

Bill of Law 4,302: outsourcing, albeit late

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The issue 6/2016 of CSP featured an interesting debate on the outsourcing issue with two researchers and two discussants ^{1,2,3,4,5,6}. At the time, we already realized the need to explore the impact of outsourcing, the Siamese twin of workers' health precarization, as I wrote at the time. *Bill of Law 4,330* in the Brazilian Congress was harshly criticized by Druck, based on evidence accumulated over the years by comparing outsourced workers to those with job security. Although there are still no longitudinal studies with an adequate methodology to attribute causality from the epidemiological point of view, the evidence described by Druck strongly suggests that outsourcing of core activities is harmful to workers. If *Bill of Law 4,330* was already considered harmful to workers' health, the recently passed *Bill of Law 4,302*, the content of which was already part of the bill shelved during the Fernando Henrique Cardoso Administration (which we all knew too well), is actually even worse!!!

The current neoliberal bloc that supports the Temer Administration passed *Bill of Law 4,302* with no discussion by Brazilian society, using a shady Congressional maneuver. Certain Brazilian and multinational business sectors have mistakenly supported the bill on grounds that outsourcing generates jobs and economic growth. Outsourced jobs are certainly cheaper for employers, and those who live only in the short term defend such jobs to increase their profit margins. However, this change in labor laws will essentially flexibilize and precarize working and job conditions to such an extent that in the future, only very small groups of workers will have even minimal rights or guarantees. After all, if the rules laid out under Brazil's Consolidated Labor Laws (CLT) no longer apply, workplaces will be regulated by the law of the jungle, while the only workers that will gain or keep their rights will be those organized in strong unions with bargaining power. The vast majority of workers will lose the rights they have consolidated in decades of struggle, while a small minority of workers organized in unions will obtain advantageous collective agreements. Replacing federal legislation with collective bargaining has been part of the neoliberal agenda for at least two decades. Thanks to widespread mobilization by trade union federations and the most militant unions, this item had not been passed by Congress until very recently.

As highlighted in a public statement on March 22, 2017, the National Association of Labor Judges (ANAMATRA) ⁷, one of Brazil's leading authorities on labor laws, *Bill of Law*

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4,302 “will result in lower wages and worse working conditions for millions of Brazilian workers, establishing precarization as the rule in labor relations”. ANAMATRA lists the bill’s following negative impacts: (a) an increase in job turnover and length of workweeks and (b) an increase in the number of work-related accidents, simultaneously hurting workers, the Social Security System, and the Brazilian Unified National Health System (SUS), including a reduction in monthly contributions. ANAMATRA also stated that the bill violates Articles 1 and 3 of the 1988 *Federal Constitution* by clashing “with the protection of citizens’ rights, human dignity, and the social values of work” and “the fundamental objectives of the Republic, of building a free and just society with solidarity and eradicating poverty and marginalization and reducing social and regional inequalities”.

However, such a direct assault on the 1988 Citizens’ Constitution does not come in a vacuum. As one can infer from the articles by Druck and Muntaner, the current legalization of outsourcing of all activities (core and non-core) in Brazilian companies is happening in a context of crisis in the neoliberal capitalist model, with the global economy’s increasingly obvious stagnation, major concentration of capital in transnational financial groups, overexploitation of labor, and an enormous increase in social inequality, with its adverse impacts on workers’ health and safety.

The *Occupy Wall Street* movement in the United States shows how clearly this crisis reveals the conflict between 1% and 99% of the population ⁸. The issue is thus a systemic political response by sectors of the dominant classes in many countries that intend to destroy, once and for all, what still remains of the welfare state conquered by workers’ in the post-War developed countries. Meanwhile, this global crisis is closely associated with the wave of xenophobia, authoritarianism, attacks on the sovereignty of peoples, and disrespect for the fundamental human rights approved by the Universal Declaration of Human Rights in 1948.

If what we are witnessing in Brazil is part of this same global crisis, one can only conclude that it is a systemic response by dominant Brazilian classes to eliminate once and for all the legacy of the Getúlio Vargas Era, when the national-developmental model was established that was responsible for decades of economic growth and social development ⁹. According to a famous saying, “*The future belongs to God*”, meaning that no one can predict the future. However, the large grassroots demonstrations that have swept Brazil in 2017 and that tend to grow more from now on indicate that the future is already here and that Brazil will not accept the backsliding in living and working conditions proposed by *Bill of Law 4,302*.

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