteur[15] . Also, regarding the execution modes, it is worth noting the decision of the STJ, 5th Group, in a decision in the Appeal in Habeas Corpus (RHC) 64.073 PI, in which it was recognized the possibility of slave labor due to degrading conditions of work[16] .

Regarding the judgment concerning the "dirty list" (RR 184600.13.2007.5.16.0012), the decision is in line with what has been decided by the Federal Supreme Court and Supreme Court of Justice (STJ), and with the doctrine that has already dealt with the matter[17]. Both courts have already endorsed the validity of the employers' register, an instrument that helps to combat slave labor, by publicizing those who use this practice, as well as by initiating credit restrictions, especially in entities linked to the State.

In the STJ, for example, the validity of the "dirty list" was recognized in the writ of mandamus (MS) n. 14.017/DF, which was filed by a company included in the

[14] CAPEZ, Fernando. **Curso de direito penal:** parte especial. 9ª ed. São Paulo: Saraiva, 2009, p. 346.
[15] BRASIL. Supremo Tribunal Federal. Pleno. **Inquérito nº 2.131**. Distrito Federal. Relatora: Ministra Ellen Gracie. Data de julgamento: 23 de dezembro 2012. Available at: <http://www.stf.jus.br/portal/processo/verProcessoAndamento.asp?incidente=2226955>. Accessed on Thursday, August 9, 2018.

[16] BRASIL. Superior Tribunal de Justiça. **Recurso Ordinário em Habeas Corpus nº 64.073/PI**. Quinta Turma. Julgamento em 28 de junho de 2016. Available at: <https://ww2.stj.jus.br/processo/revista/inteiroteor/?num_registro=201502378197&dt_publicacao=03/08/2016>. Accessed on Friday, July 28, 2017.
[17] See, for example, Brito Filho (BRITO FILHO, José Claudio Monteiro de. Trabalho escravo: caracterização jurídica. 2ª ed. São Paulo: LTr, 2017, p. 30-35).

register, and it was unsuccessful. The decision was made by the 1st Section of the STJ, on May 27, 2009, in the ruling of Minister Herman Benjamin, with publication in the DJe of July 1, 2009[18].

In the STF, the matter was the subject of discussion by means of the Precautionary Measure in ADI 5.209, by the Rapporteur of the Minister Carmen Lúcia, and where the then President of the Court, on duty, Ricardo Lewandowski, on December 23, 2014, granted a preliminary injunction "to suspend the effectiveness of Interministerial Ordinance MTE/SDH no. 2, of May 12, 2011 and of Ordinance MTE 540, of October 19, 2004, until the definitive judgment of this suit."

Subsequently, the Interministerial Ordinance MTE and SDH No. 02, dated March 31, 2015 (published in the Official Gazette of the Union on 04/1/2015) was edited, which revoked the previous ordinance. This ordinance, however, due to the injunction, did not produce effects. Just over a year later, a new normative instrument was edited, the Interministerial Ordinance MTPS and SDH no. 04, of May 11, 2016, published in the DOU of May 13, 2016.

Finally, on May 16, 2016, Minister Carmen Lúcia, Rapporteur of ADI 5.209, in an order, and due to the revocation of Interministerial Ordinance 2/2011, replaced by that of no. 2/2015 and later by no. 4/2016, deemed the action prejudicial, canceling the deferred injunction, and the action was downloaded to the STF's file on June 17, 2016, leaving, although implicit, the validity of this form of action by the Government, in this case by the Minister of Labor[19] .

This decision, let it be noted, did not pacify the issue, which still developed, but this discussion is not the object of this research.

[18] BRASIL. Superior Tribunal de Justiça. **Mandado de Segurança nº 14.017/DF**. Primeira Seção. Relator: Ministro Herman Benjamin. Julgamento em 27 de maio de 2009. Available at: <http://www.stj.jus.br/SCON/jurisprudencia/doc.jsp?livre=14017&b=ACOR&p=true&l=10&i=4>. Accessed on Thursday, August 9, 2018.

[19] BRASIL. Superior Tribunal de Justiça. **Ação Direta de Inconstitucionalidade nº 5.209**. Arquivada em 17 de junho de 2016. Relatora: Ministra Carmen Lúcia. Available at: <http://www.stf.jus.br/portal/processo/verProcessoAndamento.asp?incidente=4693021>. Accessed on Thursday, August 2, 2018.

CONCLUSION

Once the analysis was made of the decisions of the Superior Labor Court, and a brief comparison with the jurisprudence of the STF and STJ, especially the former, it is possible to respond to the research problem.

Although it is here and there, accused of being a conservative court, in the case of work under conditions analogous to slavery, this condition does not apply to the Superior Labor Court.

In the matter of characterization, the TST, in addition to aligning itself with the jurisprudence of the STF and STJ, demonstrates to understand exactly what configures slave labor, which is the violation, mainly, of the dignity of the human person, by the instrumentalization of the worker, by his assimilation to the condition of a thing, and not a human being, in addition to correctly recognizing that it is not only forced labor that configures slave labor, but all situations that fall within the modes of execution defined in article 149, caput and § 1 of the Brazilian Penal Code.

In the matter of employers' register, or dirty list, there is also right not only to recognize its validity, but to enforce all the normative prescriptions that concern it. This was clearly demonstrated in the judgment under review, when it was found that the TST not only endorsed this important administrative measure to combat slave labor, but also decided that all requirements should be fulfilled so that the service taker caught practicing slave labor may have his name removed from the register.

In this sense, the decisions as a whole show that the TST understands the phenomenon of slave labor well and is added to the other superior courts in its repression, which, although not able to eliminate this practice, allows to foresee, at least, that this practice will not be tolerated, which is a great advance.

REFERENCES

BRASIL. Supremo Tribunal Federal. Pleno. **Inquérito nº 3.412**. Alagoas. Relator: Ministro Marco Aurélio. Data de julgamento: 29 de março de 2012. Available at: <http://www.stf.jus.br/portal/processo/verProcessoAndamento.asp?incidente=4209286>. Accessed on Thursday, August 9, 2018.

BRASIL. Supremo Tribunal Federal. Pleno. **Inquérito nº 2.131**. Distrito Federal. Relatora: Ministra Ellen Gracie. Data de julgamento: 23 de dezembro 2012. Available at: <http://www.stf.jus.br/portal/processo/verProcessoAndamento.asp?incidente=2226955>. Accessed on Thursday, August 9, 2018.

BRASIL. Supremo Tribunal Federal. **Ação Direta de Inconstitucionalidade nº 5.209**. Arquivada em 17 de junho de 2016. Relatora: Ministra Carmen Lúcia. Available at: <http://www.stf.jus.br/portal/processo/verProcessoAndamento.asp?incidente=4693021>. Accessed on Thursday, August 2, 2018.

BRASIL. Superior Tribunal de Justiça. **Mandado de Segurança nº 14.017/DF**. Primeira Seção. Relator: Ministro Herman Benjamin. Julgamento em 27 de maio de 2009. Available at: <http://www.stj.jus.br/SCON/jurisprudencia/doc.jsp?livre=14017&b=ACOR&p=true&l=10&i=4>. Accessed on Thursday, August 9, 2018.

BRASIL. Superior Tribunal de Justiça. **Recurso Especial nº 1.223.781/MA**. Quinta Turma. Relator: Ministro Napoleão Nunes Maia Filho. Julgamento em 23 de agosto de 2016. Available at: <http://www.stj.jus.br/SCON/jurisprudencia/toc.jsp?processo=1223781&&b=ACOR&thesaur us=JURIDICO&p=true>. Accessed on Thursday, July 27, 2017.

BRASIL. Superior Tribunal de Justiça. **Recurso Ordinário em *Habeas Corpus* nº 64.073/PI**. Quinta Turma. Julgamento em 28 de junho de 2016. Available at: <https://ww2.stj.jus.br/processo/revista/inteiroteor/?num_registro=201502378197&dt_publicacao=03/08/2016>. Accessed on Friday, July 28, 2017.

BRASIL. Tribunal Superior do Trabalho. **Recurso de revista**. Dano moral coletivo. Redução de trabalhador a condição análoga à de escravo. Reincidência das empresas. Valor da reparação. Recurso de Revista nº 178000-13.2003.5.08.0117. Primeira Turma. Relator: Ministro Vieira de Mello Filho. Julgamento em 18 de agosto de 2010. Available at: <http://aplicacao4.tst.jus.br/consultaProcessual/consultaTstNumUnica.do?consulta=Consultar&conscsjt=&numeroTst=178000&digitoTst=13&anoTst=2003&orgaoTst=5&tribunalTst=08&varaTst=0117&submit=Consultar>. Accessed on Monday, January 8, 2018.

BRASIL. Tribunal Superior do Trabalho. **Recurso de revista do Ministério público do trabalho**. Caracterização de trabalho em condições análogas a de escravo. Divergência jurisprudencial. Não configuração. Recurso de Revista nº 61100-07.2004.5.08.0118. 4ª Turma. Relator: Ministro Barros Levenhagen Julgamento em 15 de dezembro de 2010. Available at: <http://aplicacao4.tst.jus.br/consultaProcessual/consultaTstNumUnica.do?consulta=Consultar&conscsjt=&numeroTst=61100&digitoTst=07&anoTst=2004&orgaoTst=5&tribunalTst=08&varaTst=0118&submit=Consultar>. Accessed on Thursday, January 11, 2018.

BRASIL. Tribunal Superior do Trabalho. **Ação declaratória de nulidade de ato administrativo com pedido de antecipação de tutela**. Exclusão do nome do cadastro de empregadores que mantenham trabalhadores em condições análogas a de escravos. Permanência no cadastro pelo período de dois anos. Portaria nº 540/2004 do Ministério do trabalho e emprego. Recurso de Revista nº 184600.13.2007.5.16.0012. 2ª turma. Relator: Ministro José Roberto Freire Pimenta Julgamento em 23 de agosto de 2017. Available at: <http://aplicacao4.tst.jus.br/consultaProcessual/consultaTstNumUnica.do?consulta=Consultar&conscsjt=&numeroTst=184600&digitoTst=13&anoTst=2007&orgaoTst=5&tribunalTst=16&varaTst=0012&submit=Consultar>. Accessed on Monday, February 12, 2018.

BRITO FILHO, José Claudio Monteiro de; JUCÁ, Ana Carolina Del Castillo; DUARTE, Beatriz Bergamim. A jurisprudência do Supremo Tribunal Federal e a caracterização do trabalho em condições análogas à de escravo: repercussões nas relações de trabalho. **Revista da Academia Brasileira de Direito do Trabalho**. São Paulo: Editora LTr, ano XXII, nº 22, p. 181-186, 2017.

BRITO FILHO, José Claudio Monteiro de. **Trabalho escravo**: caracterização jurídica. 2ª ed. São Paulo: LTr, 2017.

CAPEZ, Fernando. **Curso de direito penal**: parte especial. 9ª ed. São Paulo: Saraiva, 2009.

MESQUITA, Valena Jacob Chaves. **O trabalho análogo ao de escravo**: uma análise jurisprudencial do crime do TRF da 1ª Região. Belo Horizonte: RTM, 2016.

NEVES, Débora Maria Ribeiro. **Trabalho escravo e aliciamento**. São Paulo: LTr, 2012.