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The Work in Higher Education¹

Deise Mancebo

Universidade do Estado do Rio de Janeiro
Brasil

Katia Maria Teixeira Santorum

Universidade do Estado do Rio de Janeiro
Brasil

Carla Vaz dos Santos Ribeiro

Universidade Federal do Maranhão
Brasil

Denise Bessa Léda

Universidade Federal do Maranhão
Brasil

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Resumo: O texto apresenta o dossiê “O trabalho na educação superior”, composto de dez artigos e aborda as mudanças ocorridas no mundo do trabalho no Brasil, a partir do golpe

¹ This is a translation of the original article in Portuguese, and has not been peer reviewed.

parlamentar, midiático e jurídico que se instalou em 2016. Parte da hipótese de que uma das metas centrais do golpe foi justamente o ataque ao trabalho, seja no sentido distributivo da renda, seja no sentido organizativo dos movimentos sociais e de trabalhadores. Analisa a legislação aprovada no período – Lei nº 13.429/2017 e Lei nº 13.467/2017 –, que tem acarretado um forte retrocesso nos direitos inscritos na Constituição de 1988, e enumera, criticamente, as principais consequências dessa legislação para os trabalhadores como o desemprego, o aumento da rotatividade, a redução salarial, a diminuição do recurso à justiça do trabalho e, conseqüentemente, aumento das burlas à legislação social protetora do trabalho, o enfraquecimento da organização sindical e maior sofrimento no trabalho, de uma maneira geral. Ao final, desenvolve os impactos dessas mudanças no trabalho desenvolvido nas instituições de educação superior.

Palavras-chave: Trabalho; Contrarreforma Trabalhista no Brasil; Educação Superior no Brasil

The work in higher education

Abstract: This article presents the dossier, “Work in higher education”, composed of 10 articles and discusses the changes that have taken place in the Brazilian labor world since the parliamentary, media and judicial coup that took place in 2016. It considers the hypothesis that one of the central goals of the coup was precisely the attack on work, in distributive sense of income, and also in the organizational sense of social and workers movements. It analyzes the legislation approved in the period - Law 13.429/2017 and Law 13.467/2017 - which has led to a sharp setback in the rights enshrined in the 1988 Constitution, and critically lists the main consequences of this legislation for workers such as unemployment, increased turnover, decrease in wages, reduction of recourses to labor justice and, consequently, increased mockery of protective social legislation at work, weakening of trade union organization and greater suffering at work in general. In the end, it develops the impacts of these changes on the work carried out in higher education institutions.

Keywords: Work; Labor Counter-Reformation in Brazil; Brazilian High Education

El trabajo en la educación superior

Resumen: El texto presenta el dossier "El trabajo en la educación superior", compuesto por diez artículos y aborda los cambios ocurridos en el mundo del trabajo en Brasil, a partir del golpe parlamentario, mediático y jurídico que se instaló en 2016. Parte de la hipótesis de que una de las metas centrales del golpe fue justamente el ataque al trabajo, sea en el sentido distributivo de la renta, sea en el sentido organizativo de los movimientos sociales y de trabajadores. Se analiza la legislación aprobada en el período - Ley nº 13.429/2017 y Ley nº 13.467/2017 -, que ha acarreado un fuerte retroceso en los derechos inscritos en la Constitución de 1988, y enumera, críticamente, las principales consecuencias de esta legislación para los trabajadores como el desempleo, el aumento de la rotatividade, la reducción salarial, la disminución del recurso a la justicia del trabajo y, conseqüentemente, el aumento de las burlas a la legislación social protectora del trabajo, el debilitamiento de la organización sindical y mayor sufrimiento en el trabajo, de una manera general. Al final, desarrolla los impactos de esos cambios en el trabajo desarrollado en las instituciones de educación superior.

Palabras clave: Trabajo; Contrarreforma Laboral en Brasil; Educación Superior Brasileña

Introduction

Capitalism in its current stage – globalized and with the economy under the hegemony of financial capital – is marked by a trend in which unemployment, casual labor, and precarious employment have become the mechanisms by which companies grow their profits (Antunes, 2015) and public institutions are organized. With the onset of the global financial crisis in 2008,

this state of affairs intensified further and the mechanisms for extracting overwork from workers and subjecting them further to this perverse logic became more entrenched, for “companies seek to assure their profits by demanding and transferring to workers the pressure for maximizing time, for high productivity rates, for reducing payroll costs, and for the loosening of employment contracts” (Antunes, 2015, p.11).

As a result, the oppression of workers is intensifying, raising exploitation levels to some of the highest ever seen. By the same token, capitalists are promoting various approaches that impoverish the working classes and make their lives more precarious, putting an end to trade unions that do not align with their parameters, and resulting in unprecedented levels of work-related burnout.

The idea behind organizing the special issue on “Labor in Higher Education” is to probe this reality in greater depth in the specific context of higher education. It contains a set of texts by researchers working at Brazilian, Latin American, and Spanish institutions, which, based on a wealth of theoretical inputs and critical perspectives, analyze different aspects of the focus of this themed issue.

The first text is Vicente Sisto’s analysis of the impacts of neoliberalism on universities in Chile and the repercussions of this socioeconomic doctrine on the work of their faculty members. It is important to stress Chile’s leadership in Latin America in the adoption of neoliberal measures in a variety of sectors, including higher education, drawing on management models developed in the private sector and establishing, among other measures, the charging of tuition fees and a system of calls for financing linked to performance targets. The text stresses that in this context, the value of academic work puts a premium solely on the quantity of publications and their indexing, while assuming research with foreign funding to be of superior quality. Such policies have serious impacts on the objectives of academic work and the professionals engaged in it.

This text is followed by three that set forth the work of academics in the context of the financialization of higher education in Brazil. Thayse Ancila Maria de Melo Gomes, Roberto Leher, and Hellen Balbinotti Costa present a study of labor conflicts involving the work of professors in publicly listed education companies, with shares traded on the stock market, which operate in the Brazilian higher education system, especially the following groups: *Ânima*, *Estácio*, *Kroton*, and *Ser Educacional*. The study identified news reports that mentioned cases of conflicts at these organizations between 2009 and 2018, which were found to relate to the following topics: the dismissal of employees; teaching conditions and infrastructure; classroom overcrowding; the need to have a larger faculty; the introduction of pedagogic reforms putting emphasis on online courses and distance learning, amongst others.

The next article, by Fabíola Bouth Grello Kato, Vera Jacob Chaves, and Rosimê da Conceição Meguins, discusses the repercussions of the adoption of corporate governance as a model for a higher education establishment that is part of the Grupo Ser Educacional S.A. education group. In this case study, documents pertaining to this business were investigated and semi-structured interviews were conducted with its teaching staff in 2017 and 2018. It was found that with the adoption of corporate governance, pedagogic and social work ceased to serve as a reference, with priority placed on shareholder interests. According to the professors interviewed, this has had a major impact on the education received by the students, affected democratic processes inside the organization, and impacted labor policies, remuneration, and careers.

Andréa Araújo do Vale’s text also evaluates the situation of professors working in the private sector in Brazil in the context of the labor reform introduced in 2017. The paper is split into three sections. The first offers an analysis of the overall direction of the labor reform. The second discusses the peculiar configuration of private higher education in contemporary Brazil, in a bid to demonstrate the power of major education conglomerates to shape education policies. Finally, the third part analyzes the impacts of the legal changes on professors themselves: mass

layoffs, flexible working arrangements, intermittent employment contracts, loss of autonomy, the spillover of work into free time, and heightened control of work processes.

The next group of articles in this special edition contains four pieces of research that problematize the repercussion of neoliberal/Toyotist thinking on the subjectivity of professors and other actors in their daily working activities, including suffering and illness in the higher education setting. Thiago Soares Nunes and Eliana Marcia Martins Fittipaldi Torga discuss the deregulation of labor and intensification of the workload in graduate education as a fertile ground for moral harassment. They investigate the consequences of moral harassment on students and professors engaged in the master's and doctoral programs of a state university in Brazil and find that the repercussions can be severe, affecting health, work, and studies, not to mention individuals' private life. They stress how destructive this perverse strategy can be, with its serious implications for individuals' dignity and identity. They also warn of how such actions are taken for granted and played down, stressing that this is a topic that should be addressed both to remedy cases and to develop measures to prevent it and combat its effects.

The article by Cristina Goenechea, Noemi Serrano, and Concepción Valero addresses the perceptions of young professors who joined the University of Cadiz workforce in the last five years concerning their employment situation in the wake of the economic crisis. It is a quantitative study based on a questionnaire administered twice, in 2015 and 2019. The authors conclude that the current context is inducing greater depersonalization in professors and a harsher attitude in the students, with the result that universities are becoming breeding grounds for illnesses associated with burnout and general malaise.

Altair Alberto Fávero and Diego Bechi present an essay in which they seek to understand how the subjectivity of professors is constituted in the context of the growing hegemony of Toyotist/neoliberal thinking. They consider the changes seen in the work done by university professors, including their increased workload and precariousness, casting light on how this process of capitalist subjectivization has affected working conditions and the life plans and habits of education professionals.

Eduardo Pinto e Silva addresses the relationships between work and subjectivity in the university setting based on research data that identify or focus on questions related to suffering and illness in its different actors, highlighting particularly professors. He argues that there are two fundamental themes that cut across the discussion of work and subjectivity in higher education: suffering and illness; and degradation, burnout, and a feeling of pointlessness. He puts together a series of critical arguments concerning university activities and how they are implicated in insidious and surreptitious forms of suffering and illness experienced by professors, administrative staff, and students, pointing to the need for us to cast an ever broader and more multifaceted gaze not only on the work of professors, but on all work done at universities.

Roberto Francisco de Carvalho, Rosilene Lagares, and Doracy Dias Aguiar de Carvalho look into the harnessing of professors' work in teacher training, based on a literature review and empirical and documental research. The study reveals, from a historical and theoretical/philosophical perspective, that teacher training in Brazil tends to be instrumental, prioritizing technical and pedagogic matters over political/cultural considerations. However, the instrumentalization of the work of professors has not come about linearly or, indeed, without contradictions brought about by the forces engaged in the struggle for education and teacher training based on a substantive, libertarian, and emancipatory perspective.

Finally, the text by Michelle Karoline Pereira da Silva and André Rodrigues Guimarães analyzes the reasons why professors engage and are active in, or conversely, distance themselves, from the university trade union movement, taking as an empirical field of study a federal university in northern Brazil. The participants in the study were the professors who ran the branch of the union at this university between 1994 and 2018. They were invited to answer a questionnaire and then some were selected to take part in an undirected interview. The authors conclude that one of the factors behind professors' involvement in the movement is their

conception of a trade union as an entity designed to fortify workers in general and professors in particular. It was also found that one of the reasons why professors distance themselves from this kind of activity is the unionist conception of collaboration advocated by a significant portion of university faculty members.

As editors of this themed edition, we cannot absent ourselves from the analysis of this complex set of circumstances that surrounds the world of labor so viscerally, which is brought forth so clearly in the 10 texts presented here. As such, we now present a brief analysis of the counter-reforms in the world of work and in higher education, putting particular emphasis on the reality in Brazil.

The Situation in Brazil and the World of Work

As can be seen from the articles focusing on the Brazilian reality, the circumstances in Brazil are complex, especially since 2016, when a parliamentary, media, and judicial coup took over the country. Our basic assumption is that one of the core goals of the 2016 coup was precisely to undermine labor, not just in terms of income distribution, but also in the organization of social and workers' movements, resulting in a very delicate state of affairs in the most varied aspects of social life in the country and constituting a complex scenario with which workplace dilemmas are inevitably interwoven.

The backdrop for the present-day situation in Brazil was the international economic crisis that set in in 2008, which heightened inter-capitalist rivalries between major transnational corporations. The crisis spawned and intensified insurmountable contradictions, resulting in shrinking profit rates, competitiveness in multiple fields of production, and ultimately constituting an obstacle to the very continuation of accumulation.

Furthermore, the violence of the crisis has meant the different fractions of capital inside and outside the country realigned themselves, while forces between different states also realigned on a global scale. The effects of this are felt differently in different place and times, but it is undeniable that in recent years the impact on the periphery of the system and its capacity to accumulate capital has been profound (Mancebo, 2019).

According to Manzano and Caldeira (2018), in Brazil the labor market, [...] which had been on a very positive trajectory since the mid-2000s, especially between 2012 and 2014, when different indicators reached their best levels in their respective series (e.g., number of people in employment, unemployment rate, real average wage), showed great sensitivity to the change in economic growth rates, deteriorating rapidly at the beginning of the second Rousseff administration (2015), when, in clear deference to the financial market, a strategy of recessive shock began (Manzano & Caldeira, 2018, p. 87).

Furthermore, the very social foundations of political reproduction were shaken, culminating in the impeachment of the democratically elected president, Dilma Rousseff, on August 31, 2016, based on no actual clear, material evidence, followed, on April 7, 2018, by the conviction and imprisonment of former president Luiz Inácio Lula da Silva in a bid to remove him from the 2018 electoral race and enable the continuation of a government that was loyal only to the counter-reforms and the interests of big capital (Mancebo, 2019).

Essentially, since 2016 Brazil has been living under a coup, a rupture in democracy and a serious political, economic, and social crisis with all the trappings of an extreme neoliberal and openly authoritarian platform, shattering the illusions of those who believed in the infinite virtue of policies to foster the reconciliation of classes: the idea that the country's social apartheid and underdevelopment could be overcome without confronting the ruling classes (Singer & Loureiro, 2016). In order to keep their grip on power, these ruling classes "have resumed their offensive against the underclasses with an even more flagrant form of neoliberalism, [such that] workers

are paying the bill for the crisis by means of stringent austerity plans and increasingly curtailed living standards” (Braga, 2017, p. 22).

Generally speaking, these plans – summed up originally in the document *Uma Ponte para o Futuro* (“A Bridge to the Future”; PMDB, 2015), which heralded the coup – were adopted by Michel Temer’s administration (2016-2018), then ramped up under the elected president Jair Bolsonaro. Generally speaking, this platform means surrendering to the cycles of financial capital, with the following structural consequences: (1) state reform, making the state leave space for financial capital and offer public monies to this type of capital; (2) the freezing of spending on education, healthcare, and welfare in general; (3) the privatization, deregulation, and denationalization of public systems and big companies in which the state has a major stake, including the oil company Petrobras, the electricity holding Eletrobrás, the banks Caixa Econômica Federal and Banco do Brasil, and the national mint, Casa da Moeda; (4) increased passive subordination to capitalist globalization, especially that aligned with US interests; and (5) a massive reduction in the cost of human labor, with the dismantling of social legislation protecting workers’ rights, proof of which is the legislation passed since then, which will be detailed in the second part of this analysis.

The core thesis is that too much is spent on public policies and, as such, public spending must be cut to enable fiscal rebalancing. This can be seen in Constitutional Amendment 95 (Emenda Constitucional 95, or EC 95), of December 16, 2016 (Brasil, 2016), which included several items in the Transitional Constitutional Provisions Act (Ato das Disposições Constitucionais Transitórias) that herald a new fiscal regime, setting a ceiling on federal government spending that will last for the coming twenty years.

The new regime does not allow the government’s total and real expenditure to grow above the inflation rate, not even if the economy is healthy, which differentiates this legislation from experiences in austerity and public spending caps in other countries. Essentially, the new rules take no account of economic growth rates or demographic changes in the coming two decades, which “may lead to the devastation of social policies, especially in the areas of healthcare and education, completely jeopardizing the quality of life of the Brazilian population” (Mariano, 2017, pp. 260-261). One of the measures set forth in EC 95 is the freezing for 20 years (based on the inflation rate of the previous year) of federal resources earmarked for social policies, notably education and health. However, no limit has been set on the payment of interest or amortization of the public debt, which benefits the financial system with rates close to 50% of the federal budget.

This ultra-neoliberal platform, expressed in EC 95 and other legislation, and which has already made major inroads in its normative aspects, means a drastic backslide in the rights granted by the 1988 constitution and the progress made, however limited, under governments led by the Workers’ Party (Partido dos Trabalhadores, PT) since 2003, and even progress made during the Vargas Era². In particular, in the realm of labor, the new “reform” has measures that erode rights granted in the 1916 Brazilian Civil Code.

It would be fair to say, then, that “Brazilian capitalism has readjusted its accumulation dynamics and is consequently imposing a trajectory of state action with a greater commitment to the select and already privileged portion of the population enriched nationally and internationally” (Pochmann & Moraes, 2017, p. 85), exacerbating social inequality.

To wrap up the description of the current state of affairs, it is important to mention the conservative offensive underway in Brazilian society: with traits reminiscent of fascism, the country’s authoritarian, anti-democratic past is reappearing in a new guise as “modernization”. This current wave of conservatism may have broken out with the 2016 protests in favor of the impeachment of President Dilma Rousseff, but it is actually a reflection of more deep-seated,

² The Vargas Era refers to the unbroken 15-year period when Getúlio Vargas was president of Brazil (1930 to 1945). It was a turning point in Brazilian history due to the many changes he introduced to the country of a social and economic nature, including in the realm of labor.

covert authoritarianism in Brazilian society. It is composed of fascist manifestations and is intensified openly in discourses and actions, in displays of intolerance and violence against all forms of sociocultural (women, black people, indigenous people, LGBTQ), religious, and political (anti-communist) diversity as well as in expressions of class violence, such as the military intervention against poor and black residents of Rio de Janeiro witnessed in 2018.

As Chauí (2018) points out, Brazilian society is structurally anti-democratic because it is structurally racist, misogynistic, violent, hierarchical, vertical, authoritarian, and oligarchic: [In Brazilian society] economic and social inequalities are taken for granted – the wage gap between men and women, blacks and whites, the exploitation of the labor of children and older people is considered normal; the existence of landless, homeless, unemployed people is attributed to the ignorance, laziness, and ineptness of the “abject poor”; the existence of children with no childhood is seen as a “natural tendency of the poor towards crime” (p. 3).

All this is indicative of the anti-democratic, conservative atmosphere that is taking hold in the country and in the field of discussion about education at both school and university level, and at public universities themselves.

This phenomenon has been exacerbated since the election of an extreme right candidate as president of the republic, as Eliane Brum (2018) writes in her column in the newspaper *El País*: The election of Jair Bolsonaro, the extreme right-wing populist [...] released something in the country. Resentment repressed for a long time – by many. All manner of repressed feelings emerged from the sewers of the unconscious and today parades euphorically in streets, schools, universities, public entities, family meals.

Having concluded this brief diagnosis of Brazil’s economic, political, and ideological situation in the present day and the objectives of the governments that have been in power since the coup, which are already being rolled out apace, it is worth asking ourselves what impacts can already be seen in the world of work.

Counter-Reforms in the Field of Work

First of all, it is important to point out that changes in employment regulations, including those introduced in the guise of labor reforms, have been seen in many countries around the world in recent years. It is no coincidence that the labor reforms pursued in Brazil are so very similar to and have taken place almost at the same time as those seen in Argentina, under Mauricio Macri, and in France, under Emmanuel Macron, to give just two examples. Differences aside, they are all explicit responses to the situation induced by the crisis on the part of different sections of the bourgeoisie, whether national or international (Mancebo, 2019).

As Rigoletto and Páez (2018) explain:

In the current stage of capitalism, there is a movement towards the loosening of worker protections and labor laws. Business groups and governments hold that labor legislation prevents the adequate functioning of the labor market, preventing job creation and having a negative impact on the buying and selling of the workforce. As such, parties in favor of labor market deregulation argue that labor regulation – the laws that regulate the use, remuneration, and dismissal of workers – should be reformed, cutting down on the “excessive” protection of workers and opening space to increase employment levels (Rigoletto & Páez, 2018, p. 186).

There is, however, no evidence to suggest that the loosening of labor legislation actually has any positive effect on economic growth, inequality, or unemployment rates. Meanwhile, as Krein et

al. (2018) note, “there is ample evidence that reducing labor protections exacerbates the proliferation of casual work, bringing about increased inequality and worsening the segmentation of the labor market” (p. 98). Furthermore, it has also been found that looser employment regulations free companies up to manage their workforces according to their own interests, making alterations that “seek to reduce companies’ costs and give them greater freedom to determine contracting conditions, and the use and remuneration of the workforce” (p. 99), almost always to the detriment of workers.

In Brazil, the labor reform agenda was begun in the 1990s with the introduction of new legal mechanisms that loosened the regulation of the labor market, even though this market was already very flexible, “as can be seen, for example, by the high turnover rates, the variations in workers’ earnings according to economic cycles, as well as illegal and casual employment” (Krein et al., 2018, p. 99).

Changes continued to be made in the 2000s with ad hoc regulations of certain aspects of the Consolidated Labor Laws (*Consolidação das Leis do Trabalho*, CLT), passed in 1943, and the Federal Constitution (1988), without, however, resulting in their actual dismantling. In the 2000s, indeed, market dynamics were inverted, with “an upturn in formal employment, reduced unemployment, and improved income for workers, especially those at the base of the social pyramid, thanks to the policy of raising the minimum wage” (Krein et al., 2018, p. 99). Even so, these improvements were not enough to “change the structure of the Brazilian labor market, marked by low wages, high inequality, significant heterogeneity, and high levels of casual labor” (p. 99).

The reform underway today is quite a different matter. In the main, it was formulated by the technical staff of entities representing business interests and financial institutions, and it could even be said that one of the core goals of the 2016 coup was precisely to sabotage labor, both in terms of income distribution and in terms of the organization of social and workers’ movements. This was largely achieved by the legislation passed in 2017. Essentially,

at the heart of the conservative, authoritarian logic is the aim of reinstating the historical conditions of excessive exploitation of labor, denying and destroying the regulatory apparatus of labor relations and the social contract established in recent decades, and demobilizing workers’ organizations (Trindade, 2018).

The legislation passed in 2017, then, was not just a technical reaction, an “updating or modernization” of Brazil’s labor laws, as its ideologues claim, seeking to associate it with the idea – as seductive as it false – of a panacea for all the ills of the Brazilian economy,

of a remedy against unemployment, the dynamic of economic growth, after all, the high rates of unemployment and economic recession – it was declared – were the effect of excessive social and labor protections, which supposedly made the cost of Brazilian production too high and forced economic agents to fire or not hire people (Krein & Gimenez, 2018, p. 12).

In fact, the labor legislation passed in 2017 should be seen as a clear effect of class struggle designed to entrench the conditions required for capital accumulation residing here through the increased exploitation and domination of the working class through a legal system that expands “the power and freedom of capital to determine the contractual conditions, uses, and remuneration of labor. Its flip side is that it leaves the worker increasingly insecure, vulnerable, and at risk, with negative consequences on their personal, family, and social life” (Krein & Gimenez, 2018, p. 16).

It is worth noting that the progress made by the PT governments (2003-2016), limited as it may be, was the result of a long process of building resistance through social movements, which ended up setting higher expectations for the social contract and even led to some important concessions by the ruling classes, especially in terms of employment laws and social security (Trindade, 2018). However, this has been reversed with the help of a congress, many of

whose members are themselves implicated in corruption suits and many are representatives of business sectors, elected on the back of financial contributions by big business. The new labor legislation was voted in hastily and with only limited public debate, constituting a historic backslide that has destroyed labor regulations and introduced two fundamental regulatory pillars.

Act 13.429, of March 31, 2017

The first regulations came with the passing of Act 13.429 on March 31, 2017 (Brasil, 2017a), which, after a troubled legislative process, gives companies the right to outsource any activity, not just ancillary services, as had been the case thus far. That means, for instance, that a school that could previously only outsource its cleaning, food, accounting, and other non-educational services can now also outsource its teaching staff (Mancebo, 2019).

The law also regulates aspects of temporary employment, increasing from three to six months the maximum length of a temporary employment contract, extendable by a further 90 days, bringing the total up to nine months. The text of the law even allows temporary workers to be hired to substitute striking workers if the strike is deemed unlawful or if the provision of services deemed essential is stopped (Mancebo, 2019).

When it comes to companies' responsibilities when outsourcing services, the law states that outsourced workers may only claim for the payment of their labor rights from the company contracting the service after the assets of the outsourced company have been used up.

Overall, this new legislation encourages companies to lay off their existing workforce and contract outsourced workers for lower pay. A 2014 study by the umbrella group of trade unions in Brazil, Central Única dos Trabalhadores (CUT), and the trade union research organization Departamento Intersindical de Estatística e Estudos Socioeconômicos (DIEESE) found that outsourced workers earn on average 30% less than direct employees. The state itself, which already directly or indirectly promotes outsourcing, especially through work cooperatives, non-governmental organizations, and social organizations, is likely to expand this practice, also outsourcing core activities³.

Act 13.467, of July 13, 2017

On July 13, 2017, Act 13.467 was passed (Brasil, 2017b), known as the Labor Reform Act⁴, taking effect on November 11 of the same year. The main changes introduced by this law are:

(1) The primacy of negotiation over legislation, loosening the relationship between employer and employee, enabling the validation of collective norms that provide for fewer rights than the CLT or the Federal Constitution. Two examples are vacations, which can now be split into three periods, and rest time during the working day, which has dropped from two hours to at least 30 minutes. These changes, in the midst of the worst recession in Brazilian history, essentially give carte blanche to strip workers' rights and exacerbate worker exploitation (Mancebo, 2019).

(2) The loosening of legislation concerning the working day by means of agreements between employers and employees, allowing up to 12-hour working days and 48-hour working weeks.

(3) The approval of intermittent work arrangements, also known as zero-hours contracts, where the worker is called on only when the company needs them and is only paid for the hours they work, with no assurance of daily work or a minimum wage at the end of the month

³ According to Braga (2017), in 2013, Ministry of Labor and Employment records indicated that the contractual conditions of around 35% of workers in the federal public service diverged from the legal format established in the 1988 constitution for the civil service.

⁴ Act 13.467 was published in the government gazette, *Diário Oficial da União*, on July 14, 2017, to take effect on November 11, 2017. On this date, a temporary executive order, Medida Provisória 808, introduced no less than 84 changes to the act.

(Mancebo, 2019). Under such arrangements, employees earn no set wage and therefore have no guarantee of survival. Their reproduction, physical included, depends on their being invited to work (or not) for a given period of time (of however long) to work and earn some income. There are now several authors who raise the hypothesis that the new structural changes to the labor market will mean a generalized use of intermittent employment arrangements, which may come to replace even outsourced labor, making them the main form of “formal” employment in the country:

For a start, their [workers’] vulnerability is cruelly heightened, since even if on paper they can turn down an invitation to work, it is more likely that they will spend their life completely at the mercy of such invitations. As a result, we pass from the subsuming of labor to capital during the working day to the subsuming of a worker’s entire life to capital (Filgueiras, Bispo & Coutinho, 2018, p. 131).

(4) Permission to hire self-employed workers or individual independent contractors, thus avoiding a formal employment relationship (and therefore without any of the protections provided by the CLT). Both intermittent/zero-hours contracts and the use of self-employed workers or individual independent contractors, reinforced in the reform, are ways of transferring to the institutional field a precarious survival strategy well known to Brazilians: moonlighting. This provides no labor security whatsoever and the worker is paid only for whatever services he/she is able to obtain and perform (Mancebo, 2019).

(5) Employment contract terminations without union approval.

(6) Permission for pregnant and breastfeeding women to work in places where the degree of insalubrity is medium or minimal.

(7) Undermining of the assurance of access to free legal representation in labor lawsuits, since the law states that workers must now pay any costs incurred, such as expert and legal fees, if they do not win the case. Previously, workers were exempted from any financial expenses by signing a statement that they lacked the financial means to pay, in which case these sums were paid by the judiciary itself. With the reform, the worker has to prove they cannot pay. Obviously, these new requirements diminish the power of the employment justice system and its agents and, by the same token, strengthen the position of bosses. The advocates of the reform say that the CLT and the employment justice system are responsible for increasingly high levels of litigation. They argue that the content of the regulation and the legal decisions tend to encourage litigiousness, resulting in insecurity. This is what justifies the adoption of measures to put barriers in the way of workers’ claims.

(8) The payment of union membership fees ceases to be obligatory.

As mentioned earlier, these are just a few of the changes introduced by the reform, which, far from affecting only private sector workers, will also affect the supply of public services. It is expected, for instance, that outsourcing and zero-hours contracts will increase in the public sphere, potentially paving the way for the end of public competitions for the contracting of civil servants (Mancebo, 2019).

In essence, the labor reform completely erodes the principle of protection underpinning Brazilian employment law, which is based on the premise that workers have less bargaining power than employers, and should therefore have greater legal protections and rules that prevent employers, with their power to hire and fire, from requiring employees to work more than permitted by law.

Impacts of the Counter-Reform on Workers

First of all, it must be recorded that the legislation passed in 2017 comes on the back of changes already seen in labor relations since the 1990s. They are part of a broader context of loosening employment relations which, under the pretext of modernizing the legislation, actually

curtail and remove rights, making workers more vulnerable and impacting negatively on their forms of social organization.

Far from being suited to reducing the alarming unemployment rates or shrinking buying power of workers, what these laws actually do is reinforce the precariousness of living conditions, especially on the part of women and black people, who make up half of the precarious workers in Brazil. Below are detailed a few of these impacts:

(1) Unemployment is on the rise, since outsourced and intermittent workers work on average three to four hours longer than employees with a regular work contract. This means that an employer can get the same work done – have the same number of hours worked – using fewer workers. Specialists from the International Labor Organization who have studied the effects of the labor counter-reforms in several countries in recent years have found not a reduction in unemployment, but an increase in low paying jobs, with negative implications for earned income levels. Invariably, such reforms go hand-in-hand with increased poverty and social inequality (Mancebo, 2019).

In the second half of 2018, the Brazilian Institute of Geography and Statistics (IBGE) published an assessment of the labor market, finding that 27.6 million Brazilians were out/short of work. The underutilization of the workforce was found to be the highest in the time series, which began in 2012. This means that over a quarter of the Brazilian workforce, summing 104.2 million people, were adrift. This figure reveals just how serious a socio-economic situation the country is now facing.

(2) Increased turnover is another harmful effect of the labor reform. This mechanism used traditionally by companies to keep wages down reaches the extremely high level of 40% throughout most of the year. Older, higher-earning workers are laid off, and new workers are hired for the minimum wage payable to each category of worker.

(3) As a direct consequence of this, wages are effectively going down. The earnings of outsourced workers, for instance, are on average 30% lower than those of workers with a formal employment contract (CUT & DIEESE, 2014).

(4) An increase in the number of workplace accidents is another effect to be expected from the new legislation because of the limitations often faced by those who are responsible for performing activities without receiving adequate training and without adequate investment in working conditions, responsibility for which is passed on to the subcontractor. Furthermore, the highest risk jobs tend to be done by outsourced workers.

At Brazil's major energy company, Petrobras, over 80% of workplace fatalities from 1995 to August 2018 were of workers from outsourced firms. According to the portal of the Regional Labor Tribunal in Pernambuco, 80% of the accidents in the state's electricity sector are suffered by outsourced workers. The portal also highlights that even when performing a superficial visual inspection it is possible to detect differences in the levels of protection and working conditions between the outsourced workers and those contracted directly by the electricity utility. Meanwhile, a survey of the civil construction industry conducted in 2013, when it was one of the country's top employing sectors, found that of the 208 workplace accidents recorded, 141 involved outsourced workers (Tribunal Regional do Trabalho, 2018).

(5) A drop-off in the number of labor lawsuits and thus an increase the sidestepping of legal protections for workers is another expected effect. Data from the Supreme Labor Tribunal record an average 46% reduction in the number of labor lawsuits filed between December 2017 and March 2018 vis-à-vis the same period in previous years.

(6) The trade union movement is also expected to lose influence because the unions are becoming fragmented as the number of companies that outsource their work rises. Additionally, the primacy of negotiation over legislation and of negotiations with individuals or small groups also weighs against unionism and tends to strengthen the position of employers (Mancebo, 2019).

(7) Falling tax revenues are also expected, first because of the overall decline in wages, which is unavoidable with the widespread adoption of outsourcing and intermittent working

arrangements, but also because smaller companies and independent contractors pay fewer taxes. As such, the reform squeezes the sources of funding for social security by encouraging atypical contracting formats, increasing job insecurity and worker turnover.

(8) Corruption could be facilitated, at least in the public sector, where more opportunities for outsourcing and the use of zero-hours contracts will allow thousands of mayors, councilors, and government-owned companies to dispense with the traditional public competitions to hire new workers and will simply employ outsourced firms, self-employed workers, and individual independent contractors to render services to the public sector (Mancebo, 2019).

(9) Social inequality will likely increase, especially in relation to the lowest sectors of the Brazilian workforce, particularly affecting women, black men and women, and younger and older people.

(10) Finally, it is also expected that there will be an upturn in the number of occupational illnesses, especially in the area of mental health. Work-related physical or psychological health problems are on the rise the world over, and in a setting of precarious working conditions and longer working hours, they are only likely to increase further.

When it comes to outsourced workers, it is clear that the attack on workers' dignity only exacerbates the problems and creates an environment propitious for emotional suffering and the development of illnesses resulting from a kind of apartheid: the condition of being out-sourced, outside the regular category of worker.

Data from the Social Security Secretariat of the Ministry of Finance indicate that in 2017, mental and behavioral disorders were third place in the list of causes of disability, totaling over 600,000 cases (Brasil, 2017c). Its website further notes that this number represents around 9% of all accident- or illness-related leave or health-related early retirement granted to workers between 2012 and 2016.

The World Health Organization estimates that mild mental disorders affect around 30% of workers, while 5% to 10% suffer from severe mental disorders. An exacerbation of mental health issues has been identified by several researchers in this field, such as Seligmann-Silva (2010), Paparelli, Sato, and Oliveira (2011), and Souza (2013).

Importantly, the numbers cited here are the official figures. It is quite likely that the real numbers are far higher, considering the historical underreporting of occupational illness, especially mental ill-health. All of which points to an extremely worrying scenario and a major public health challenge for Brazil. Besides underreporting, there are the challenges placed on health workers in finding a causal link between mental suffering and work, as identified by Paparelli, Sato, and Oliveira (2011).

The manifestations of suffering in the workplace take the most varied of forms, ranging from symptoms that are hard (but not impossible) to relate to work, like stress, depression, burnout, panic syndrome, exhaustion, as well as others that are equally incapacitating for work. In the scenario of the labor counter-reforms seen in Brazil and corporations' eagerness to maintain their profit margins, the abovementioned causes of illness and suffering are compounded by ever more intense pressures in the workplace, opening space for moral harassment and its harmful effects on mental health.

Impacts of the Counter-Reform on Higher Education Workers

Science and higher education have undergone profound changes in the midst of a new economic orthodoxy, transitioning from the equilibrium of power and the interests of the bourgeoisie in production activities to institutions linked to financial capital. As Sguissardi (2015) observes, with the globalization of financialized capital, "science and higher education take on an increasingly higher value as merchandise" (p. 98); the institutions with the capacity to produce them come to be seen as new, "albeit indirect, producers of more value" (p. 98). Accordingly, great transformations have been seen in higher education establishments around the world,

prompted ultimately by the hegemony of financial capital under the aegis of interest-bearing capital and fictitious capital (Mancebo, 2017).

In Brazil, the 1990s was the watershed for these profound changes and also for changes in the institutional culture of higher education, which have stretched and expanded to the current day. As there is no room in this text to go into every stage of the changes to Brazil's public policies, the focus will be on the here and now and, in particular, the impacts on higher education, which are associated with two major trends that are strongly affecting the work done there. These are: (i) the public spending austerity measures that were introduced in 2015 and were tightened by the Temer administration with the constitutional amendment that put a cap on public spending (EC 95) and the passing of new labor laws – changes that are being continued by the present government; and (2) the reaffirmation of the neoconservative position in the ambit of the so-called cultural war, which unfortunately cannot be discussed adequately here.

As already discussed, in just over a year, shortly after the 2016 coup, the occupants of the federal executive power and national congress approved constitutional and legal amendments that would bring about profound changes to the employment relations of workers in general and also for workers in the field of education. Alongside EC 95 came a dramatic reduction in the cost of human labor, proof of which was the passing of Act 13.429 on March 31, 2017 which assures, amongst other things, unlimited use of outsourcing, and the passing of Act 13.467, on July 13, 2017, or the Labor Reform. Finally, in the present government we see clear pressure to pass a social security reform⁵, touted as a silver bullet for the country's financial woes.

In the case of education, the plans of the current Minister of the Economy, Paulo Guedes, are clear: education is not a priority. In early May 2019 the Bolsonaro government translated this anti-knowledge discourse into concrete measures, introducing the suspension (actually a cut) of the payment of 30% of spending for federally run higher education establishments. In science and technology, executive order 9741, of March 29, 2019 (Brasil, 2019a), also chopped 42.27% off the Ministry of Science, Technology, Innovation, and Communication's budget for investments. The impacts on the work being done in higher education are incalculable, affecting not just university level education, but the country's entire research infrastructure, putting at jeopardy the whole science, technology and innovation system, built up over decades, and making it still harder for the country's economy to recover and the population's quality of life to improve⁶.

In the specific case of professors, a great heterogeneity or disparity can be seen in working conditions depending on the type of institution in question (public or private), the ratio

⁵ Proposed constitutional amendment PEC 6 (Brasil, 2019b) constitutes what has come to be known as the social security reform. Overall, the proposal is structured along three lines: "one known as a 'transition rule,' which affects all those workers who are in any way part of an existing social security system, including pensioners; the widespread adoption of individual pension accounts for all future workers; and the removal of social security from the Constitution" (Fiuza, 2019). With a combination of higher age limits and minimum contribution times, people can no longer retire after they have contributed a certain number of years. The minimum retirement age for women goes up and, in some cases, for men too. The calculations change and the value of social security benefits drops overall. People cannot receive more than one pension. Benefits and pensions can only be received simultaneously at values of up to twice the minimum wage, and the age at which people with disabilities can receive a pension is raised. It is an absolutely pernicious reform from the worker's perspective. Nonetheless, its whole purpose is to assure the depletion of the public coffers, meaning the depletion of the federal budget, to make sure interest payments can continue to be made and public debts can be amortized.

⁶ In October 2019, when this text was completed, after countless pressures, including three major national street protests and several manoeuvres by higher education establishments to keep universities running, the funds were released. Federal higher education establishments are on a precarious footing, having accrued debts with interest from so many payment arrears (electricity, telephony, etc.) and it is quite likely that many of the resources will go back to the public coffers because there is not enough time now to use them before the end of the year.

of lecturers to students, the levels of formal academic qualifications, the employment contracts, the existence or not of a career plan, multiple and often contradictory other demands of activities of different kinds (undergraduate, graduate, distance learning, management), and others. As Sguissardi (2017) observes, “the factors that most forge or determine these disparities include the presence or absence of career plans, as well as the salaries earned, because of the great institutional diversity” (p. 153).

As for the other professionals working in higher education, diversity is also the rule, even at public establishments, where the use of outsourced workers has for some years become the norm.

That said, let us look at some of the more overarching trends to be expected in the future for workers in public and private higher education establishments.

(1) Wages can be expected to be kept under strict control, in direct correlation to the budget cuts imposed. Furthermore, work at public higher education establishments will be affected as the effects of EC 95 and the budget cuts are felt, impacting not just capital and running costs, but also personnel, not to mention the cuts in science, technology and innovation, which are already significantly curbing the activities of scientific projects both at federal and state universities and at research institutes.

(2) Structural paralysis is expected to set in in the medium term in all public services, including higher education. According to a survey conducted by *El País* (2019) newspaper, one in every three positions in federal government is vacant. This is only likely to worsen as civil servants rush to retire. Minister Paulo Guedes has stated that around 50% of federal workers will retire in the coming years and the idea is not to hire new people to replace them. This is a strong trend that has to be dealt with in public higher education institutions, affecting not only the quality of the education and research done there, but also increasing the workload of those who remain.

(3) A good part of the ancillary services are already outsourced, even at public higher education establishments, through contracts with companies that deny their workers even the most basic of labor rights and protections. With the new legislation, outsourcing and zero-hours contracts may also be used for workers in the core activities, even faculty members themselves, both at private-sector education businesses and in public services.

(4) For employees of private, market-oriented higher education establishments, where around 76% of all undergraduate students enrolled in 2017 (including distance learning), the effects of the crisis and the new legislation will be dramatic.

In this case, we must recall that this sector has been strongly finance-oriented since 2007, when some education companies floated their capital and started trading part of their financial assets on the São Paulo Stock Exchange. Since then, the prevailing logic at these higher education establishments has been that of any public company – maximizing profits for shareholders – meaning there is a continuous effort to align their administrative goals with the interests of their shareholders by adopting fairer practices, providing greater liquidity, and ensuring the valuation of their publicly traded stock. As such, at private higher education establishments, almost all of which have no real commitment to quality education or professional training, let alone workplace ethics, education is treated like a commodity and workers like a “cost”⁷, and the management model to assure their “success” is business-oriented, imposing a rationale that ends up guiding every sphere of their activities towards dependency on an economic ethos (Mancebo, 2018).

Since the Labor Reform and the Outsourcing Act came into effect, this state of affairs has only worsened, with one result being a new wave of layoffs, as seen, for example, in late

⁷ One salient feature of the contractual conditions of professors at private higher education establishments is that almost 50% of these lecturers are paid by the hour.

2017⁸. This means that worker turnover, which was already high, is only likely to increase. Sousa (2017) analyses the situation thus:

the breadth of the marketization of higher education, empowered by the counter-reform of the world of work, is already taking material form with the dismantling of employment relations, the closure of job positions, and the more widespread adoption of a form of education that is mass-produced, but void of socially referenced meaning (s.p.).

(5) The expansion of these higher education businesses, the high growth rates both of the number of graduate programs and the number of graduate students since 2015, plus the demand for ever higher production levels (the “publish or perish” mindset) have resulted in the vertiginous intensification of labor to the point of blurring the lines between work life and family life (Sguissardi, 2017). If we add the factors relating to the reforms in the field of employment (especially unemployment, the rush to retire, and low wages), it is fair to assume that the intensification of labor in higher education will reach alarming levels in the coming years.

(6) As aptly discussed by Silva and Ruza (2018), rates of illness – a silent and insidious effect – will tend to rise. This may be related to a lack of recognition of/at work, or an exhaustion of protection strategies or the capacity to resist the management model, with its paradoxical calls for collective work and quality in a system rooted in competition, individualism, and quantitative assessments, increasing workloads, to mention just a few facets. As these authors point out, “the diagnoses of depression and emotional and mood disorders are the ones that stand out most” (Silva & Ruza, 2018, p. 8), relating suffering, even if it is not always the cause of the ailment per se, to the barriers placed on the workers’ ethical and political ideals.

They [the sufferings] are related to ethical and political sufferings, especially in cases of professors who believe in an ideal, who through their professional activities [aim to be] producers of transformative actions. Professors who want to make the university an institution with a social function and thus effective in confronting social inequality and fostering social justice. And who, facing impediments, suffer or even get ill (Silva & Ruza, 2018, p.8).

Higher education establishments imbued with instrumental and production-oriented values – where an excessive workload is the norm, where evaluations are a constant and pressures are internalized, where work and private life clash, where employment protections are dismantled in virtue of competition and individualization in the workplace – are faced with a pathogenic form of management (Silva & Ruza, 2018).

Some Concluding Remarks

Eight decades since it was passed, the CLT legislation has had almost 100 of its items hastily modified by the Brazilian congress. This means the dismantling of workers’ protections as they were originally envisaged, after much struggle by workers between the 1930s and 1980s. Under the new legal provisions, in a very short space of time the country could be drawn into a social experience of exceptionally low wages, a general acceptance of poorly paid work and excessively long and heavy working days, increased workplace accidents and work-related illness, increased legal insecurity, an exacerbation of the union representation crisis, and consequently a spread of social violence and political instability.

In overall terms, the Outsourcing Act, the Labor Reform, and what could be ascertained about the Social Security Reform, not discussed here, are all guided by the same central line: to entrench the mechanisms of an economy based on the undermining of rights (Harvey, 2016).

⁸ Just to give one example: on December 5, 2017, Estácio announced that it was laying off 1,200 professors, and would hire the same number under new contractual conditions.

The neoliberal “formula” at this point in time could be summed up as follows: direct erosion of the value that social labor produces, with the appropriation and accumulation of a large portion of the common wealth by a few, with both mechanisms anchored in a (neoliberal) political form of nation state. In the Brazilian case, the evidence is clear: overbearing business and financial market demands, based on interrelated interests, have been incorporated wholesale since the state coup in 2016 and have sponsored these changes,

[...] whose undeclared goal is to assure the quickest transition possible to a regime of accumulation based primarily on the exploitation of cheap workers to a regime of accumulation revolving around the undermining of workers’ rights (Braga, 2017, p. 182).

Additionally, we agree with Laval and Dardot (2016) that the increasing self-valuing of capital is accompanied by multiple institutional constructs and disciplinary devices, constructing a veritable “factory of the neoliberal subject,” to borrow these authors’ expression: a governance of men through the universalization of the logic of competition as absolutely fundamental for the unification of economic power and social power.

The mechanisms of an economy based on the undermining of rights, the neoliberal state that supports these mechanisms, and the governance of men guided by competition, entrepreneurship, and accelerated performance, both within institutions and far beyond the realm of work, taken together, seriously upset the expressions of class solidarity that are still resisting the incursion of this competition-based mindset, like trade unions and other social movements (Braga, 2017).

Overall, it is very hard to predict what will happen to reverse these recent trends in the world of work in Brazil. It seems that the labor counter-reform, outsourcing, and intermittent work arrangements are here to stay for some time and will take much resistance and struggle by workers to be curtailed and for their legal apparatus to be structurally modified.

Finally, let us consider some of the challenges to the current state of affairs for its reversal and for the defense of public education. When it comes to financing, it must be understood that the public budget is not a technicality (a mere prediction of revenues collected and expenses allocated): it is the result of political decisions taken by the executive power and legislature. A significant portion of the federal budget (45.11% in 2015) has been used to service public debts, resulting in considerably diminished funding available for education, science, technology, and other social policies (Reis, 2018).

The issue of higher education in the current situation, especially in countries not at the heart of the capitalist world, like Brazil, is highly complex to reverse. It will not change without a profound reform of its strictly academic spaces – and for this, drive and creativity are vital – but nor will it change if it just counts on the actors directly involved in universities: professors, administrative staff, technical staff, and students (Mancebo, 2017).

Finally, it is important for there to be a broad discussion and development of a counter-hegemonic program for the country; a program that encompasses broad-based inclusion and class-based policies. However, if we are to learn from the recent past, we must aim to go beyond policies based on the reconciliation of classes and raise a platform for the coming decades that is capable of organizing the expectations of the underclasses against the power of capital.

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About the Authors/Editors

Deise Mancebo

Universidade do Estado do Rio de Janeiro

deise.mancebo@gmail.com

<http://orcid.org/0000-0001-8312-4495>

PhD in Education from Pontifícia Universidade Católica of São Paulo. Full Professor at Universidade do Estado do Rio de Janeiro. Researcher and teacher at Postgraduate Program in Public Policy and Human Formation. Coordinator of Universitas/Br Network.

Kátia Maria Teixeira Santorum

Universidade do Estado do Rio de Janeiro

katia.santorum@gmail.com

<https://orcid.org/0000-0003-2830-157X>

PhD in Public Health from Escola Nacional de Saúde Pública Sérgio Arouca / Fundação Oswaldo Cruz (Fiocruz). Adjunct Professor at Universidade do Estado do Rio de Janeiro. Researcher and teacher at Postgraduate Program in Public Policy and Human Formation.

Carla Vaz dos Santos Ribeiro

Universidade Federal do Maranhão

carlavazufma@gmail.com

<http://orcid.org/0000-0002-5518-9619>

PhD in Social Psychology from Universidade do Estado do Rio de Janeiro. Associate Professor at Universidade Federal do Maranhão. Researcher and teacher at Postgraduate Program in Psychology (UFMA). Member of Universitas/Br Network.

Denise Bessa Léda

Universidade Federal do Maranhão

denise.bessa.leda@gmail.com

<http://orcid.org/0000-0002-8696-6126>

PhD in Social Psychology from Universidade do Estado do Rio de Janeiro. Associate Professor at Universidade Federal do Maranhão. Researcher and teacher at Postgraduate Program in Psychology (UFMA). Member of Universitas/Br Network. Member of Psychodynamic and Clinical Labor Research Group of ANPEPP.

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