

# THE PAPER OF THE WORK AND ADMINISTRATION UNDER THE CHANGE IN THE STRUCTURE OF THE LABOR MARKET

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## INTRODUCTION

Even with the changes in the legislation, implemented by the Brazilian Government in 1998, it is clear that the formal employment has not increased in Brazil. Those measures served to become more flexible the rights of the workers' group, as the tables below demonstrate.

In 2003, with a new government scenery, in which we have the perspective of retaking the economic growth and the commitment to eliminate measures of rights flexibilization, as well as a new mark in the regulation of the Work's Relationships - related to the syndical structure (workers and employers), collective negotiation and rules for composition of conflicts, based on the principles of OIT – there's an effective possibility to create and amplify the formal employment.

## PEA FOR METROPOLITAN AREA

MÉDIA	RJ	SP	PA	BH	RE	SA	TOTAL
1991	4.208.466	6.885.836	1.269.144	1.426.707	1.065.954	992.087	15.848.195
1992	4.183.108	6.938.833	1.286.908	1.425.139	1.088.418	1.009.493	15.931.898
1993	4.228.284	6.936.090	1.297.896	1.466.221	1.101.360	1.026.800	16.056.650
1994	4.235.085	7.094.547	1.408.734	1.528.699	1.099.679	1.065.000	16.431.743
1995	4.283.585	7.282.190	1.404.441	1.599.872	1.111.122	1.073.470	16.754.682
1996	4.342.119	7.603.345	1.451.736	1.642.070	1.123.584	1.110.754	17.273.609
1997	4.325.935	7.598.853	1.455.926	1.735.468	1.137.912	1.114.136	17.368.230
1998	4.397.831	7.705.368	1.494.981	1.773.822	1.191.206	1.122.102	17.685.309
1999	4.370.950	7.758.947	1.498.761	1.773.232	1.187.994	1.131.236	17.721.119
2000	4.486.729	8.046.757	1.557.508	1.869.405	1.218.626	1.210.921	18.389.945
2001	4.287.615	8.243.185	1.581.165	1.893.453	1.249.575	1.243.095	18.498.088
2002	4.478.398	8.477.014	1.617.277	1.932.151	1.274.936	1.239.916	19.019.692

### LEVEL OF OCCUPATION FOR SECTION OF ACTIVITY

MÉDIA	EXTRAÇÃO MINERAL	INDÚSTRIA TRAN	SIUP	CONST. CIVIL	COMÉRCIO	SERVIÇOS	ADMIN. PÚBLICA	AGRO	OUTROS
1991	36.144	3.348.188	176.549	1.083.333	2.195.681	5.382.887	1.460.841	113.978	1.283.631
1992	35.479	3.082.649	177.347	1.121.110	2.194.223	5.488.279	1.515.874	112.640	1.283.176
1993	32.299	3.075.942	177.932	1.076.255	2.272.518	5.639.194	1.538.441	112.913	1.277.217
1994	37.455	3.079.025	170.080	1.129.093	2.358.312	5.877.612	1.545.485	121.841	1.281.504
1995	31.986	3.115.809	163.627	1.108.262	2.440.445	6.166.619	1.531.924	121.401	1.294.960
1996	29.513	2.979.089	155.741	1.160.477	2.503.514	6.470.735	1.602.481	105.053	1.328.828
1997	31.139	2.864.626	149.253	1.146.879	2.527.574	6.587.973	1.606.916	98.374	1.370.278
1998	26.919	2.731.099	141.370	1.152.583	2.474.687	6.737.359	1.582.416	90.610	1.404.086
1999	25.379	2.655.605	141.188	1.128.651	2.460.617	6.838.064	1.632.376	86.018	1.418.705
2000	25.838	2.745.307	139.752	1.151.716	2.601.358	7.148.417	1.734.001	83.552	1.452.993
2001	25.801	2.794.560	142.440	1.127.198	2.603.472	7.286.746	1.768.329	87.693	1.510.810
2002	26.805	2.798.105	133.136	1.046.777	2.656.064	7.553.255	1.853.709	76.649	1.502.785

### ADMISSIONS FOR SECTION OF ACTIVITY

	EXTRAÇÃO MINERAL	INDÚSTRIA TRANSF.	SIUP	CONST. CIVIL	COMÉRCIO	SERVIÇOS	ADM. PÚBLICA	AGRO	OUTROS/IGNORADOS	TOTAL
1997	38.646	1.978.819	61.502	971.788	1.925.543	2.926.184	89.559	404.772	25.194	8.422.007
1998	32.871	1.701.536	52.323	1.002.432	1.919.973	2.895.248	99.322	350.034	13.652	8.067.391
1999	30.619	1.794.460	50.091	919.971	1.882.359	2.940.430	86.262	457.624	19.609	8.181.425
2000	36.878	2.066.171	46.848	1.052.518	2.109.061	3.426.286	79.794	840.289	10.287	9.668.132
2001	34.171	2.121.599	66.214	1.116.777	2.293.126	3.712.195	97.241	905.673	4.647	10.351.643
2002	29.014	1.872.248	43.838	952.789	2.026.176	3.133.889	85.301	893.980	59	9.037.294

### DEMISSIONS FOR SECTION OF ACTIVITY

	EXTRAÇÃO MINERAL	INDÚSTRIA TRANSF.	SIUP	CONST. CIVIL	COMÉRCIO	SERVIÇOS	ADM. PÚBLICA	AGRO	OUTROS/IGN.	TOTAL
1997	39.727	2.111.967	83.254	958.292	1.859.974	2.865.046	97.273	408.530	33.675	8.457.738
1998	36.175	2.002.205	76.689	1.066.633	1.977.869	2.971.971	100.816	402.022	14.764	8.649.144
1999	31.951	1.779.561	66.090	1.033.114	1.867.783	2.925.528	77.086	577.175	19.138	8.377.426
2000	33.169	1.873.308	62.138	1.054.145	1.933.589	3.142.358	76.612	830.494	4.723	9.010.536
2001	31.720	2.017.777	64.674	1.150.181	2.083.321	3.401.233	85.467	922.801	3.390	9.760.564
2002	25.999	1.864.875	41.541	1.062.081	1.951.397	3.117.097	77.812	909.072	91	9.049.965

## ADMISSIONS FOR UF

	1997	1998	1999	2000	2001	2002
<b>RO</b>	31.709	32.744	34.970	46.788	49.073	51.199
<b>AC</b>	6.862	6.826	7.060	9.572	11.416	11.687
<b>AM</b>	73.087	71.046	62.909	83.079	89.022	86.413
<b>RR</b>	4.579	5.346	4.648	4.958	6.015	5.221
<b>PA</b>	90.487	101.081	109.284	129.505	143.350	143.755
<b>AP</b>	7.757	8.938	9.299	9.923	9.735	9.491
<b>TO</b>	15.771	21.947	19.361	27.829	29.963	31.305
<b>MA</b>	44.785	47.828	49.835	57.334	69.239	60.558
<b>PI</b>	37.960	39.473	39.385	47.854	48.127	46.875
<b>CE</b>	177.216	177.275	179.590	212.751	223.517	215.582
<b>RN</b>	59.531	71.776	70.791	85.770	103.114	97.748
<b>PB</b>	63.861	61.310	60.384	69.315	78.281	74.189
<b>PE</b>	215.627	208.622	209.448	240.023	270.845	254.078
<b>AL</b>	55.175	58.711	57.270	80.891	93.729	88.185
<b>SE</b>	48.239	50.153	44.155	51.094	54.826	55.944
<b>BA</b>	265.493	275.886	275.977	338.769	357.821	348.538
<b>MG</b>	1.120.899	1.107.931	1.118.250	1.271.750	1.284.887	1.276.156
<b>ES</b>	174.906	159.133	158.196	207.676	221.636	221.484
<b>RJ</b>	945.247	893.699	875.308	966.615	1.009.454	890.500
<b>SP</b>	2.917.101	2.612.833	2.642.549	3.142.311	3.342.485	3.067.642
<b>PR</b>	559.204	536.994	563.098	656.104	735.560	710.236
<b>SC</b>	351.628	327.268	378.580	468.212	525.573	531.525
<b>RS</b>	630.544	635.081	643.186	761.293	814.128	757.568
<b>MS</b>	86.315	89.017	96.390	113.595	127.138	131.314
<b>MT</b>	98.625	105.065	120.105	151.152	174.754	182.489
<b>GO</b>	207.642	212.735	210.060	265.797	292.087	298.605
<b>DF</b>	131.757	148.673	141.337	168.172	185.868	164.092
<b>TOTAL</b>	<b>8.422.007</b>	<b>8.067.391</b>	<b>8.181.425</b>	<b>9.668.132</b>	<b>10.351.643</b>	<b>9.812.379</b>

## DEMISSIONS FOR UF

	1997	1998	1999	2000	2001	2002
<b>RO</b>	28.380	35.483	34.703	43.913	46.598	46.444
<b>AC</b>	6.727	7.245	6.900	8.241	9.994	10.872
<b>AM</b>	79.671	77.036	70.013	70.035	82.873	75.316
<b>RR</b>	5.169	5.179	4.989	4.813	5.612	5.180
<b>PA</b>	91.948	102.704	103.945	114.331	131.949	130.435
<b>AP</b>	8.905	9.229	9.375	8.549	8.980	8.704
<b>TO</b>	15.530	21.236	21.162	26.223	30.406	30.880
<b>MA</b>	44.720	53.709	51.506	53.488	65.606	57.316
<b>PI</b>	35.538	40.103	40.412	45.542	48.283	41.549
<b>CE</b>	173.185	184.735	173.767	194.972	206.436	184.751
<b>RN</b>	62.401	67.773	71.370	76.808	97.249	86.992
<b>PB</b>	66.087	64.578	67.019	64.310	78.422	67.029
<b>PE</b>	223.317	221.654	217.698	220.157	257.336	236.905
<b>AL</b>	62.818	63.979	63.530	68.987	86.998	80.373
<b>SE</b>	46.263	51.641	47.532	47.850	54.030	45.108
<b>BA</b>	254.852	278.102	274.658	309.138	344.672	311.240
<b>MG</b>	1.103.181	1.197.398	1.145.246	1.232.164	1.253.526	1.180.740
<b>ES</b>	176.741	170.314	158.536	189.419	199.816	197.932
<b>RJ</b>	961.110	935.594	895.301	905.395	950.034	817.854
<b>SP</b>	2.960.940	2.909.072	2.752.113	2.901.429	3.159.516	2.867.964
<b>PR</b>	551.739	572.659	579.747	627.961	681.703	651.647
<b>SC</b>	348.340	347.095	362.891	438.133	473.725	482.084
<b>RS</b>	641.946	663.261	646.150	707.801	763.819	714.880
<b>MS</b>	83.452	93.091	103.704	107.130	116.204	119.843
<b>MT</b>	96.219	113.034	122.958	147.069	161.772	171.610
<b>GO</b>	201.005	221.599	212.378	243.807	270.706	279.342
<b>DF</b>	127.554	141.641	139.823	152.871	174.299	146.975
<b>TOTAL</b>	<b>8.457.738</b>	<b>8.649.144</b>	<b>8.377.426</b>	<b>9.010.536</b>	<b>9.760.564</b>	<b>7.321.445</b>

**RATE OF TOTAL UNEMPLOYMENT - PED (%) - MAIN CAPITALS**

MÉDIA	SP	DF	POA	SAL	BH	RE
1991	11,63	ND	ND	ND	ND	ND
1992	14,93	15,45	14,26	ND	ND	ND
1993	14,68	15,17	12,33	ND	ND	ND
1994	14,3	14,62	11,34	ND	ND	ND
1995	13,16	15,47	10,68	ND	ND	ND
1996	14,97	16,95	12,91	ND	12,7	ND
1997	15,72	17,81	13,36	21,44	13,23	19,15
1998	18,18	19,26	15,54	24,68	15,58	21,49
1999	19,28	21,63	18,9	27,53	17,93	22,01
2000	17,67	19,78	16,91	26,68	17,84	20,79
2001	17,51	20,14	14,93	27,22	18,18	21,12
2002	18,97	20,26	15,32	27,35	18,07	20,41

**RATE OF UNEMPLOYMENT FOR SECTION OF ACTIVITY - PME (%)**

MÉDIA	IND. TR.	CONS. CIV	COMÉRCIO	SERVIÇOS	OUTRAS
1991	6,48	5,61	5,34	4,75	0,63
1992	7,67	6,86	6,26	5,63	0,85
1993	6,59	6,59	5,66	5,23	0,86
1994	6,25	6,03	5,42	5,05	0,8
1995	5,85	5,45	5,04	4,64	0,77
1996	6,9	5,94	6,02	5,5	0,79
1997	7,05	6,23	6,37	5,76	0,92
1998	9,09	8,88	7,98	7,74	1,12
1999	8,33	9,32	8,07	7,76	1,16
2000	7,56	8,59	7,4	7,43	1,16
2001	6,77	7,76	6,66	6,33	1,2
2002	8,13	8,51	7,84	7,15	1,17

**PARTICIPATION OF THE EMPLOYEES WITHOUT SIGNED WALLET IN THE TOTAL OCCUPATION FOR METROPOLITAN AREA (%)**

MÉDIA	RJ	SP	PA	BH	RE	SA	TOTAL
1991	23,36	19,09	17,84	20,99	24,75	21,1	<b>20,81</b>
1992	25,31	20,45	18,38	21,75	26,22	21,58	<b>22,15</b>
1993	26,1	21,51	18,61	23,13	26,49	21,77	<b>22,99</b>
1994	26,58	22,02	19,31	24,23	27,86	23,65	<b>23,67</b>
1995	26,36	22,94	20,14	24,06	26,69	25,09	<b>24,08</b>
1996	26,73	24,04	20,79	25,12	27,08	24,52	<b>24,79</b>
1997	26,09	24,4	20,69	25,53	27,36	24,27	<b>24,82</b>
1998	26,03	25,33	22,27	25,65	29,27	23,5	<b>25,43</b>
1999	26,4	26,65	23,14	26,57	29,95	24,79	<b>26,39</b>
2000	27,16	28,23	23,78	27,47	29,85	26,87	<b>27,53</b>
2001	26,32	28,19	22,67	26,74	29,6	25,3	<b>27,03</b>
2002	27,34	28,6	22,76	26,79	30,5	25,42	<b>27,53</b>

**PARTICIPATION OF THE WORKERS INDEPENDENTLY IN THE TOTAL OCCUPATION FOR METROPOLITAN AREA (%)**

MÉDIA	RJ	SP	PA	BH	RE	SA	TOTAL
1991	21,96	17,35	20,69	21,47	24,16	23,97	20,1
1992	22,59	18,31	22,23	21,64	26,02	23,94	20,94
1993	22,78	17,84	22,05	21,67	27,18	25,26	20,94
1994	23,35	18,82	22,19	22,33	27,13	27,59	21,72
1995	23,75	19,04	22,32	21,92	28,71	27,05	21,95
1996	24,06	20,29	24,03	22,59	28,17	27,72	22,77
1997	24,95	21,06	23,7	22,41	27,73	27,75	23,26
1998	26,22	20,47	22,91	22,02	27,06	27,17	23,16
1999	27,44	20,59	22,8	22,5	27,46	26,72	23,53
2000	27,17	20,72	22,72	21,69	26,2	26,72	23,34
2001	27,31	20,08	22,89	21,38	25,12	27,37	22,97
2002	26,43	19,2	23,09	21,99	25,03	26,98	22,45

**THE SALARY EARNERS WEEKLY MEDIUM DAY, FOR SECTION OF THE ECONOMY METROPOLITAN AREAS AND DISTRITO FEDERAL 1996-01**

Regiões Metropolitanas	Indústria						Comércio						Serviços					
	1996	1997	1998	1999	2000	2001	1996	1997	1998	1999	2000	2001	1996	1997	1998	1999	2000	2001
São Paulo	43	43	42	43	43	43	46	47	47	47	47	48	42	42	42	42	42	42
Porto Alegre	42	43	43	44	45	44	46	45	46	47	47	46	41	41	41	42	42	42
Belo Horizonte	43	43	42	43	43	43	46	46	45	46	46	46	39	39	39	39	40	39
Salvador	nd	45	44	44	44	43	nd	47	46	47	47	46	nd	40	39	39	40	39
Recife	nd	nd	46	46	46	46	nd	nd	50	49	49	49	nd	nd	41	42	41	42
Distrito Federal	43	44	43	42	43	43	44	45	46	46	46	46	37	37	38	37	37	38

Fonte: DIEESE/SEADE, MTE/FAT e convênios regionais. PED - Pesquisa de Emprego e Desemprego

**SALARIED THAT WORKED MORE THAN THE LEGAL DAY METROPOLITAN AREAS AND DISTRITO FEDERAL 1996-01**

Regiões Metropolitanas	Indústria						Comércio						Serviços					
	1996	1997	1998	1999	2000	2001	1996	1997	1998	1999	2000	2001	1996	1997	1998	1999	2000	2001
São Paulo	41,4	42,2	37,9	40,7	44,4	43,4	55,1	56	57,5	59,1	61,1	59,2	37	37,4	36,6	38,3	39,7	38,2
Porto Alegre	27,4	24,8	31,7	39,6	41,3	32,4	51,4	49,7	51,8	57,7	56	51,5	31,1	29,8	32,2	35,3	36,2	33,7
Belo Horizonte	51	51,3	43,3	49,2	46,2	42,1	57,2	58,1	56	58,1	57,1	56,8	34	33,7	32,4	33,2	33,1	32
Salvador	nd	50,1	47,1	45,3	48,3	42,3	nd	59,2	56,2	60,1	61	57,2	nd	33,3	31,8	31,1	32,8	31
Recife	nd	nd	60,5	59,1	57,4	54,5	nd	nd	64	65,3	64,7	64,3	nd	nd	37,7	38,5	37,1	37,5
Distrito Federal	44,3	43,1	40,8	40,4	43,9	43,8	56,2	57,8	57,8	60,9	64,4	63,5	17,7	18	19,5	18,9	19,5	19,7

Fonte: DIEESE/SEADE, MTE/FAT e convênios regionais. PED - Pesquisa de Emprego e Desemprego

The government presented some flexibilization projects in the work contracts with the promise of generating new work positions, what didn't happen, as we can see above through the tables.

Below follows a text of the Fernando Henrique Cardoso government trying to justify the creation of new employments.

## **THE NEW MODALITY OF CONTRACT FOR CERTAIN PERIOD AND THE BANK OF HOURS**

### **1. INTRODUCTION**

The Executive Power when guiding to the National Congress a legislative proposal establishing new rules for the work contract for certain period and so called "bank of hours", had as objectives:

- to enlarge the work vacancies through the reduction of social charges and costs for the companies;
- to include in the formal work market, parcels of salaried workers without signed wallet, who do not possess labourite rights insured;
- to become more flexible the work day, through the so called "bank of hours"; and
- to stimulate the collective negotiation as one of the most important pillars in the labourite relationships modernization process.

This new Law (n.º 9.601, from January 21, 1998) and its Regulation (n.º 2.490 Decree, from February 4, 1998) bring, for workers and employers, the possibility to use an old Consolidation of the Laws of the Work - CLT forecast, with a new garment, the contract for certain period, since preceded of collective negotiation. The 443 article of CLT already foresaw two recruiting modalities: for uncertain period (that is the rule) and for certain period (in special situations). The new contract modality for certain period created by the Law n.º 9.601/98 is distinguished from that foreseen in CLT for the matter of the requirements for recruiting and in respect to certain obligations and rights of both parts. Important to stand out that, for the company to hire any worker under that new form, it is indispensable that there is expressed authorization in convention or collective agreement. Another innovation of the Law n.º 9.601/98 was the alteration of CLT for the creation of the so called "bank of hours". The "bank of hours", now, is about a system of more flexible compensation of overtimes, but that demands authorization for

convention or collective agreement, facilitating to the company to adapt the work day of the employees to its production needs and demand of services. It is worth-wile to stress that the innovation of the " bank of hours " embraces all the workers, independently of the recruiting modality, if for certain or uncertain period.

## **2. CERTAIN PERIOD CONTRACTS COMMON CHARACTERS**

- maximum Period of 2 year-old duration.
- it is a work contract that has beginning and ending pré-fastened dates. For this reason, when the contract finishes, they are not due of the notice nor the compensation of 40% of FGTS - Fund of Warranty of Time of Service.
- The company, after the end of the validity of a work contract for certain period, will have to await the interval of 6 months between the date of the end of this contract and a new contract for determined period with the same worker, according to the legislation in vigor.

## **3. CERTAIN PERIOD CONTRACT OWN CHARACTERISTICS CREATED BY THE LAW N.º 9.601/98**

- The contract embraces any activity developed by the company or establishment.
- The pré-condition for the company to hire in that way is the increasement of the establishment employees number. For that reason, it is not possible the company to use that alternative to substitute its permanent employees (those hired by uncertain period) for others hired by certain period. This would be fraud.
- The contract is instituted by convention or collective agreement that will specify the basic rules, besides other clauses of interest of the parts, respected the limits of the new Law.
- The convention or the collective agreement will establish, obligatorily, the compensation owed in the case of premature rescission (when one of the parts decides to finish the contract before the combined period).
- The other novelty of the Law is the possibility to the parts to accomplish contract for certain period that can be extended more than one time, without turning it to uncertain period, since it doesn't surpass in the total of 2 year-old limit. The extension is the dilation of the contract term, without any interruption. It happens before the end of its validity. Ended the contract for determined period in the new modality, whatever been its period of duration, the company should



await the interval of 6 months to hire the same worker again for certain period. The contract for certain period that surpass the 2 year-old limit and don't respect the interval of 6 months becomes automatically a work contract for uncertain period.

- To make recruiting for determined period with base in the new Law, the employer should hurry the monthly average of the employees number from July 1<sup>st</sup> to December 31<sup>st</sup>, 1997, to reach the half-yearly average, wich is permanent. From that average, the cumulative percentile ones result in the number of workers that can be contracted trough the the new Law rules.

- The company that hires for certain period according to the Law n.º 9.601/98 should group in separate the employees in this condition, when the salary leaf is beeing elaborated. Important to elucidate that it doesn't include other eventual employees hired in conformity with the 443 article, paragraph 2nd, of CLT, in that obligation.

#### **4. SOCIAL CHARGES**

- to assist to the requirements of the Law nº 9.601/98 and of the Decree nº 2.490/98, the company will have reduction of the aliquots in the obligations for SESI, SESC, SEST, SENAI, SENAC, SENAT, SEBRAE, INCRA, education- wage and for the work accidents insurance, besides the reduction of the percentile of FGTS above mentioned, for the period of 18 months, from the date of the Law publication, that is to say, until July 22, 1999.

- To obtain the benefit of the social charges aliquots reduction of the of the social responsibilities, the company should be up to date with the withdrawal of INSS and of FGTS and to have deposited the convention or collective agreement, contracts and the workers' lists in the regional organ of the Work Ministry.

- Other demand so that the company can be benefitted with the reduction of the responsibilities is that, the employees' current base and the respective salary leaf are superior to the respective monthly averages of the 6 months in the period of July to December of 1997 and that the number of employees hired by uncertain period is, at least, equal to the half-yearly average, as calculated in the following item.

#### **5. BANK OF HOURS**

- The Law nº 9.601/98, besides treating about the new recruiting modality for certain period, altered the CLT § 2<sup>nd</sup>, article 59, creating a system of more flexible compensation of overtimes wich can be established through collective negotiation between the companies and its

employees, being possible to embrace all the recruiting modalities, that is to say, could embrace all the workers.

- The people are calling that system of " bank of hours " because it can be used, for example, in the moments of low activity of the company to reduce the employees' normal journey during a period, without reduction of the wage, staying a credit of hours for use when the production grows or the activity to accelerate, since everything happens inside of the period of 120 days, excepted what can be treated in collective negotiation (convention or collective agreement). If the system begins in a moment of great activity of the company, it increases the work journey (at the most of 2 overtimes a day) during a period. In that case, the overtimes won't be paid, being granted, as compensation, corresponding rests or being reduced the work journey to the " quittance " of the hours surpluses.

- The system can vary depending on what will be negotiated in the conventions or collective agreements, but the limit will always be of 10 worked daily hours, not could surpass, in the period of 120 days, the sum of the foreseen weekly days of work. To each period of 120 days, it resumes the compensation system and the formation of a new " bank of hours ".

Besides, the compensation of the overtimes should be made during the validity of the contract, that is to say, in the hypothesis of contract rescission (of any nature), without it has had the compensation of the worked overtimes, the employee has the right to the payment of these hours, with the increment foreseen in the convention or collective agreement, that cannot be inferior at 50% of the normal hour.

One of the bills presented to the National Congress, coadunates with the analysis of the Brazilian syndical movement, that temporary recruiting doesn't increase places of work.

The National Congress is presently interested in solve the problem of the poverty in our country. Someones are right when affirm: " The inequality in the distribution of income in Brazil is the head office of the problems that desolate our society. Such inequality generates high poverty indexes and misery, don't suitable to the pretense of turn ourselves a prosperous, respected and influential nation in the international scenery".

The unemployment represents, undoubtedly, among the main causes of the poverty and of the inequality in the distribution of income.

That the unemployment is one of the worst social wounds that reach our country today is such a visible phenomenon and it constitutes a such consent that doesn't demand statistical confirmation. It doesn't cost even so to recollect that the unemployment index, according to the researches of DIEESE, has been arriving the alarming figures around 20% of the economically activate population. These researches include not only the people that were seeking employment in the 30 days that preceded the interview and didn't exercise any work, not even informal one, in the 7 days immediately previous - the open unemployment, measured by the IBGE - but also those that, in spite of they seek occupation, they accomplished an eventual, paid activity or not, and those that, for discouragement, they suspended the search for occupation but they intend seek in more favorable moment again - the occult unemployment.

The combat to the unemployment is like this, necessarily, a key and indispensable piece of any program that seeks to reduce the tragedy of the poverty and of the inequality of income in our country.

To combat the unemployment efficiently, it is necessary to find its main causes. This actually is not difficult, because they are very well-known.

Observe the following data. While the productivity increase in the industry, between 1990 and 1998, was of more than 110%, the increase of the production in the same period was of just 19%, according to the IBGE data.

This means that, to produce the same amount of goods that, in 1990, they needed 100 workers in a day of 8 hours, they were necessary, in the same day, just 48 workers. In other words, to produce the same amount of goods that was produced in 8 working hours in 1990, in 1998, 3 hours and forty eight minutes were **enough**. To produce 19% more, as much had increased the production in this period, 57 workers were **enough**. In summary: in 100 workers employees in the industry in 1990, 43 had lost its employments in 1998.

If we take the numbers of the Indicators of Economic Conjuncture from the July /99 Bulletin of the Central Bank, we will obtain the following numbers for April of 99, compared with the average of 1992: the productivity in the industry grew 57%, while the production just grew 16%; the amount of hours worked in the industry fell 29% and the employment fell 26%, while the real salary mass fell 0,5%.

To view a more complete scenery, is necessary to observe that, between 1990 and 1998 the Brazilian population grew more than 12%, about 18 million people. If we considerate that the populacional growth in Brazil has been decreasing along the years, it can be concluded that the growth of the labor market was more than 18 million people in this period.

If the numbers refered to the industry were representative of all economy, we would be today with a level of much larger unemployment than the 20% observed. There was certainly some industry workers' migration for trade and services. But, on one side, there was not a larger consistent growth of these sections in relation to the industry. In some years, inclusively, he was significantly smaller. On the other hand, they were also significantly affected for the technological progress, mainly for the diffusion of the use of the computer. Even if the reduction of the employment level has been there smaller, it cannot have been constituting a factor of enough compensation. More significant was the workers' migration to the informal economy, including the **criminality**. This, as for the rest, can be observed with nude eyes in any great Brazilian city.

And so, it is clear that the current unemployment, in Brazil as all over the world, is provoked mainly by the conjunction of two interlinked factors. The enormous increase of the productivity that happened in the last decades, on one side. And, on the other hand, the fact of this increase have not been accompanied by a corresponding increase in the capacity of consumption of the population. The two factors constitute a world phenomenon, but in Brazil the proporcionaly smaller productivity increase was still worsened by a smaller growth of the consumption capacity, due to decades of salary squeeze and to the worsening of the inequality in the distribution of income.

In these conditions, the growth of the economy, by itself, cannot solve the problem of the unemployment. Just to maintain the current rate of unemployment, the growth would have to equalize to the growth of PEA (economically activates population ) more the growth of the productivity. To decrease it, the growth would have to be still larger. And it is necessary to remind that, for the economy growth, it is necessary that the capacity of consumption of the population, that is, of its revenues, also grow in a compatible level.

The reduction of the work day appears, then, as effective, indispensable and irreplaceable measure to combat the unemployment.

Besides necessary to combat the unemployment, this measure also assists to a requirement of social justice. With effect, it is not fair that the productivity increases are just appropriated by the employers and doesn't also benefit the employees, because the scientific and technological progress is a conquest of the humanity as a whole and not a patrimony of just a part of it.

In 1943, therefore 60 years ago, the Consolidation of the Work Laws limited the normal day of work at 48 weekly hours. Only in 1988, with the new Brazilian Constitution, this limit was altered, even so with a reduction of just 4 hours. The worst is that CLT admits that, by agreement or collective contract of work, the day is prolonged for more two daily supplemental hours. As this device was not revoked and, as the Constitution refers just to the normal duration, and as the workers not only don't place great obstacles to this extension of the duration of the work but a lot of times until they demand it, due to the flagrantly low wages they receive, the effective legal maximum day in fact in Brazil it is of 10 daily hours and 50 weekly hours. This, places Brazil as detainer of a more a negative record: one of the countries that have the longer work day of the world and one of the few ones that doesn't respect this historical conquest, from decades behind, that is the maximum day of 8 hours. This in one time in that most of the early countries already adopted smaller journeys.

This moment, in wich Brazil lives the worst crisis of unemployment of all its History, is therefore, more than oportune to the country to do this act of justice and to recover its delay in relation to the rest of the world, reducing the work day.

We saw that in only 8 years, between 1990 and 1998, the productivity in Brazil had superpassed the double, turning necessary less of the half of the time to obtain the same production. Therefore, there's no way to sustain an argument that the Brazilian economy would not support the reduction of the work day. What the Brazilian economy is not supporting is the retraction of the consuming market, whose one of the causes is undoubtedly, the unemployment. The measure proposed represents a reduction of approximately 20% in the maximum duration of the work.. Maintained the same productivity, there would be an increment of about 25% in the demand of work hand. But this increment will tend to be smaller due to an acceleration of the growth of the productivity that the own increase of the demand for work hand will tend to stimulate. On the other hand, the entrance of new workers' contingent in the formal market of work won't stop stimulating the demand for goods and, therefore, the increase of the sales and of

the production. It will tend to provoke, in consequence, the retaking of the economic growth and, with it, also the growth of the fiscal collection.

The reduction of the work journey appears as a measure that won't just benefit the workers, when reducing the unemployment, but that will benefit all the sections of the society.

### **COMPENSATION IN THE AGREEMENTS OF JOURNEY FLEXIBILIZATION**

The first part of this text traces a panorama of the negotiations involving the work journey, in Brazil, since middles of the eighties. The second part analyzes the content of agreements and collective conventions of 94 categories, in the clauses related to the work journey, after 1993. The researched documents are part of the System of Accompaniment of Collective Recruitings (SACC), of DIEESE, as well as other researches accomplished by the institution with the unions and to the press. It was still observed, lists of revindication of several categories, in the items referring to the regulation of the work day. In the negotiations of flexibilization of the day, among the main negotiated compensations, there are the reduction of the weekly medium day, and the union participation in the administration of the so called " bank of hours ". In some cases, there were conquests in terms of warranty of the employment level.

The reduction of the work journey is a traditional flag of fight, of the syndical movement, as an instrument to enlarge the employment level, besides providing to the workers considerable improvements in the life quality.

In the developed countries, that subject emerges as an alternative in the combat to the unemployment, wich has been the main problem faced all over the world by the workers, since the dissemination of the neoliberal politics. In some countries, measures have being adopted in that sense. The French government, for example, established the goal of reducing the day for 35 weekly working hours, until the year 2000. As compensation, offers a subsidy to the companies that open new work positions, specifying a certain quantity for generated position.

### **TO WORK LESS SO THAT EVERYBODY CAN WORK**

In Brazil, in the last decades, the main relative conquest to that theme happens in the middle of the eighties, when chemical workers and metallurgists of São Paulo state, through campaigns that involved the deflagration of countless strikes, assured the reduction of the weekly day, legally established in 48 hours in that time, for landings between 40 and 47 hours.

In 1988, the promulgated Constitution reduced the legal day for 44, which, in spite of representing a progress in relation to the previous situation, it doesn't assist to the revindication of 40 weekly hours, wich continues as an objective of syndical movement mobilization.

Starting from the nineties, the enterpriser class has been proposing the adaptation of the work day to the production flow, in way to facilitate its extension in pick periods and reduction in refluence periods. The metallurgist's section patronage has been formalizing the flexibilization proposal, what leads off a series of negotiations for company and it results in a significant number of agreements. The syndical movement, that historically demands the reduction of the work journey, with views to the amplification of the employment level and improvement of the conditions of the workers' life, has been getting to associate that revindication to the journey flexibilization, in a part of the agreements.

Recently, DIEESE accomplished a research that - through the analysis of collective agreements - evaluates clauses, among other, referring to the regulation of the work day. For so much, SACC was used - System of Accompaniment of Collective Recruitings - wich make a cadaster, annually, of the result of 94 collective negotiations of the private section, including industry, trade and services, in forteen units of the Federation. It was still researched, lists of revindications of thirteen professional categories of the São Paulo state, between 1993 and 1996.

Through the research, it was observed that just the journalists and the teachers of the São Paulo state - that already have regulated special day work - don't include the reduction of the effective day in the revindication lists. All the other researched categories present that revindication during the verified period.

In the agreements and collective conventions, it was verified that, from the 94 analyzed categories, 64 (68%) include some clause regarding the work day, being 43 in the industry, eighteen in services and three in the trade. Even so, the immense majority (forty), especially in the industrial section, it is simply about the compensation of Saturday, that is to say, the elimination of the work in that day of the week and its redistribution in other useful days.

There are also common clauses regulating the duration of the work, be just reaffirming the constitutional device that regulates the work day in 44 weekly hours, be assuring special days for some differentiated categories, as air service employee, teachers, journalists and drivers, or, in

the case of documents referring to the industrial section, day reduced for the administrative section.

It was still found, clauses that assure the obligatoriness that any change in the distribution of the day can only happen under expressed agreement of the worker e/or union, besides another that regulate other forms of distribution of the day, as rotation shifts.

Only two professional categories came to an agreement about inferior journey to the legal landing, for all the workers. Other four foresaw the possibility of flexibilization of the day, through the creation of " banks of hours ", mechanism of work day duration flexibilization in which the weekly day can have some hours added or suppressed, by means of posterior compensation.

Another research, accomplished by DIEESE 2 with the objective of lifting agreements negotiated among unions and companies that are exclusively about alterations in the work day, verified that, among the 52 analyzed documents, 35 foresaw its reduction. Between them, eleven also reduced the wages, other eleven formed an alliance between the reduction of the day with its flexibilization and other, besides reducing wages, reduced the day. There were also found seventeen documents simply reducing the day, without any patronal compensation (enclose).

Those information demonstrate that the great novelty introduced in the nineties, related to the work day is, in fact, its flexibilization. On one side, in some cases, the syndical movement obtains success, when identifying an opportunity to insert in that discussion the negotiation of the reduction of the work day. However, as a significant number of agreements attests, there's the risk that it is, also, included the reduction of the wages.

In spite of already to be being object of collective negotiation from middles of the decade, just in 1998 the mechanism of " bank of hours " started to have legal regulation, firstly through the law nº 9.601, wich disposes on the work contract for certain time, altering the period of compensation of the overtimes – before just allowed when accomplished inside of the same week - for 120 days. Later on, with the provisional measure nº 1.709, that disposes on the work in partial time, that period increases for until one year, being still forbidden the installment of overtimes for the workers hired in that new modality.

That measure still brings, great modifications in what concern to the work day, allowing the workers' recruiting with day reduced for up to 25 weekly hours, with proportional remuneration



and reduced vacations (among eight and eighteen days a year). Establishes, still, that the employee hired under this regime that has more than seven unjustified lacks, along the acquisitive period, will have reduced his period of vacations in half.

Last, it allows the adoption of the regime in partial time for the current employees, by means of collective negotiation. It is important to notice that the provisional measure, in its first edition, didn't guarantee the collective negotiation for the alteration of the day, that could be done by means of the employee's individual option, what it could subject it to the direct pressure, in case of interest of the employer for that recruiting form.

### **FLEXIBLE DAY - NEGOTIATED ASPECTS AND COMPENSATIONS**

Among the agreements of journey flexibilization, with adoption of the " bank of hours ", researched, several were the items that make possible a negotiation. Some of them are described as follows:

- validity: the adoption of the flexible day can be given through the use of the " bank of hours ", in a system of debits and credits, or for a predetermined period, as, for example, day reduced during one month for amplification the following month;
- inclusion: the alterations and computations of the credits and debits can embrace all the workers of the company, of the section or they be done individually;
- minimum and maximum weekly limits: depend on the agreed average of weekly hours and of the flexibility admitted in the negotiation; it is also possible the creation of " bank of days ", with days of three or four days in the week, for posterior extension;
- period or dates to finish the compensation: in spite of the legal limit to be of one year, most of the agreements guarantees the finishing of the hours in smaller period (90, 120, 180 days);
- limit of accumulated hours: another form of impeding carried to an extreme situations is through the adoption of a certain limit, that can be negotiated in different ways, as, for example, forcing the immediate hours finishing, when reached that landing or starting to reimburse the hours worked above of that limit as extraordinary, wich leave, then, of doing part of the " bank of hours ";
- compensation approaches: even if in most of the negotiations every worked hour has as equivalent a free hour, there are cases in wich that relationship is differentiated, being able to

not the worked hour to be reimbursed with up to two hours of rest, or, still, 40 worked hours be equal at 44 hours of rest;

- administration of the bank: one of the agreements involving " bank of hours " foresees that the administration of those hours is not totally to approach of the company, being the worker responsible for deciding when it transforms 50% of its credit of hours in rests or in remuneration;
- antecedence with relationship to the warning of the schedule to be worked: planning of the day with to a month of antecedence;

- warranties in case of contractual rescission: part of the negotiations guarantees that, in case of contractual rescission, hours owed by the company should be payed, exempting, however, the worker from a discount in the case of being in debit of hours;

- rules e/ou possibilities for the revision of the agreement, as date for renegotiation, permission to the workers to cancel the agreement or to review the parameters and periodic meetings;

- as compensation to the flexibilizatio of the day, it was found in many documents, as already exposed, the reduction of the medium day; some negotiations assure, still, the maintenance of the employment level.

Thus, the negotiation involving the day flexibilizatiom brings risks and possibilities to the workers.

Among the main risks, it can be enumerated:

- the fixation of high hours landings be worked in the weeks of " production pick ", generating stress, lesions for repetitive efforts and work accidents;
- the end of the additional of overtimes, reducing, in many cases, the workers' remuneration;
- the difficulty to planning the time, that is linked to the needs of the company;
- the accumulation of hours of credit or debit, hindering the posterior compensation.

On the other hand, the negotiation can involve some warranties and conquests, as the maintenance of the employment level, patronal frequent vindicative for the adoption of the " bank of hours ", that can be explored to the limit; the reduction of the day, tends in view that the increase of the productivity, divulged as necessary by the patronage, it can be reviewed the workers; larger mobility of the free time, in agreement with the workers' needs, possible when the administration of the " bank of hours " is not exclusively to approach of the company; the not use

of collective vacations, being negotiated the payment of part of the stopped days and the compensation of another part.

**Controls 1 - Clauses about day reduction in the collective agreements**

<b>Categoria</b>	<b>UF</b>	<b>Número de trabalhadores</b>	<b>Resultados</b>	<b>Data</b>
Souza Cruz - Santa Cruz do Sul (alimentação)	RS	-	Redução da jornada de trabalho para 40 horas semanais, durante 180 dias corridos no ano, sem qualquer redução do salário.	
Bahia Sul Celulose (papel e papelão)	BA	-	40 horas semanais para o pessoal administrativo.	
Fiat - Betim (metalúrgicos)	MG	-	Redução da jornada de 44 horas para 40h40min sem redução de salários, a partir da regulamentação dos três turnos, acabando com a superposição dos mesmos.	Dez/97
Ford - Osasco	SP	550	Jornada de 42 horas a partir de abril/97 (a empresa anunciou o fechamento da fábrica para dezembro/97).	Abr/97
Grupo Eluma - Santo André (metalurgia)	SP	1.100	Redução da jornada de trabalho de 43h15min para 42 horas.	Set/95
Hightech - Santo André (metalúrgicos)	SP	56	Redução da jornada sem redução de salário: redução de 44 horas para 40h30min. Na prática, 37h30min quando não houver expediente no sábado e 43h30min na semana com trabalho aos sábados.	Out/97
Irbas Metal - São Bernardo do Campo (artefatos de ferro e metais)	SP	160	A partir de 06/95, redução da jornada de trabalho para 41h30min.	Jun/95
Karmann Ghia - São Bernardo do Campo (montadora)	SP	352	A partir de 01/07/96, redução da jornada de trabalho para 42 horas semanais, sem flexibilidade.	Jan/96
Molins do Brasil - Mauá	SP	-	Jornada de 40 horas.	Out/96
Panex - São Bernardo do Campo (estamparia)	SP	800	A partir de 05/95, redução da jornada de trabalho para 42h45min.	Mai/95
Pierre Saby - Santo André	SP	300	Jornada de 41 horas.	Fev/97
Tamet - Diadema (autopeças)	SP	238	A partir de 01/01/96, redução de jornada de trabalho para 42h20min.	Jul/95
ZF do Brasil - Sorocaba	SP	-	Jornada de 43h30min com previsão de chegar a 42 horas dentro de um ano; o acordo garante ainda a não redução de salários e a manutenção dos atuais empregos.	Nov/96
Febem - São Paulo	SP	-	Jornada de 36 horas (3 dias de trabalho por 2 de folga).	Jan/97
Hospital das Clínicas - São Paulo (radiologistas)	SP	45	Redução de jornada de 8 horas para 6 horas diárias.	Out/97
Hospital São Paulo (radiologistas)	SP	20	Redução de jornada concedida pelo TRT de 44 para 24 horas semanais.	Out/97

*Fonte: Banco de Dados Sindicais/DIEESE.*

**Controls 2** - Clauses about day reduction with reduction of wages in the collective agreements

<b>Categoria</b>	<b>UF</b>	<b>Número de trabalhadores</b>	<b>Resultados</b>	<b>Data</b>
Fábrica Bangu de Tecidos	RJ	400	Redução da jornada de trabalho com redução de salário, sendo 25% de redução na jornada e 25% de redução nos salários.	Nov/97
Eaton - Santo André (autopeças)	SP	500	A partir de 09/95, redução de jornada de trabalho e salário em 20%, com trabalho de segunda a quinta-feira.	Ago/95
Heral - Santo André	SP		Redução, pelo período de 3 meses, de jornada (20%) e salários (12,5%). Compromisso de não demissão no período.	Set/98
Iochpe-Maxion - Cruzeiro ( máquinas agrícolas e terraplenagem)	SP	-	Redução da jornada e do salário em 20%, durante 90 dias, até 01/96. Estabilidade durante 90 dias.	Out/95
Metagal - Barueri (metalúrgicos)	SP	100	Redução da jornada em 20% e dos salários em 10%, a partir do início de janeiro; em 26/01 retornaram à jornada de 44 horas, em decorrência da necessidade de aumentar a produção.	
Metal Leve - São Bernardo do Campo (autopeças)	SP	1.600	Redução da jornada de trabalho em um dia por semana com redução de salário em 7%.	Out/95
Misura - São Paulo (autopeças)	SP	73	Redução da jornada em 18% e de salários em 9%, entre janeiro e março de 98.	Jan/98
Tecnotubo - São Paulo	SP	180	Redução da jornada em 25% e de salários em 10%, para fevereiro e março de 98.	
Unionrebit - São Caetano do Sul	SP	64	Redução da jornada em 20% e do salário em 10%.	

*Fonte: Banco de Dados Sindicais/DIEESE.*

**Controls 3** - Clauses about flexibilization of journey in the collective agreements

<b>Categoria</b>	<b>UF</b>	<b>Número de trabalhadores</b>	<b>Resultados</b>	<b>Data</b>
Antarctica - São Paulo (alimentação)	SP		Implantação de banco de horas, flexibilizando a jornada entre 42 e 46 horas.	
Diana - ABC, Elastic - Diadema, Getoflex - Guarulhos (borracheiros)	SP	1.900	Folgas às sextas-feiras entre 08/95 e 09/95. Estabilidade no trabalho durante este período e compensação dos dias não trabalhados nas férias.	Set/95
Getoflex - São Paulo (borracha)	SP	1200	Flexibilização da jornada de trabalho, entre 24 e 62 horas, com média de 44 horas semanais.	Dez/97
Clariant (químicos)	SP	1200	Implantação do banco de horas.	Out/97
Asea Brown Boveri - setor de geradores	SP	115 (setor)	Aumento da jornada para 50 horas semanais, que serão compensadas a partir de junho de 98,	Jan/98

(metalúrgicos de Osasco)			por intermédio de folgas ou incorporação dos dias trabalhados às férias.	
Brastemp - Manaus	AM		Banco de horas, à proporção de 44 horas de folga por 40 horas de trabalho.	Set/97
Caterpillar - Piracicaba	SP		Jornada entre 44 e 52 horas semanais. Horas excedentes poderão ser trocadas por folgas após 4 meses. Estabilidade até 31/07.	mar/98
Corona - Guarulhos	SP	750	Redução de jornada de 44 horas para 37h30min por semana, sem redução dos salários até o final de 1997. Essa horas serão compensadas no período do inverno.	Out/97
DZ - Piracicaba (metalúrgicos)	SP	1.300	A partir de 07/95, jornada de trabalho de 8 horas diárias de segunda a quinta-feira. As horas não trabalhadas serão compensadas por ocasião do aumento da produção.	Out/95
GKW - ABC (metalúrgicos)	SP	300	Flexibilização de jornada e criação de banco de horas.	
Itautec Philco - Manaus	AM		Banco de horas, na proporção de 44 horas de folga para 42 horas de trabalho.	Dez/97
JCI Varta - São Paulo	SP	730	Redução de um dia na semana durante o período de 28 de novembro de 1997 e 31 de janeiro de 1998. Banco de horas: as horas excedentes ou complementares à jornada serão compensadas posteriormente.	Nov/97
Lorenzetti	SP	1380	Banco de horas e flexibilização da jornada, com limite de até 120 horas.	Nov/97
Sanyo - Manaus	AM		9 sábados de trabalho por folga em 10 dias úteis.	Out/97
Valtra - Mogi das Cruzes (metalúrgicos)	SP		Implantação do banco de horas.	Out/97
Ferrovias Centro Atlântica	BA/SE		Criação do banco de horas, com administração 50% empresa e 50% trabalhadores.	Mai/98

*Fonte: Banco de Dados Sindicais/DIEESE.*

- **Controls 4** - Clauses about flexibilization with reduction of journey in the collective agreements

<b>Categoria</b>	<b>UF</b>	<b>Número de trabalhadores</b>	<b>Resultados</b>	<b>Data</b>
Ford - São Bernardo do Campo (metalúrgicos)	SP		Redução de 44 para 42 horas semanais, por intermédio do banco de horas.	Dez/97
Ford - São Bernardo do Campo e Taubaté (montadora)	SP		A partir de 01/04/98, 42 horas semanais.	
Ford - São Bernardo do Campo, São Paulo, Taubaté e Osasco	SP	18.000	A partir de 01/01/96, redução da jornada de trabalho para 42 horas semanais, em média, com flexibilização entre 38 e 44 horas.	Nov/95

(montadora)				
Ford - São Bernardo do Campo, São Paulo, Taubaté e Osasco (montadora)	SP		A partir de 19/01/98, redução da jornada para 38 horas semanais, utilizando-se do mecanismo de banco de horas.	
Ford Ipiranga	SP	1870	Criação de banco de horas, com redução de jornada para 42 horas, variável entre 38 e 45 horas.	Ago/96
Ford Ipiranga	SP	1870	Redução da jornada de trabalho de 49 para 42 horas e suspensão do trabalho aos sábados.	Nov/97
General Motors - São Caetano do Sul (montadora)	SP	6.349	A partir de 01/96, redução da jornada de trabalho para 42 horas semanais com flexibilização entre 36 e 48 horas.	Abr/96
General Motors - São Caetano do Sul (montadora)	SP	6.349	A partir de 04/96, os trabalhadores romperam o acordo porque estavam tendo uma jornada semanal de 48 horas desde 01/96, quando foi firmado o acordo.	
General Motors - São Caetano do Sul (montadora)	SP	6.349	Jornada vigente de 42 horas desde abril de 96, mantendo o acordo de banco de horas.	
General Motors - São Caetano do Sul (montadora)	SP	6.349	Jornada de 38 horas semanais, a partir de março.	
Mercedes Benz - São Bernardo do Campo (montadora)	SP	10.813	Redução da jornada para 42 horas, com máximo de 44 semanais. Banco de horas: o que exceder a 42 horas será transformado em folga e o que exceder a 44 horas será pago como hora extra.	Fev/96
Mesba - Motores Elétricos do Brasil - Guarulhos (metalúrgicos)	SP	600	Implantação do banco de horas, flexibilizando a jornada entre 32 e 48 horas com média de 42 horas.	Jan/97
Sachs - Araraquara	SP	350	Jornada entre 38 e 46 horas semanais, com média de 42 horas.	Mar/98
Scania - ABC (montadora)	SP	3.230	A partir de 01/02/96, redução da jornada para 40 horas, com flexibilização, entre 32 e 44 horas. Estabilidade até 30/06/96.	Dez/95
Telemulti - São Paulo	SP		Banco de horas, entre 36 e 44 horas, com média de 40 horas.	Mar/97
Valmet - Mogi das Cruzes (tratores)	SP	900	A partir de 01/01/96, redução da jornada para 40 horas, com flexibilização entre 30 e 53 horas por semana.	Dez/95
Volkswagen - São Bernardo do Campo e Tabauté (montadora)	SP	13.000	A partir de 01/01/96, jornada de trabalho flexível entre 38 e 46 horas, sendo a jornada média de 42 horas.	Jan/98
Volkswagen - Tabauté (montadora)	SP		Série de jornadas extras de trabalho, a serem cumpridas em seis sábados, nos meses de março, abril e maio, com 100% sobre a hora normal aos sábados e 200% aos domingos.	Mar/97
Volkswagen - Tabauté (montadora)	SP		Suspensão dos trabalhos aos sábados.	Nov/97

Fonte: Banco de Dados Sindicais/DIEESE.

**Controls 5-** Clauses about flexibilization with reduction of journey and reduction of salary in the collective agreements

<b>Categoria</b>	<b>UF</b>	<b>Número de trabalhadores</b>	<b>Resultados</b>	<b>Data</b>
Embraer - São José dos Campos (material de transporte)	SP	3.600	Redução da jornada de trabalho para 43 horas semanais, com flexibilização da jornada de trabalho entre 38 e 43 horas. Redução dos salários em 10%. Estabilidade de 6 meses. Renegociação em novembro de 96.	Mai/96

*Fonte: Banco de Dados Sindicais/DIEESE.*

**Controls 6-** Clauses about alterations in the distribution of the day in the collective agreements

<b>Categoria</b>	<b>UF</b>	<b>Número de trabalhadores</b>	<b>Resultados</b>	<b>Data</b>
Brahma - Porto Alegre (alimentação)	RS	-	Flexibilização da jornada de trabalho entre 40 horas em uma semana e 48 horas na subsequente.	
Futurama Supermercados S/A		97	Adoção de dois períodos de trabalho de segunda a sábado: 8 às 14 horas e das 14 às 20 horas.	Fev/96

*Fonte: Banco de Dados Sindicais/DIEESE.*

**Controls 7-** Clauses about differentiated days in the collective agreements

<b>Categoria</b>	<b>UF</b>	<b>Número de trabalhadores</b>	<b>Resultados</b>	<b>Data</b>
Delphi Automotive Systems ( Grupo GM ) - Piracicaba (metalúrgicos)	SP	70	Jornada de 67h20min, a ser realizada somente aos sábados e domingos, podendo ser realizadas 2 horas extras. Jornada especial para estudantes da região.	Ago/97

*Fonte: Banco de Dados Sindicais/DIEESE.*