

Department of History

**Brazil's labor reform, for the benefit of all?**

Sitie Brak

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Supervisors:

Luís Nuno Rodrigues, Full Professor,  
ISCTE-Instituto Universitário de Lisboa

Carmen Fonseca,  
Assistant Professor, NOVA FCSH

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## **Abstract**

Brazil is still recovering from its economic recession. This brings the need for reforms. In 2017 Temer reformed the already existing labor laws. This reform also impacts the orange industry, which is a sector of great importance in Brazil. This brings the risk of growing inequalities, leading to worsening working conditions. In this research I analyzed the implications this reform would have for the working conditions in the orange industry by doing qualitative interviews with different actors involved in the orange industry. It came forward that most of the rules indeed build on already existing power inequalities between employer and employee, mostly on the dominant power and legal power. This, in its turn, impact the working conditions in a negative way. Even though many different aspects are affected, mostly salary, risks and mental health - decline of the salary comes forward to be the most hard-felt consequence of the reform. This shows that, even though the reform is framed by policymakers to be beneficial for both employers and employees, this research shows the other side of it.

**Key words:** labor reform, labor conditions, national policy, Brazil

## **Resumo**

O Brasil ainda está a recuperar da recessão económica. Isto traz a necessidade de reformas. Em 2017, Temer reformou as leis do trabalho já existentes. Esta reforma impactou a indústria da laranja, que é um setor de grande importância no Brasil. Isto traz o risco de desigualdades crescentes, levando a um agravamento das condições de trabalho. Na presente dissertação, analisei as implicações que esta reforma teve nas condições de trabalho da indústria da laranja, fazendo entrevistas qualitativas com diferentes atores envolvidos na indústria da laranja. A maioria da legislação existente perpetua as desigualdades de poder entre empregador e empregado, principalmente 'no poder dominante' e no 'poder legal'. Isto, por sua vez, tem um impacto negativo nas condições de trabalho. Esta situação traz diferentes consequências, nomeadamente no salário, assim como riscos para a saúde física e mental - o declínio dos salários apresenta-se como a consequência mais sentida da reforma. Isto mostra que, embora a reforma seja enquadrada pelos decisores políticos para ser benéfica tanto para empregadores como para empregados, esta dissertação demonstra o outro lado da mesma.

**Palavras-chave:** reforma do trabalho, condições de trabalho, política nacional, Brasil

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## **Glossary of acronyms**

Employer	The orange farmers (see definition 'orange farmer' in glossary).
Employee	The pickers of the oranges (they are hired by the employer).
Orange farmer	Concerns both the 'large farms' and 'small farms'. Large farms are being defined as the three biggest farms of Brazil, which are Cultrale, Citroceso and Citrovita. Those farms hire +- 100 pickers per season. Small scale farms are being defined as family farms, that have +-20 pickers under contract.
Orange pickers	The pickers of the oranges. They are hired by the farms. This can be directly (the farm hires the picker) or indirectly (the farm hires pickers through companies).
Labor reform	A reform that former president Temer has implemented in November 2017, that included adjustment of the current rules of the labor law. (see figure A in the annex for its main implications).



## Introduction

If one would describe Brazil's economic situation in colours, some would say that Brazil went through 'golden' times under Luiz Inácio Lula da Silva's leadership from 2003 until the end of 2010, followed-up by dark times, suffering an economic crisis since he left his presidential position as from the start of 2011 (Hakim, 2016).

Under leadership of Dilma Roussef, Lula's follow up, Brazil's economy strongly decreased (ibid). The main peak of this was in 2014, when Brazil experienced a nationwide economic crisis (Érico 2017) (see figure 1.1) The Gross Domestic Product of 7.5% in 2010 dropped to a negative rate of 3,8% in 2015 (ibid). This was accompanied by growing unemployment rates (Biller, 2016). Many Brazilians experienced the economic negative consequences, losing their jobs, making less money, and as one could imagine; the amount of people living in poverty strongly increased (ibid). Nowadays, Brazil is still experiencing the aftermath of this economic catastrophe and it tries to build itself up again. Hence, political policy measures are being taken. In 2015 this task came to lie with Michel Temer, when Roussef was impeached under reason of criminal acts during her presidency (Hakim, 2016). Temer from then on faced the challenge of working on economic recovery. He set up some policies in order to overcome problems that hinder the economy and stimulate growth. On the 28 of October 2018, the Brazilian population has elected Jair Bolsonaro to become their new president (Phillips, 2018). In the upcoming time, Bolsonaro builds forward on Temer's policies and will create new policies on working on economic recovery, which in contemporary Brazil, is very needed.

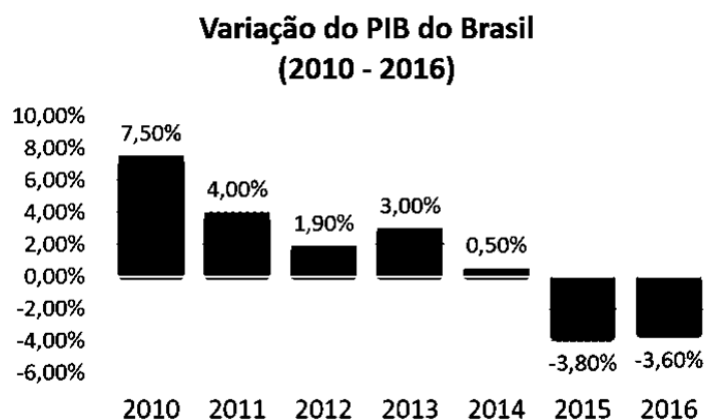


Figure 1.1 (Érico, 2017)

How can Brazilian policymakers, as from 2018 on Bolsonaro, make effective policy in order to improve the Brazilian economy? Some would say, that the agriculture industry is an important sector to stimulate, as this sector has always been of great economic importance for Brazil (BrazilGovNews, 2017). Due to the favourable conditions in Brazil for agriculture, this sector currently covers a great share of Brazil’s export (ibid). Some scholars regard it as the “driving force of Brazil’s economy” (El Dahr, 2018) as Brazil is able to produce and export agricultural products in high amounts and generates a lot of income from this sector (Santos et al, 2013; Groho, 2018). The branch therefore can be regarded as one of the big branches that can contribute to economic recovery (Culliney, 2018; Utsumi, 2014). The biggest agriculture sector is the orange industry, which is accountable for a lot of income stemming from national and international trade and work for Brazilians in the different parts of the production chain (ibid). The agriculture, because of its importance, has always been stimulated by Brazilian policymakers (OECD, 2011).

It’s therefore no wonder that previous president Temer set up a labor reform<sup>1</sup> during his presidency that from its implementation (November 2017) on will impact the labor conditions within this sector (ibid). The main change that the reform brings, is that labor rules are adjusted in order to reshape the relation between employer/employee (Gonçalves et al, 2017: 4). This can be seen from the table that stems from research of Gonçalves, Barbosa, & Matcin, about potential impacts of the labor reform. As the table shows, almost all rules impact the power relation between employer and employee, leading this to be the biggest change that the reform brings (ibid).

Brazilian Labor Reform Impact		
Sub-item	Labor reform's relevant measures*	Qualitative impact
Taxation on labor***	1,11	Small
Flexibility to hire and fire	1,3,8,9,10,11	Very high
Flexibility of wage determination	4,5,6,7,12	Medium
Cooperation in labor-employer relations	1,2,3,4,5,6,7,8,10,11,12,13	Very high
Attract talent from abroad	-	Null
Pay and productivity	1,5,6,11,12,13	High
Female participation	1,10,11	Medium
Redundancy costs**	4,5	Small
Reliance on professional management	-	Null
Skilled labor force	-	Null

Figure 1.2 (Gonçalves et al, 2017: 4)

<sup>1</sup> The labor law of Brazil has been set up since 1943 and includes laws to regulate labor conditions. In order to keep it effective, the labor had endured multiple reforms. Temer’s reform in 2017 is the most recent reform (Fujikawa Nes 2016).

The relation between employer and employee is reshaped in order to improve the efficiencies in Brazilian production chains, which in its turn, should lead to more economic benefits and create more jobs (ibid). In short, the relationship is reshaped by modernizing and flexibilization of the already existing rules (ibid). In line with this goal, research on the possible consequences of the reform sets out the future expectation that:

“We estimate that Brazil’s GDP per capita can expand 3.2% in the next four years (0.8% p.a.) and lower the structural unemployment rate by around 1.4 p.p. (approximately 1.5 million jobs)” (ibid: 1).

### **Problem definition**

This seems a good reform in first glance. However, a direct positive impact of this reshaping the relation between employer and employee<sup>2</sup> can be questioned upon, as in two reports ‘Ripe for Change’ and ‘Inequalities in Brazil: The divide that unites us’ (Willoughby & Gore, 2018; George & Maia, 2017) NGO Oxfam Brasil sets out that within the employer/employee relation in Brazil, there is an already unequal power relation that has high risk of increasing. If this happens, this leads to declining working conditions for the employees, as they are the ones lacking power. According to Oxfam, the relation between employer and employee in Brazil, currently already has characteristics of an unequal power relation, as data show that big companies have enormous economic benefits, while farmers in the end only earn 5% of the worth of the final product, as they don’t have the power to demand more (ibid: 19). Growing power imbalance within the employer/employee relation opens space for companies to lower the working conditions without too much resistance. This already observed power imbalance within the employer/employee relation might increase, the moment where the labor reform opens up space for negotiations within the employer/employee relationship. In addition to the negative implication that this might have on the economic situation and the working conditions of the employees, Kakwani’s research (1990: 46-467) shows that a worsening economic position of the people in society itself lowers economic growth. That being said, economic growth is more being stimulated, when policymakers also effectively work on decreasing poverty (ibid). As economic growth is being framed as the main goal behind the Brazilian government’s labor reform, not only from ethical perspective, but also from economic point of view, overcoming the above-mentioned risk in this branch, which

<sup>2</sup> Within the thesis, it is important to make clear what the exact definition is of the employer and the employee. In the thesis the employer is being regarded the big and small-scale farmers. The employees are being regarded the pickers of the oranges. This definition can be retrieved in the Glossary of acronyms.

seems like a possible outcome, is an important goal. Oxfam Brasil<sup>3</sup> works on this type of above-mentioned risk, as it focusses on battling the inequality of power between supermarkets and the producers of food by lobbying on the Brazilian government, raising awareness and empowering people working in the orange industry (Willoughby & Gore, 2018: 1-17). As inequalities, according to Kakwani (1990) and Korpi (1974), have negative social and economic implications, this goal is very relevant in Brazil's current situation. For future work of organizations as Oxfam Brasil, in empowering the powerless within the orange production chain, it is important to get insight in how reshaping the employer/employee relation that labor reform brings about, impacts the working conditions of the employees in the orange industry.

As the implications of these power shifts on the orange industry are not known and cannot be derived from already existing theories, research is needed as it gives insight in knowledge (and a critical view) on the effectiveness of the policy. NGO's working on this matter could use the information for supporting their work in battling inequalities, lobby on this policy to make it more effective and having a future prospect on the economic situation in Brazil. Therefore, within this research I have answered the following question: What is the impact of the labor reform on the working conditions in the orange industry? I believe that the labor law will have negative implications on the working conditions in the orange industry. In order to get an answer, I have spent two months in Brazil, where I conducted interviews with farmers, pickers, advocates, representatives of workers unions, companies that buy oranges and representatives of NGO's that work on this matter in order to find out what the exact impact will be. In the following section I'll explain how I made this research question measurable.

<sup>3</sup> Oxfam Brasil is part of Oxfam (a confederation with 19 members, dispersed over different countries). Oxfam Brasil is considered a NGO, that has different programs with the main goal of battling inequalities and poverty in Brazil (Oxfam, 2019).

## Operationalization

Within my research I am interested in how the labor reform policy (A) shifts the employer/employee relation (B) and how this impacts the working conditions (C) in the orange production chain. Therefore, it is important to define both the independent variable (B) (shifted relation) and the dependent variable (C) (working conditions) and make both concepts measurable. See model B in the end of the appendix for a clear overview of the codes and subcodes.

The labor reform policy (A): As mentioned in the theoretical framework, a distinction can be made between the pre-contract and the post-contract rules, as the relation within these are the two dimensions of labor reform policy. Periodic work, contractors and prevalence of collective bargaining agreements/prevalence of individual agreements are changes that influence the set-up of the contract and therefore indicators that cover the pre-contract rules. Labor lawsuits and legal proceeding costs, pay for productivity, voluntary payment of union duties, termination of work contracts upon agreement/ termination for no reason, home office, part-time labor, bank of compensatory hours and activities not considered part of the work shift are changes that influence the post contract period and therefore are considered indicators of the 'post contract rules'

Reshifting relations (B): In the theoretical framework it comes forward that within the employer/employee relation<sup>4</sup> a distinction can be made between emotional employer/employee relation, rules within employer/employee relation, and tactics within employer/employee relation. These are the dimensions. Within these categories, as I am interested in getting insight in the impact of these power shifts, I use these concepts as dimensions. The indicators that I will measure, consist of more concrete forms of power that came forward in the theoretical section. These are charismatic power (based on respect and trust), traditional power (by dominance), legal power (by rules), coercive power (by fear), using knowledge/lacking knowledge, and reinforcing selfish behavior, that disadvantages the group as a whole.

Working conditions (C): Ferguson (1990) and Coleman & Voronov (2003) give insight in how a power shift leads to the eruption of an inferior group and an elite, and how this leads to interdependence of the first to the latter. Ferguson (1990) thereafter argues that this power

<sup>4</sup> As stated in Glossary of acronyms, the employers are being defined as large scale farms and small scale farmers. R7, R11 and R12 are small farmers. R13 work on a large farm. The employees are defined as the pickers of the oranges. R4, R5, and R13 are the pickers that I interviewed

shift will lead to material disadvantages. However, Schröder & Schmidt (2001) lay emphasis on immaterial disadvantages of this power shift. This shows that, within literature, two dimensions come forward, namely material and immaterial. As discussed in the theoretical framework, within this distinction more concrete indicators of working conditions can be set out. Under immaterial disadvantages I use the idea of Neffa (2015) about psychological and environmental elements of working conditions. I keep the same distinction by adding the indicator 'health' for measuring the exposure to long term harm, such as exposure to pesticides and other harmful gasses. I also add indicator 'risks' that measures the exposure of the employee to risks for the body on the short run, such as working without gloves, and with sharp equipment. As Neffa (2015) argues, also the psychological impact of work is important, therefore I add the indicator 'mental'. Under this indicator I look at the amount of pleasure, stress, tension, worrying, dissatisfaction and fatigue. However, the material disadvantages can be measured by looking at the 'salary' of the worker, and the working hours. Both 'long as short working hours' can be positive and negative and therefore I include both as indicators. Also 'salary' is included as an indicator, as this, according to the 'happy workers' report (Cassels, 2017), is a very important measure to indicate working conditions. A last indicator I would like to add is 'work-related costs', as these contribute to material disadvantages on work as it can highly contribute to a lower salary at the end of the month.

So, in short, I have defined the two main concepts of my theoretical framework and divided these concepts in multiple dimensions and indicators to make them measurable (see figure B in the annex). My theoretical framework focusses on analyzing theories that give insight in the relation between both concepts. It shows that, the labor reform policy [11 rules] (A) shifted the power relation between employer/employee (B) which impacts the → working conditions in the orange production chain (C). Within my research I am interested in getting insight in how the impact (B) is experienced/apparent in the orange industry and how the working conditions (C) have changed due to this impact (B). I have interviewed the people that work in the first section of the chain; the orange producers (farmers and pickers). The codes and subcodes are based on the dimensions and indicators above described. I add two codes; Privacy statements and background information to cover the important information regarding the functions of the people that I have interviewed and to have a good overview of the privacy preferences they individually have. See the overview in figure C in the appendix.

## Research methods

Within this section I regard the methods I have used in the research. I accordingly explain the research design, the strategy, the approach and orientation, the methods of conducting the interviews and the methods of analysing the data that stem from the interviews.

Bryman explains that:

“A case study entails the detailed and intense analysis of a single case (2012: 66).”

As I am interested in researching the influence of a specific policy on the working conditions in the orange industry, it shows that I have analyzed a specific case, for a specific group. This shows that I am applying the case study design (ibid: 66-69). In order to get insight in the impact of the reform on the working conditions, I have conducted interviews with different actors involved in the orange industry chain, such as farmers, processors of oranges, but also representatives of the workers, social movements and unions standing up for labor rights. In this section I will give insight in the methods and techniques I have applied for conducting interviews with this population.

Within research, three strategic choices can be distinguished (ibid: 19). Namely, the considerations of the relation between theory and empirical data, epistemological orientation and ontological orientation (ibid). When it comes to the relation between theory and research, within this research I do empirical observations of the policy implementation on the 11<sup>th</sup> of November 2017, by doing interviews with different actors involved, one year after the implementation of this policy (ibid: 24). The questions are based on a theoretical framework. On the base of these data, I have analyzed the empirical data of the results of this policy on working conditions in the orange industry, by analyzing the results with the theories in my theoretical framework. By doing this I intent to improve the already existing theories. This shows my research is inductive (ibid: 26).

As Bryman argues:

“An epistemological issue concerns the question that is or should be regarded as acceptable knowledge in a discipline (ibid: 27).”

So, when it comes to the idea of how knowledge is produced, interpretivists argue that the social world needs a specific strategy of getting knowledge, namely by ‘*verstehen*’. *Verstehen* leads to knowledge, as social situations cannot be understood by only facts, without understanding the thoughts of the actors involved (ibid: 28-32). Within my research I support this vision, as the impact of the labor reform on the working conditions can only be

understood by understanding how different actors experience the impact, as working conditions are not solely stemming from facts, but depend on how the workers interpret the conditions. So, when it comes to the debate how knowledge is produced, I support the interpretivist argument that the strategies people will implement are dependent on how they experience the policy and therefore I focus on understanding the ways they experience the policy (ibid).

Also 'ontological orientation', the idea of what 'reality' is, within my research, is based on the idea that reality is not a fact, but within my research reality is a social construct, since, how people experience the labor reform depends on the person and is therefore different for each person (ibid: 32-39). Even though there are international ideas and rules about ethical and non-ethical working conditions, working conditions are not fully based on how the work de facto is, but also depends on how people perceive it (ibid). Therefore, I follow the constructivist thought, as I see the social reality as a 'construct', in which focus is on how the reform influences the subjective experiences and thoughts of individuals (ibid). So, in short, I applied the inductive approach and an interpretivist epistemological orientation and a constructivist ontological orientation. All three are characteristics of qualitative research (ibid: 19). As I am doing a qualitative research, there is no hypothesis within my research.

I have done single interviews and one interview with two persons at the same time (ibid: 212-213). I wanted to compare the results with each other (to see if the data correspond with the theories and compare how it is different for each actor), but, on the other hand, keep space for new insights I was not aware of) or other unexpected important topics which I might have overlooked otherwise. Therefore, I have chosen to have a semi-structured method of conducting my interviews (ibid).

One way of analyzing the data that is derived from the semi-structured interviews is by coding (ibid: 565-577). Coding is creating labels (on base of the theory) and tracing back these labels within data, by writing the oral interviews down and code the text (by for example marking the data from the text in different colours) (ibid). I used analyzing program MAXQDA to code the transcripts of the interviews. Every thematic code was separately analysed and discussed in the result section.



## Research population

In this section I give more insight in the background of the respondents I have interviewed, and more information on the decision-making behind the interviews. For privacy reasons the real names are replaced by 'Respondent X', and their functions are described in a way that they cannot be traced back.

Respondent 1 is employed at a Brazilian NGO that does research in order to identify problems for the Brazilian workforce (Reporter Brazil, 2020). Respondent 2 is employed at Coperfam (Cooperativa de Produtores Rurais de Agricultura Rural) (Coperfam 2020). Coperfam helps the farmers in the way that they organize the farmers, supply goods and empower farmers. Coperfam sells the oranges they buy from the farms to exporter 'Citrosul'. Respondent 3 is employed at the Brazilian Association of Citrus Growers. He is openly committed to counteracting the unequal balance of power in the orange industry. He therefore openly speaks about, writes and publishes information in order to expose the cartelization. Respondent 4 picks oranges at an orange farm in the state of Paraná for four years now. The orange season is between January/June. That's when he works as a picker of oranges at the farm. The time of the year when the orange harvest is not possible, he works on cassava farms. Respondent 5 is an orange picker, for over 10 years now. In the period when the oranges don't grow, from July/December, she works in selling and cleaning clothes. Respondent 6 is employed at Coacipar, a cooperative that unites small scale producers of farmers of oranges. Respondent 7 used to be an orange farmer. She used to own a farm with her family, 30 km from Bebedouro (the national city of orange). She worked for 20 years in the citrus industry, but stopped and switched to the production of sugarcane, because of problems (cartelization), she encountered in the orange industry. Respondent 8 is employed at the Union Confederations Contag (Confederação Nacional dos Trabalhadores na Agricultura) and Contar (Confederação Brasileira especificamente dos Empregados Rurais). He has been openly critical in media on the impact of the labor reform on the workers in the industry. Respondent 9 works at the Union of Rural Employees of Piratininga as a lawyer. This union represents the employees and the harvesters. Respondent 10 is employed at RedeSuco, which is a network of trade union organizations and activists that work in and on improving the orange production chain. The aim of the network is to try to build and organize a joint work aimed at improving conditions for workers. Respondent 11 is a small family of orange farmers in Cajobi. This family does the operations on their farm themselves, but hires employees during the harvest season as they need the extra hands. They hire 20 pickers per season. They sell their orange harvest to organization Coperfam. As it was a group interview, their answers are merged under the mention 'respondent 11'. Respondent 12 is an orange farmer in Ibatinga. He worked at the orange farm with his father

for 20 years, but he recently switched to the production of sugercane. He employed an average of 20 orange pickers a year. Respondent 13 are two workers for company Cultrale (one of the biggest orange industries in Brazil). As it was a double interview, their answers are merged under the mention 'respondent 13'. Respondent 14 is a labor prosecutor, working in Araraquara. He has a lot of knowledge about work related laws and the impact of the labor reform on these laws. Respondent 15 is employed at the Rural Union of Ibitinga and he is a citriculturist. He speaks from perspective of a citrus producer of the region, but also as a representative of the class.

I collected data these various actors, to get an as much all-encompassing view as possible. I have been able to get contact with these respondents by applying three kinds of sampling. As they have to meet the criterion of being involved in the orange industry chain, I exerted criterion sampling (ibid: 419). However, the persons I spoke to in the end, were greatly dependent on who did and did not react on my proposal, which shows that I also partly exerted opportunistic sampling (ibid). Besides, I mostly exerted snowball sampling, as especially, in Brazilian culture, this method is very effective in finding new and relevant persons to interview. Especially the experts I interviewed from their position could help me very well into finding new persons to interview (ibid). These interviews were partly done in Portuguese and partly in English. I did 6 interviews in English and 9 in Portuguese. For 2 interviews in English with the pickers of the state of Parana I had a translator that translated my questions in Portuguese to the pickers and translated their responses to me in English.

For conducting the interviews with the above mentioned respondents I went to São Paulo from 11-01-2019 until 19-03-2019 (one year after the implementation of the policy) and took these two months to conduct the interviews. All respondents come from the citrus belt. 80% of the orange products from Brazil is produced in this area (Neves et al, 2011: 53-57). For most of the interviews I travelled to Bebedouro, Ibitinga, São Paulo and Cajobi. The rest of the interviews I did over Skype.

## **Ethics**

It is important to ensure the well-being of the respondents. In the document 'Ethics in Research' (ISCTE, 2016: 1-26) it is mentioned how to comply to the standards of a good research. The document is divided into two sections. The first section explains the general principles that are important in research (ibid: 3). Firstly, the conductor of the research bears responsibility for the impact of the research on society and the people involved (ibid). Besides, respondents should be informed in honesty about the goal and purpose of the

research and the data from the interviews should be written down exactly the way they are, without any adjusting that leads to different conceptions (ibid). This also implies the same for the findings, that should be absolutely objective, purely based on the data, without adjusting from a subjective point of view (ibid). This implies that the research should be done with integrity; with a focus on getting the answer, without any other interests that impact the outcome (ibid). The document 'Ethics in Research' also adds practical guidelines that should be applied within research (ibid). This section adds that the quality of the research should be guaranteed, without any misconduct (ibid: 8-9). This means that the construction should be based on correct theoretical findings and can't be influenced by side interests (ibid). Besides, the interviews should be done in a scientific and correct matter (ibid). The respondents should give their consent, based on being completely well informed and should be able to quit whenever they want, also during the interview process (idem). All information acquired should be kept confidential (ibid: 5). After the participation participants have the right to stay informed and have insight in the research if requested (ideb). Participants should have the guarantee to be safe and protected from any negative consequences and therefore they should be fully and honestly informed and the data should be protected from any third parties to access (ibid: 7). Therefore, also after publication, the safety should be guaranteed, by assuring that the participants cannot be traced back (ibid).

In order to comply to these above-mentioned principles, I have focussed on guaranteeing that all the people I have interviewed were fully informed about the purpose of the research and about what I would do exactly with their data. I informed them that my research is done with integrity, as I explained to them that the only purpose for me is to do a research with a good quality, in order to get my master degree and become experienced in doing a good research. I also gave them background information about myself and the master I am doing, in order to give insight in the purpose of the thesis. In order to protect the integrity of the research, I informed the respondents before the actual interview about the content of the questions I was going to ask and I told them my research question. During the interview I formally posed the question again if I had their permission to interview them, and if their data could be used for the purpose of my research. All the respondents agreed with the use of their data for my research. This implies that they agree on mentioning their names and function in the research, with the assurance that the data will be used solely for the purpose of the investigation and not for other (not study related) purposes. I also asked all of the respondents if I could record this oral permission on tape, so that I would have their permission documented. They all agreed upon this, and gave their permission on tape. The recordings with all the oral approvals and interviews are kept safely on a p-drive, and I am the only person having access to them.

Besides, as an extra backup, I have the permission of half of the respondents in a written contract. Due to the Corona pandemic, which forced me to return to the Netherlands indefinitely, I now have no access to these forms. As a result, the forms are not included in the annex. In consultation with my supervisor, we have come to the conclusion that I will submit these forms to the Academic Services of ISCTE as soon as I am able to travel to Lisbon again.

All respondents agreed with mentioning their names and functions in the research. However, just to be sure, in order to be sure of protecting the respondents, I have decided to not mention their names as this is not necessary for the purpose of the research. Also, I have been vague in describing their functions, in order to make sure that it's not possible to trace them back from any information in this thesis. Therefore the quality of the research is still guaranteed, while also being absolutely sure of protecting the privacy of the respondents. Also I gave all the respondents the notification that they could have access to the research, if they would like that. One of the respondents spoke out that he was interested in receiving the thesis when it would be finished. I therefore have sent the final thesis to him by e-mail.

## Chapter one. Challenges for Brazil

It is important to dig into the complexity of the economic situation Brazil is struggling with, in order to give better insight in the necessity and the purpose of the labor reform. In this section I regard the three main economic challenges Brazil is coping with, as it gives background information on the economic issues that led to the implementation of the labor reform. After this I will explain the contribution of the labor reform to address these issues.

### 1.1 Unemployment and decreasing GDP

As mentioned in the preface, Brazil copes with high levels of unemployment due to economic downfall, which led to lots of people being fired from their job (Érico, 2017; Biller, 2016). The unemployment rate in 2013 of 4,5% rose to 12.1% in 2016 (Rodrigues, 2018). The unemployment went hand in hand with decreasing Gross Domestic Product. Since 2014 the GDP dropped (OECD, 2018: 2, 8-9). The Organization for Economic Co-operation and Development did a future prediction of an increase of GDP by 20% by reforms (ibid).

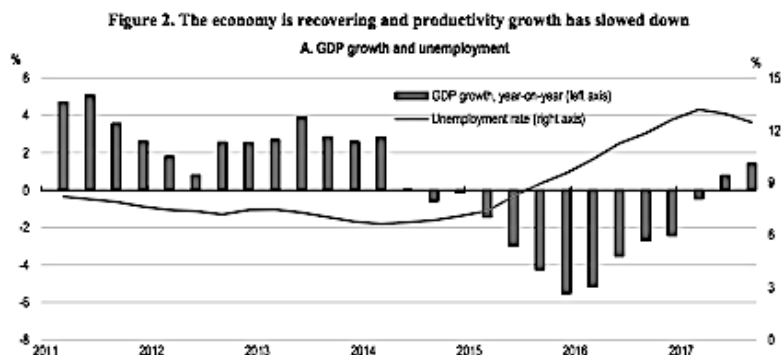


Figure 2.1: (OECD, 2018: 7)

### 1.2 Inefficient market and international competitiveness

“Brazil’s labor market is one of the least efficient in the world (Gonçalves et al 2017: 1)”.

Gonçalves, Barbosa, & Matcin analyzed that these inefficiencies are due to multiple factors. Firstly, it is argued that Brazil has a:

“Low cooperation in labor-employer relations”, a “low correlation between pay and productivity” and “high termination costs (ibid: 3)”.

These above-mentioned factors explain the inefficiencies in the market. A problematic outcome that stems from these inefficiencies is that Brazil experiences a lower trade position in comparison to other countries, which stands in the way of economic growth (OECD, 2018: 2, 41-42). According to OECD:

“A stronger integration into international trade would support growth and social progress (ibid: pp 44)”.

But as the figure shows, Brazil’s position in the international trade is very small and is a very small part of Brazil’s total GDP.

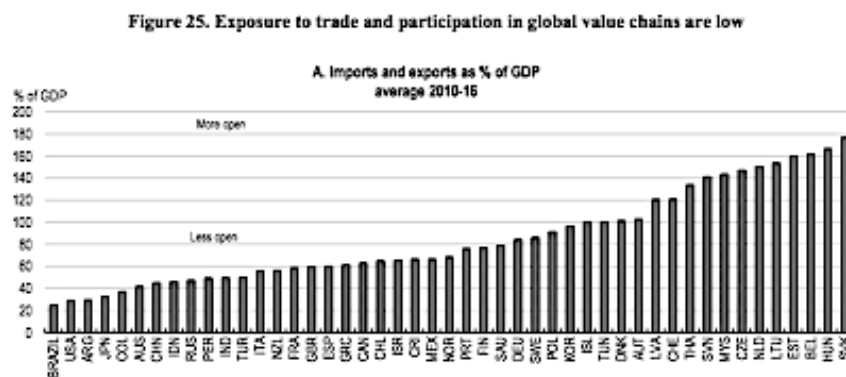


Figure 2.2: (OECD, 2018: 25)

OECD argues that this low level of Brazil’s integration in global economy lowers its position on the market, which leads to economic losses (ibid: 3). This in its turn has a negative impact on the GDP and jobs available (ibid). This shows that above mentioned problems are intertwined.

### 1.3 Solutions

OECD (2018: 8) confirms Brazil’s focus on reforming, as OECD argues that in order to work on above mentioned economic problems that Brazil encounters, productivity can be increased by labor reforms. Gonçalves, Barbosa, & Matcin (2017: 1-10) argue that the recent labor reform in Brazil could improve the labor market. As mentioned before, the reform is focused on flexibilization and modernization of the market. Why modernization and flexibilization? In the following section I distinguish these two main topics, that Temer put at heart of the design of the reform.

Angus, Badra, & D'Agostini (2017) argue that modernizing the current working laws is needed to make the labor efficient and more suitable for the situation in current times. Therefore, the rules should be adjusted to the current political situation. In accordance to this thought, Temer's labor law has been adjusted on base of Brazil's current political situation. Besides, Gonçalves, Barbosa, & Matcin (2017: 2) argue that the labor reform is meant to make the labor market more flexible. By this the employers should have more space to make decisions that increase productivity and therefore make the market more efficient. So, in short, Temer's reform is focused on flexibilization and modernization, in order to battle the inefficiencies in the labor market.

#### **1.4 The reform**

How do the labor reform measures concretely contribute on modernization and flexibilization? In this section I set out the main changes of this reform according to research of Gonçalves, Barbosa, & Matcin (2017)<sup>5</sup>. The reforms are implemented in the Consolidation of Labor Laws (Angus et al, 2017: 1).

#### **Main implications**

1: Allowance periodic work (intermittent work) contracts. Currently hiring employees comes with high taxes in Brazil (Gonçalves et al, 2017: 2). Because of this, employers hire as less employees as possible, increasing unemployment (ibid). With this comes that hiring and firing employees is not that easy (ibid). This leads to situations where employees work in unsuitable positions, leasing to less efficient production (ibid). This in its turn lowers economic productivity (ibid). Therefore, this measure is focused on making working contracts more flexible by making it possible to have more loose and flexible working contracts (ibid). Such as for a short period of time, or with weekly-changing working hours (ibid). What are the suspected consequences? According to the authors, it "helps to reduce costs per working hour and taxes". It also makes it possible to easily hire people that are suitable for the job

<sup>5</sup> I merged the 13 rules into 11 main implications. I decided to do this as the 'Prevalence of collective bargaining' and 'individual bargaining agreements' rules and the 'termination of work contracts upon agreement' and 'no termination for no reason rules' are very similar and therefore better to be understood and analyzed when merged.

and be more flexible on replacing them when the job demands change, thereby contributing on battling unemployment (ibid).

2: Contractor services. This rule adjusts the rules around contracts. Namely, it opens up the possibility for the company to transfer “the execution of any of its activities (including core activity) to another legal entity” (ibid: 7). This makes outsourcing possible. Research from Tingting (2014: 210) on the effect of outsourcing showed that outsourcing has a positive effect on a country’s economy as it has a positive effect on improving trade, increasing employment and productivity and contributing on innovation.

3: Labor lawsuits and legal proceeding costs. Within the industry there is a problem of employees starting lawsuits against their employer out of bad faith, with the purpose of individual economic benefits (ibid: 2-7). In order to decrease the amount of spending’s and economic losses that are apparent over lawsuits done in bad faith, the government implemented a rule that obligates the perpetrator a penalty of 1% until 10% of the money demanded, when the case ends up being done in “bad faith” (ibid). By this the government hopes that genuine lawsuits will still proceed, but unfair lawsuits will be harder to proceed, as there are more risks of negative consequences when employers don’t show up, drop out, or when the motivation is proven to be not genuine (ibid: 2-7).

4: Prevalence of collective/individual bargaining agreements. It’s firstly important to explain what collective and individual bargaining agreements are. Collective bargaining agreements are contracts that are agreed upon and signed by the employer and the labor union that represents the employee (SHRM, 2020). These contracts stem from negotiations by the labor union and the employer (ibid). Individual bargaining agreements are, as the word says, agreements made between employer and employee directly (Nascimento, 1992: 264). As soon as the labor reform is implemented, these forms will have more influence. For example, these contracts will take precedence over the already existing rules (Gonçalves et al, 2017: 7). The goal of this reform is to make contracts better fitting on every case, which in its turn leads to higher productivity and economic benefits.

5: Pay for productivity. This rule gives the opportunity to include in the contract that employers pay the employee on base of their productivity. This is a direct measure to tackle the problem of low productivity that Brazil is currently facing (ibid: 3-4, 8).

6: Voluntary payment of union duties. This new rule takes away the obligatory payment of the employer to the union. The employee now can choose whether to pay the union or not. This is done in order to focus money flows to well-functioning unions and decrease the money flows to malfunctioning unions (ibid: 2, 8).



7: Termination of work contracts upon agreement/no termination for no reason. This rule makes it possible to end the employee/employer contract upon agreement between the two (ibid: 2-3) This is done because now the 'flexibility to hire and fire' is very low in comparison to other countries (ibid: 1). The rights of the employee are also better ensured by not allowing 'termination for no reason'. This rule means that the union needs to have the final word over the ending of work contracts. This is agreed upon to protect the employee. Also, as Brazil copes with 'high termination costs' these rules help to reduce unprofitable termination (ibid: 2-3).

8: Home office. This rule allows and stimulates working from home (ibid: 8) This is being implemented as in some situations this could lead to better working results (ibid: 2-3). In home office the limit of the regular 8 hours work time can legally be crossed, which allows more productivity (ibid: 8).

9: Part-time labor. In order to regulate working hours, while also being flexible, this rule – allowing 5 hours more part time labor, is meant to stimulate more results/productivity, while still protecting the employee from working too many hours (ibid: 8).

10: Bank of compensatory hours. This new rule implies that employees are more flexible in working hours (ibid: 8). This allows them to work shorter and/or longer than 8 hours and compensate hours missed or worked overtime. This improves the productivity, as some periods more work is needed and in more quiet periods less work is needed (ibid: 2).

11: Activities not considered part of the work shift. This rule excludes some activities from being paid for, while they have been paid for before, such as travel time (ibid: 8). This increases productivity, and reduces costs, leading to economic benefits as less activities are included in the salary of the employees (ibid: 2, 8).

## **Chapter two. Putting the main implications in context**

In order to understand the impact of the main changes, it's important to have an understanding on how labor law was before. Therefore, it's needed to sketch the historical context. I start this section from 1900 - as the end of slavery in Brazil from that time on marks the start of regulation of working laws.

### **2.1 The end of slavery**

Rodrigues (2018) argues that Brazil's history of labor laws can be understood by starting at the far end of the 1800, as that's when a long era of slavery ends in the slaves being freed, and starting to become workforce. Fernandes (2017: 211) argues that current labor relations therefore can be understood by starting at 1889-1930, as slavery ended, and Brazil became a republic. A new ideology started dominating, namely economic liberalism (ibid). Within this leading ideology adjustments of labor were made (ibid). Some had a character of coming up for workers' rights and some policies were focusing on restricting the freedom to protest (ibid). Nascimento (1992: 233-265) argues that one of the first policies being implemented, are the first two provisions on syndicates (labor and employer syndicates). The former covered rural syndicates, while the latter covered urban syndicates. (Ibid: 235). The law was meant to make able that workers could organize themselves (Rodrigues, 2018). Thereafter, a civil code was introduced, which was a set of rules to come up for workers' rights (Nascimento, 1992: 236).

### **2.2 Politics and labor**

In 1930 politics became more intertwined with labor, as political parties were founded and stated to focus on how work should be arranged (ibid: 237). Oliveira (2016: 1) argues that Brazil knows two waves of industrialization, namely in 1930 and 1950. This was accompanied by a growing working class, that needed to be regulated more and more (ibid). The group that was leading in society, the industrial bourgeoisie influenced the adjustments that were being made (Fernandes, 2017: 213). Lots of specifying policies were made, such as a minimum wage. Fernandes explains that in 1930 the 'Ministry of Labor, Industry and Commerce' was founded. This was combined with the first formation of an union in 1931 (ibid). Within this system Brazil industrialized a lot and is therefore called to have a phase of

'industrial capitalism' (ibid: 214). Also, a labor court system was being set up in 1943, in order to resolve labor conflicts (ibid: 217) During Getúlio Vargas' dictatorship the consolidation of labor laws was formed in 1943 (Rodrigues, 2018). This is still leading in Brazil nowadays, so it's important to see what this legislation means. Fernandes (2017: 215) argues that it is meant to bound all the rules regarding labor together in order to "unite and structure". This format is since then the base of labor law (ibid). As in the beginning of the 80's the democratization process started in Brazil (Nascimento, 1992: 243; Fernandes, 2017: 215-217). the "New Federal Constitution on October 5, 1988" was implemented, that fitted this new political system, where Brazil had one central government, ruling over federal states (ibid). This constitution was important for workers' rights (Fernandes, 2017: 216).

### **2.3 The reform of the employer/employee relation**

The labor reform was discussed for half a year, as the national congress got to know Temer's proposal for the reform on December 23rd, and half a year later it got approved by the National Congress on the 13<sup>th</sup> of July (ibid: 216-220). On the 26<sup>th</sup> of April the majority of the senate approved, and therefore on the 11<sup>th</sup> of November it was officially implemented (Globo, 2017; Globo, 2018).

As mentioned in the preface, this labor reform has an ambivalent character, as on the one side lots of measures are made to have more economical benefits (as it tries to overcome the economic problems Brazil is facing). On the other side, it implies a power shift in the employer/employee relation, that can lead to negative consequences that the current Brazilian government might oversee. This ambivalent character makes it important, not only from ethical perspective, but also from economical perspective, to analyze, as bad working conditions can negatively influence a country's economy. In the next section I set out a theoretical exploration of how the power position of employees is constructed, in order to understand how the reform can affect the power relation.

## Chapter three. Theoretical framework

How is the power relation between employer and employee constructed? In this section I set out multiple theories, that give different perspectives on how power is obtained.

### 3.1 Types of power relations

Max Weber's theories of power offer an interesting framework when it comes to power. There are three kinds of power: charismatic, traditional and legal (Maboloc, 2015). Charismatic power is power that is derived from having a high charisma, which leads to appreciation and respect from followers (ibid). This gives the one in power a higher status, that both parties agree on (ibid). Charismatic power is dangerous in the sense that the powerless, because of the high charisma of the one in power, will believe in the actions of the one in power, even when it is not good for them (ibid). Traditional power is power derived from one being dominant over another (ibid). In contradiction to charismatic power, this kind of power doesn't need to stem from mutual agreement or 'believe' in it (ibid). Power can be derived from the less powerful party having less money, or being isolated, therefore not having other options than to be submissive (ibid). Legal power lastly means that power is derived from rules in favour of the one in power, that makes its followers being obeyed to act the way the one in power wants (ibid). These rules are for example national and international policies (ibid). Kim, Pinkley, & Fragale (2005) add a new concept, which is; coercive power. This type of power is derived from the one party fearing the other, leading this party not to stand up for their rights out of fear for negative consequences (ibid: 800). Fear can stem from punishments in the past, or received threats of being punished if not obeying. I want to include another theory, which is from Haas (1991). Haas argues that knowledge about a topic from one party and lack of knowledge of the other party, leads to the latter not questioning the underlying motivations of the former (ibid: 3). Besides, the former has knowledge to better understand future consequences of actions that he or she takes, in comparison to the latter, that, because of a lack of knowledge, will not include important information in decision-making by which he or she will be worse off within negotiations (ibid). I will include this theory as form of 'knowledge power'. In line with this theory, I would like to add the concept of Abigail, Eden, & Ideris (2019). These authors explain that a 'lack of feeling in-group' of individuals leads to decision-making that in the end disadvantages the whole group (ibid: 8-12). Another group can reinforce this 'selfish' decision-making as a 'tactic' in order to keep the group less united, and therefore more

powerless (ibid: 10; Maiwald, 2015: 1-46). This theory could be of importance, as the employees are in a position that individual decision-making could be occurring, and not collective decision-making (ibid).

These theories give different perspectives on how a power relation is constructed. By themselves, they wouldn't be satisfactory in explaining how a power relation is constructed. Together however, they offer a framework to analyze from. However, what they fail on doing, is making a distinction in different phases the employer and employee go through within their relation. Within this specific case when it comes to a relation between employer and employee, there is a relation between these two actors while making up the contract, and thereafter there is a relation during the work activities after the contract is already signed. As the consequences of the relation between employer and employee in both phases are different, as the first period (setting up the contract) impacts the basic working conditions, and the post contract period effects the working conditions to the limit of the extent to which the contract allows. Theories fail on making a distinction in this. Therefore, I will maintain a distinction between analyzing the 'pre-contractual' and the 'during the contract' power relation within my analyzation. I will explain more about this in the operationalization part.

### **3.2 Implications power shift for working conditions**

In this section I will get an understanding of which kind of impact the power imbalance can have on the working conditions. Within literature a distinction can be made between material and immaterial consequences.

Ferguson (1990: 30) argues that a power imbalance leads to the elite being able to gain their material interest, in disadvantage of the material interests of the non-elite. Following this thought, employees (non-elite) would experience material disadvantages, such as lower salary, or have to work more hours as it gives the employer (elite) material benefits (more profits for themselves). Schröder & Schmidt (2001: 5) however argue that the immaterial interests of actors are often overlooked in social research. Therefore, when thinking about the implications of a power imbalance, also the immaterial implications, such as decrease of "prestige" or "respect" should be considered (ibid: 60). Combining both material and immaterial implications of a power shift, Coleman & Voronov (2003: 4-8) argue that the interdependence from the employees to the employer, stemming from the power imbalance, decreases workers' autonomy, and therefore has a negative impact on their working conditions.

How can these consequences more concretely be defined? How can working conditions be interpreted? I will firstly focus on material, and hereafter on immaterial consequences.

### **3.3 Immaterial and material**

Neffa (2015) focusses on defining the concept of working conditions. He makes a distinction between psychological and environmental components of working conditions (ibid: 2). Under psychological elements he mentions that work itself can have characteristics that negatively or positively influence the mental state of the worker (ibid: 8). Positive psychological elements of the working conditions mentioned are for example pleasure (ibid: 10). However, negative elements mentioned are stress, tension, worrying, dissatisfaction and fatigue (ibid: 6-7, 10). Environmental elements are the circumstances under which the worker performs labor (ibid). Indicators for this are how safe and healthy an environment is (ibid; European Union, 2014). Herein a distinction can be made between 'environmental exposure to risks' and 'environmental exposure to health problems' (ibid: 1-26). With exposure to risks, the author means there is a high risk of self-harm apparent (ibid). An example of this is working without protection while working with machines or other attributes that can harm the body. With exposure to negative environment, the author means that the environment itself during the work is harmful on the long run for the body (ibid). This is the case when workers inhale gasses and liquids that are harmful. In the orange industry, this could be for example with working with pesticides. But also, long working hours can be regarded to be harmful for the body on the long run. These concepts (the mental state, exposure to risks and long-term impact on health) can be considered the immaterial working conditions.

Besides the above-mentioned immaterial components of working conditions, there are also material components of working conditions. These are mainly focused on aspects of the work that influence the amount of money the employee receives and needs to spend. In the report 'Ripe for Change' (Willoughby & Gore, 2018: 23) it comes forward that the working hours influence working conditions. Less income is on the one hand being considered as negative, as income is part of human needs and leads to uncertainty. Therefore, one would think that longer working hours are better. However, as employees are paid by productivity and tiredness can lead to decrease of productivity, longer working hours can also be perceived as having negative influence on income. The impact of income on working conditions is important to include. Within the documentary 'From orange to juice - Squeezed, from Brazil', it is argued that low salary is a current huge problem in the orange industry (The Association of Conscious Consumers, 2013). Besides, in the 'Happy workers' report, it

comes forward that salary contributes highly on how workers perceive the job (Cassels, 2017: 28). Meijburg (2010) adds that not only low salary, but also work-related costs lead to material disadvantages of the worker. These include costs that an employee makes during work and has to pay for himself such as for lunch and trainings. These costs reduce his salary at the end of the month and therefore lowers the income. This shows that working hours, salary, and costs are material aspects of the working conditions.

These theories on material and immaterial components that cover the concept 'working conditions', can be proven to be true or false in this case independently of each other. This means that if one theory applies, this does not exclude the other. The theories at this moment, by themselves however in this case cannot cover the concept, as they are general theories. Working conditions are experienced different in every sector. Within the orange industry, I will have to speak to actual employees, in order to understand what working conditions are too them, in order to see how the theories can be traced back and proved to be right.

## Chapter four. Impact on the orange industry

In order to understand how the above-mentioned material and immaterial components of the working conditions will be impacted, by the shifting power relation between employee/employer, it's important to set out the production chain of the orange industry. This is important, as every food production chain is different in structure. Because of this, the labor reform will have different outcomes in every single branch. In order to understand the outcomes in this sector, therefore I analyze the characteristics of the orange industry branch itself.

I maintain a basic model of Santos et al (2013: 219-222), that gives a simplified idea of all the orange production chain. The model briefly shows that there are 4 phases to distinguish. 1. The production of oranges, 2. The processing 3. The storage/preservation of the product and 4. The export (ibid). In this thesis I focus more on the first part of the chain (orange producer) and only briefly mention the others, as this part of the chain includes the production of oranges on the farms, were the pickers (employees) and the orange farmers (employers) are involved, and these are my research group (ibid). The production branch of the industry is mostly concentrated in the 'citrus belt' (accounts 80% of the production) (Citrusbr, 2010). This area, as can be seen from figure 2.3, is separated into 5 areas (Hippler, 2020).

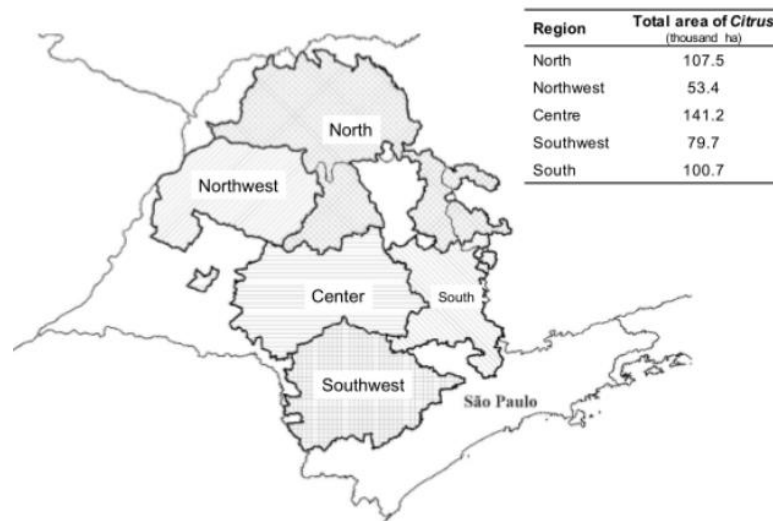


Figure 2.3: (Hippler 2020)



The orange producers (see figure 2.4) in this branch can be considered the farmers. The farmers sell their oranges to the processing industry, where the oranges are processed, in for example juice (Santos, et al (2013: 219-222)). Thereafter the products are going to storage, where part is exported to other countries and part is exported for consumption within Brazil (ibid). The Brazilian government has a function of structuring that this process runs well, and the government exerts influence on all 4 parts (ibid).

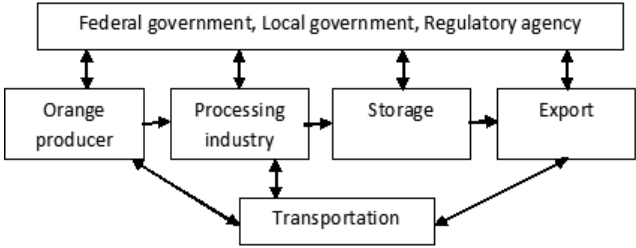


Figure 2.4 (Santos et al, 2013: 222)

## **Chapter five. Results**

As mentioned in the section 'Research methods', I have used analyzing program MAXQDA in order to thematically code the data derived from the interviews. Within this result section I set out the findings of this analysis in three parts. The first part analyzes to which extent the main changes of the reform are felt by the respondents. Secondly, I analyze what changed in the relationship (to see which theories apply, and to which extent), and lastly, I analyze the material and immaterial consequences (which material and immaterial consequences are felt, and which kind of power shift is responsible for which consequence). I've put a table with short descriptions of the respondents functions in the annex section (see figure D in annex) in order to have a good overview during the reading. Before starting this section off, I want to repeat the distinction between 'employers' (large scale farms and small-scale farms) and 'employees' (the pickers). R 7, R11 and R12 are small scale farmers. R4, R5 and R13 are pickers. Within the results section, I will use the words 'employer' 'employee', and sometimes 'large scale farms' and 'small scale farms' and 'pickers' when I want to specify. The rest of the respondents give insight in all three categories. I analyze between these 3 categories.

### **5.1 The 11 rules, to which extent are these actually felt?**

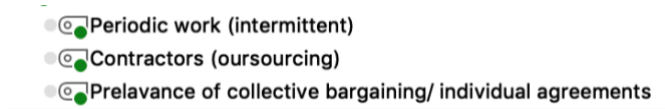
During the second interview I did, R2 informed me that there are consequences that are already being felt and will be mostly felt during the 1<sup>st</sup> harvest which starts in May. He, however, expects the impact to be way bigger in the future. I address the contemporary consequences in this section, and I'll hypothesize on the future consequences of the labor reform at the end of the result chapter.

#### **The contemporary impact of the labor reform/the first harvest**

I did the interviews right before this first harvest period. Respondents tell me there are direct consequences, that they already experience. Besides, there are also nearby consequences that will be felt during the first harvest, which is from may until July. I accordingly discuss the 11 new rules, dividing it in the section 'before the contract' and 'after the contract'.

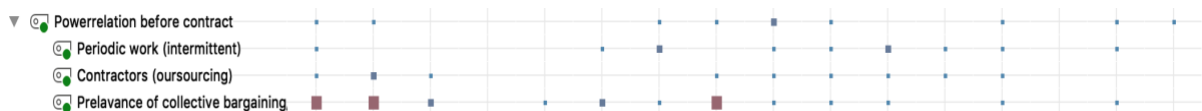
## Before the contract

As mentioned before, I include the following three measures as 'before the contract' measurements. I accordingly discuss their impact.



(MAXQDA, 2019)

The respondents confirm that '*periodic work*' indeed is a new form of contract. However, they argue that the actual number of the implementation of these new kinds of contracts is small. In line with this, some small-scale farmers I spoke to were not familiar with this. This shows that more loose and flexible working contracts are not implemented much (yet). Regarding the new rule that would support '*outsourcing*' (rule 2, see figure B in the annex), respondents tell me that outsourcing of pickers was already done and that the labor reform only slightly increased outsourcing. An interesting new insight comes from R10, who tells me a more specific form of outsourcing is now approved. R10 mentions. "*A aprovação da terceirização irrestrita*". This shows that outsourcing is nowadays less restricted. Both rules only seemed to have a bit of impact. However, regarding '*Prevalence of collective bargaining agreements/individual agreements*' much more is being said.



(MAXQDA, 2019)

What did they have to say? R1 explains that after the labor reform, it is more difficult for union and the business associations to make agreements. The reason why is because the business associations are 'more powerfull within the new framework'. This impacts the contracts, in the way that they are more based on the businesses' interests then the union's interests. This is because businesses are able to just not sign anymore whenever it is not enough in their favour. This shows a more measurable impact.

## During the contract

Within this section I regard the following new rules that fall under ‘during the contract’. (See image below).

- Termination of work contracts
- Pay for productivity
- Labor lawsuits and legal proceeding costs
- Part-time labor
- Voluntary payment of Union duties
- Home office
- Bank of compensatory hours
- Activities not considered part of work

(MAXQDA, 2019)

The impact is kind of dispersed. See the image below. Even though some respondents put more focus on specific rules than others, the dots show that all rules (except the ‘home office’ rule) are worth mentioning.



(MAXQDA, 2019)

Regarding the ‘Termination of work contracts’, all respondents agree that both employer and employee can end the contract, R6; “Yes, both parts can stop the contract. If it is not good for both parts. The pickers can choose to stop. The farm can do the same thing”. However, R7 counterpoints the idea that things go smooth, by saying that even though it is possible, it is harder to end a contract. This is in line with the government’s purpose of battling termination costs. The new ‘home office’ rule can be considered not impacting this industry, as respondents confirm to me that the work is always on the farms and not in the homes. Regarding ‘pay for productivity’, the salary of the employees can be divided in a minimum salary and on top of this the payment for the number of crates they fill. The pickers that I spoke to and also the small farmers argue that the pay for productivity was already apparent,

the labor reform only made it run 'smoother'. When it comes to *'labor lawsuits and legal proceeding costs'* the respondents confirm that this law is being implemented, and R1 proves this by arguing that indeed "*The number of causes in the labor justice have been reducing comparing with 2017*". Regarding *'Part time labor'* R9 states "*O trabalho em tempo parcial existe desde 2001, entretanto foi aumentado*", which shows that after the reform there is a raise. Other respondents confirm this. Also, when it comes to *'Voluntary payment of union duties'*, all respondents confirm that unions are not voluntarily paid anymore. Regarding *'bank of compensatory hours'*, respondents confirm that they see this adjustment within their work. R9 confirms *'the bank of compensatory hours'* is "*Diretamente entre a empresa e os trabalhadores*". Lastly, regarding *'activities not regarded part of work'*, the main point that the respondents bring up is the transportation time (horas in itinere). R8 states about this; "*The labor reform repressed the end of this right*". R1 explains this also very clear and briefly; "*According to the new legislation, companies have not to pay anymore this transportation time. And this is, this change causes a lot of conflicts between the unions and the business association*".

This shows two things. All the rules, except the home office rule, are being felt by the respondents. Some rules are being felt more than others. The impact of *Prevalence of collective bargaining agreements/individual agreements, labor lawsuits and legal proceeding costs, voluntary payment of union duties, bank of compensatory and activities not regarded part of work'* are being felt most. The others are less felt.

## **5.2 What changed in the employer/employee relationship?**

Now that the impact of the 11 rules is being set out briefly, in this section I dig into the consequences these rules have on the employer/employee relationship. Thereafter, in the last section of this chapter I explain the consequences these different power shifts have for the working conditions of the employees.

### **5.2.1 Charismatic power**

To which extent does the employer have power over the employee based on respect and trust? And to which extent does this change because of the labor reform? Respondents argue that there is not much direct contact. This seems to show that employees don't have that much trust and respect, as reasons to obey the employer. R6 explains, that there

already never was a high amount of trust and respect. Also, the employees I spoke to also show in their answers that they know that employers think about their own interests and not theirs. This shows a low amount of charismatic power and the labor reform didn't improve, neither worsened this type of power.

## 5.2.2 Dominant power

It comes forward that dominant power is greatly apparent within the employer/employee relation and that there is an impact of the reform on the dominant power of the employer over the employee. The imagine below shows that respondents spoke a lot more about issues that can be considered 'dominant power' in comparison to charismatic and coercive power. R8 explains that this shift is not a side effect, but actually a purpose of the government, as they try to weaken the employees. I will explain the two main forms of dominant power that come forward, and thereafter their main consequences.



(MAXQDA 2019)

## Supervision and the decrease of this

It comes forward that the employees are very advantaged within the employer/employee relation by support by organizations. Supervising organizations as Coperfam, where R2 works, protect employees from being exploited, as they monitor working conditions. Also, R1, R3, R6, R8 and R10 could tell me about their work in standing up for the employees. They offer high importance of keeping the 'dominant power' of the employer down. R2 explains this argument by stating: "*Sometimes the producers don't like so much, we working to, empower*".

R10 argues that these types of organizations are declining in power, leading them to be less available and apparent to empower employees. R7 explains why this is: "*Como contribuição isso caiu na reforma trabalhista o que enfraquece os sindicatos. Eles agora só por adesão só quem quiser pagar taxa e se sindicalizar-se ficar associado então semelhanças.*". This shows that rule 6 (voluntarily payment) (see figure B) leads unions to receive less contribution from employees. Other respondents, such as lawyers or the

supervising organizations, don't cope with much difficulties (yet) in comparison to the work of unions, because they don't experience the drop in their budget. R9 explains that the loss of budget makes unions lose power. This makes the unions weaken. Unionists R9 and R15 confirm this. Their decrease leads them to be in a more isolated and therefore in a more fragile position, as it is harder for unions to "*Negotiate more benefits*" (R1). But also as they offer importance in informing workers about their rights, R3 states that this leads to a more weakening position of the employee, as they become more isolated within negotiations and during the work. This shows that regulation is being regarded as an important factor to regulate the negotiations and protect the employees for the employers' power and interests. This imbalance and increased isolation of the employees leads the employers being more able to basically choose the working conditions that will be written down in the contract. So to resume, the employees had an advantaged position, because of being supported by organizations, but the rule 6 (voluntarily payment) (see figure B) negatively impacts their dominant power position as it weakens the organizations.

### **Cartelization and the role of politicians**

R3 actually works as President of the Brazilian Association of Citrus Growers and within this position works hard on battling monopolization of the big farms (Cutrale, Citrosuco and Citrovita'. R14 says "*São três indústrias que dominam o mercado da laranja mundial*". He also says "*Our main work, these years, where the fight against the cartel*". He argues that the dominant power of the employers increases, as monopolization gives the big farms a more dominant position. R7, former orange producer, confirms this statement by arguing that there is a cartelization of the 3 biggest companies. She switched to sugarcane, as this sector is more 'democratic'. This cartelization is 'strengthened' by policymakers' decision-making. In our conversation this came forward. I asked him "*Do you feel like the governments decision-making is influenced by the processors?*" to which he said; "Yes" I then asked him "*So, for example, the labor reform could also be influenced by the processors?*", and he said "*Of course*". This shows that there are interests that lie behind the labor reform policy, which are in favour of empowering the big farms. R3 told me his organization struggles a lot, as the power of the big farms is very strong, because they have both money and the policies on their side. The employees' need of supervision, according to R3 is not fulfilled, as he states "*I think that the government were not, say, fulfill their obligations to control this thing*". This shows that there is a dominant power position by companies, that is being achieved from economic and political overweight. The rules of the labor reform are being said to be in favour of the companies, leading the companies to be able to cartelize even more.

### **5.2.3 Legal power**

Legal power is power stemming from having legislation simply in your favour. In the interviews it comes forward that the labor legislation before the labor reform already was in favour of the employers. After the labor reform, again, the rules are being conceived to be in favour of the employers, and in disadvantage of the employees. I accordingly discuss to which extent the rules benefit the employer/employee, dividing this section in 'pre-contractual' and 'during the contract'.

#### **'Pre-contractual'**

Firstly, it comes forward that 'periodic work' gives employees less working time, while they have the interest of working a lot as it has material benefits (R9). The employers however get more flexibility to deploy workers only when needed. This shows that this rule is in favour of the employer. However in the earlier section (6.1.1.1) it came forward that the impact is very small, so even though the impact is not in favour of the employee, the negative impact is very small. About the second new rule, 'outsourcing', the respondents explain that employers can outsource employees in order to push measures in favour of themselves and in disfavour of the employee, as outsourced employees are being more difficult for regulating organizations to check upon. But also here, the impact is small, so it doesn't impact the employees that much. Regarding 'prevalence of collective bargaining/individual agreements' in a completely equal employer/employee relation more negotiation would be good. However, it comes forward that the dominant power position of the employer over the employee and the weakening unions (due to the labor reform), leads to the problem that employees within negotiations are weaker than before to stand up for themselves. As the impact of this rule is big, this has a big negative impact on the employees. This shows, all rules, especially the third rule, can be considered as being in favour of the employer and having a negative impact on the employees.

#### **'During the contract'**

Regarding rule 7 'termination of work contracts' (see figure B), R9 explained the 'Fundo de Garantia', which is the obligation of the employer to pay a calculated amount to the employee, when he or she ends the contract. This is in (economic) favour of the employee, as by this rule the worker is guaranteed an income. Besides, it reduces termination of the work contract by the employer. Regarding rule 5 'pay for productivity' (see figure B) it comes



forward that both employees and employers are positive about this rule, as it offers them both different kinds of benefits. Employees I spoke to even feel empowered by having the control over the earnings in this way. This seems to show that this rule is in favour of both parties. Regarding rule 4 'labor lawsuits and legal proceeding' (see figure B), previous sections show that this rule is set up to protect employers for unjust cases that employees set up. This improves the legal power position of the employer, as it 'protects' the former for the latter. Regarding rule 9 'part time labor' (see figure B) it comes forward that, not now, but in the future this will be in favour of employers, as ageing of the farmers leads them in the future to be more dependent on employees that help them on specific tasks on the farm. So, this especially increases the power position of the small farmers. As mentioned before, the new rule 6, that allows 'voluntary payment of union duties' (see figure B) seems to empower employees to make their own decision regarding payment, but in the end favours the employer as it weakens the union. The rule 8 'home office' (see figure B) doesn't influence the power position of employers within this case, as there is no home office in this sector. Regarding rule 10 'bank of compensatory hours' (see figure B), R10 explains that the already existing power imbalance between the two parties in the negotiation leads to choices made in disfavour of the employees. This rule seems to benefit employers (farmers), as R11, the farm, explains that one day the plantation needs a lot more work than the other, based on variations as the weather. Lastly, rule 11, 'activities not being regarded part of work' (see figure B) are not being paid out anymore. This has negative consequences for the employee and profit for the employer. This shows that this rule is in favour of the employer. Resuming, rules are both in favour of employee and employer. However, it can be argued that more rules are in favour of the employer. Interestingly many rules are being argued to be in favour of the employee, but after analyzing indirectly most of them also benefit the employer. This shows that the labor reform in the end increases the legal power of the employers relative to the employees.

#### **5.2.4 Coercive power**

Respondents did not have much to say about the coercive power relation. However, one thing that briefly was being mentioned is that employees sign contracts that are benefiting the employers, because the employees fear being fired (R10). The dependency of the employees of having a job, and the fear of losing it adds to the power of the employers. R10 resumes this with the quote "*Ela enfraquece qualquer trabalhador com medo*". This shows that coercive power, before the implementation of the labor reform, is being apparent in favour of the employer. The labor reform could be implemented easy because of the unequal

coercive power relation. Within the things that were said, I discovered that one specific part of the labor reform, rule 4 (labor lawsuit) (see figure B) led to a shift in the coercive power. R1 explains that “*Many workers don’t want to go to labor justice because they are afraid to lose the demand and then need to pay something to the justice.*” R3 confirms “*The risks are really high*” for employees. This shows that within the employer/employee relation this rule that wrong labor suits are economically sanctioned, leads to the increase of fear of employees. This gives the employers power on base of fear of the employee. This shows that the labor reform conveniently used the already existing fear of employees to press its rules without resistance and increased coercive power with rule 4 (see figure B), that makes labor lawsuits harder to practice.

### **5.2.5 Tactfull power**

A last form of power that can be distinguished, is how employers tactically have and get more power to stand up for their own interests, in disfavour of the employees. In other words: tactful power. In this section I distinguish two forms of tactics that employers were already applying to get power before the implementation of the labor reform and how data show that the labor reform contributes to this.

### **Using knowledge**

It comes forward that in general employers have more knowledge than employees about the reform. In the interviews this comes forward, as some employees I spoke to don’t know what the labor reform changes for them (even though they all heard about it). R8 states that educational problems and not being able to read and write of part of the employees make them being more unable to stand up for their interests, by saying the following: R8: “*Nós temos trabalhadores com o perfil socioeconômico trabalhadores pobres, analfabetos*”. Also, they don’t know about which rights they have, tells R10. R10 argues that it is important to train and built capacity of this group. In her work therefore “*trabalhadores coletivamente discutem quais são os problemas que estão afetando a sua vida sua saúde e o seu trabalho.*” The labor reform makes things more complicated. Respondents argue that the unclarity about the legislation is being strategically used by the employers, who often have more knowledge and power, in their own advantage. Mentioned is that they strategically argue that the law is not clear and wait for decision from the court, or new law from the parliament in order to delay or even stop law suits that are in their disfavour. R10, working at

Redesuco, is now working on creating new methodologies to inform the employees about the changes of the reform, in order to empower them. This shows the importance of organizations like Redesuco. Also, unions are of importance here, R14 explains. The weakening of unions that I described above has therefore a negative impact on the employees' knowledge and in this aspect decreases their power position. This shows that employers have more knowledge than employees, giving them benefits that create power. The labor reform makes matters more complicated, which increases this power imbalance. Besides, the earlier mentioned weakening of organizations leads to the problem that organizations are less effective in schooling employees about their rights, which increases the knowledge gap even more.

### **Selfish behaviour**

In the interviews it comes forward that employees handle two forms of selfish behaviour, that can be regarded as disadvantaging the power position of the group as a whole. And it comes forward that the labor reform tactfully played upon this behaviour to weaken the employees. Two main behaviours can be distinguished; working without contract and not paying the unions voluntarily. I will briefly explain these two and explain their consequences.

### **Working without contract**

R1 explains that employees prefer working without a contract; *"They prefer to work without papers because the company many times doesn't offer the contract. Because it is expensive to sign the contract. You have to pay extra taxes to the government, to social insurance"*. However, working without contract leads to all kinds of risks, as the employees are not protected by law. This makes them way more fragile than they would be when they would have a contract. Some respondents argue that more and more people will switch to working without a contract, as the labor reform adds rules on signing a contract that are unfavourable for employees. Examples are that signing the contract costs money, it is bound to rules and complex. This shows that the labor reform increases this form of selfish behavior, that disadvantages the power position of the group as a whole, as working without a contract makes them more fragile.

## Not paying the unions voluntarily

Secondly, another form of 'selfish behavior' can be noticed. Employees have a preference of not paying for union membership because they want to keep this money for themselves. Previously this didn't matter, as they were obligated to pay the unions anyway, but after the reform payment is voluntarily, and respondents inform me that employees use this freedom not to pay anymore and keep the money to themselves. For example, R4's translator translates his answer about this topic as the following; He "*Doesn't pay the union anymore, because before the reform this was mandatory*" "*But now that they don't have to pay, he doesn't pay*". When I asked him if he is positive about this rule, he is, because now "*He doesn't need to pay*" and "*has money to buy other things*". Also R5 likes this rule as she can keep the money for herself now. This in its turn leads to the increase of dominant power of the employer, as the weakening of the Union leads the employees to become more isolated and therefore more fragile within negotiations and during the contract. R15, former union president, states: "*No Brasil a reforma que está começando agora inclusive vai enfraquecer muito os sindicatos*". He explains that he already saw unions closing in the Ibitinga region. The pickers don't seem to see this negative consequence. R4 says in the interview that he doesn't really knows what the unions do. This shows that he is uninformed about the importance of the union, and therefore the 'selfish' choice to not pay the union, leads to the group as a whole being more fragile.

However, I need to make a side note. Respondents have informed me that the current unions are not working completely well. R7, argues: "*Tem sindicatos muito atuantes tem outros que nem tanto. E bem variável*". This perception leads to less capacity of the unions to stand up for the employees in the first place and secondly less eagerness to voluntarily pay the unions. This shows that within the unions there is a great variety and the impact of not paying unions for the employees is greatly dependent on the union in question. R8 argues that the voluntarily payment of unions can be regarded as good, as: "*Somente se manterá ativo o sindicato honesto que conseguir convencer os trabalhadores a recolher contribuições, ou que tiver uma estrutura que não demande custos financeiros*". Union worker R15, also says: "*Acho que essa reforma foi interessante porque os sindicatos teriam começa a se mexer que estará representado, começa a atuar defender os interesses da classe*". In other words, only the good unions will be paid, and the corrupt and fraud ones will be the only ones negatively hit. This shows that not paying the unions voluntarily is not perse having bad consequences for the power position of the employees. On the one hand yes, because its leads to weakening of the unions, but on the other hand you could also argue that it will lead to only the 'good' unions sustaining. So, this selfish behaviour can be regarded as both good as bad for their power position.

### **5.3 What are the consequences of these power shifts?**

In this section I analyze the consequences of these above-mentioned power shifts, that are due to the reform, on the (material and immaterial) working conditions of the employees.

#### **5.3.1 Charismatic power**

In the previous section it came forward that power based on the employer being charismatic is low. However, it comes forward in the interviews that there was a certain amount of confidence and trust amongst the employees, that despite contradictory interests, policies around working conditions would be more or less in their favour. However, because of the labor reform the interests of employers are being supported more. The results of the interests of the employers being supported more, leads a declining 'confidence' of the employees that the working conditions will be alright. It gives the employees a negative feeling that, when power shifts, the employer will make decisions in disfavour of the employee and this, in its turn, decreases the trust and respect. This also shows that it has a negative impact on the mental state of the employee. However, the negative impact is not as big as it seems. R9 argues that maintenance of trust and respect is beneficial for the employee, as it is economically beneficial for them to be trustful. Therefore "é difícil conscientizar", according to him. This shows that the impact on charismatic power on the mental state (immaterial working condition) is apparent, but not very big, as it is in the advantage of the employee to not be conscientious. So even though they know, they will be avoidant in thinking too much about it.

#### **5.3.2 Dominant power**

Previous section shows that the labor reform has a negative impact on the dominant power position of the employees in two ways. Firstly, the labor reform (rule 6, voluntary payment) (see figure B) isolates employees more, as it weakens the organizations that support the employees. Secondly, the labor reform contributes to cartelization, as the rules are being set up in favour of the three big companies (Cutrale, Citrosuco and Citrovita). What are the consequences of this for the working conditions? I explain this by making the same distinction as previous; the consequences of 'cartelization' and the consequences of 'decreasing supervision'.

## The consequences of cartelization

Former orange farmer R7 explains what she felt most within her work; that the cartelization of big companies leads them to have the power to influence every political rule. This leads to it being more difficult to have fair negotiations before the contract, but also during the contract. For example, R4 struggled to receive his salary on time, as his employer, a big company, had the power to delay it. R4 had to keep on asking for his salary before he finally received it. R7 explains that the consequences are different for the different actors. She argues “*os pequeno são mais pressionado pela as inequalities*”, by which she means the small farms. This leads to the small ones being less able to ensure good working conditions to their employees. R15 explains that the buyers (international companies) don't feel responsibility and therefore push the employer in direction of making choices in favour of production and in disfavour of working conditions. R10 confirms by stating “*O Congresso é formado por uma maioria de representação de empresários. Então claro que tudo isso favoreceu a aprovação desse tipo de proposta porque atende aos interesses deles.*”. This has, amongst others, consequences for the risks that workers have to work in, as she thereafter argues “*a bancada ruralista agora conseguiu a liberação de 18 tipos de agrotóxicos que são proibidos mundialmente a serem amplamente serem aplicados.*” Rule 10 (bank of compensatory hours) (see figure B) is a rule that is especially sensitive for this cartelization. R10 states the following: “*Então você imagina você precisa trabalhar o seu patrão fala acima que o banco de horas você não assina não é assim então ali o trabalhador não tem nenhum dispositivo de defesa e não é obrigado a assinar porque ele não quer se arriscar perder o emprego. Obviamente.*”. R14 confirms this statement, as he argues “*O banco de horas é algo muito mais vantajoso para o empregador do que é empregado.*”. However, on the other hand R9 explains that the rule includes a limit of 44 hours a week to regulate that employees will not make an insane number of hours weekly. This shows that the rule protects workers from exploitation regarding overtime work and in it that sense for the interests of companies.

These examples show that cartelization has various negative material and immaterial consequences on the employees. Examples given are on the salary and on exposure to risks, but when I ask about other consequences, such as working hours, work related costs, health and the mental state of the worker, respondents confirm that cartelization impacts on every aspect. Namely in a way that cartelization, supported by the labor reform, leads big companies in every aspect to choose in their own favour, which is often in disadvantage of the employees. However, the labor reform does include some rules, such as a maximum of 44 hours a week, that on the other hand does seem to protect employees.

## The consequences of the decreased supervision of organizations

In the previous section it came forward that the labor reform, in specifically rule 6 (voluntary payment) (see figure B), impacts the dominant power position of the employer in the way that it weakens the organizations that help employees to stand up for themselves. In this section I explain the consequences of this on the working conditions. In the interviews it is confirmed that organizations, more specifically unions, are important for employees, as they help employees negotiate for better conditions. As there are conflicting interests of the employers and employees, it's important to have unions, according to R15. Especially R6 states the importance of unions especially for the pickers (the weaker party), by saying "*Se você tem um sindicato forte você tem alguma chance. Se você não tem você tá completamente perdido*"

Based on this one would think the weakening of the unions solely has a bad impact on the working conditions, but it's a bit more complicated than that. On the one hand respondents tell me that employees will not have to give part of their salary to unions. This can partly be considered as something economically beneficial and empowering, as it gives the employees more autonomy over their salary. On the other hand, it negatively impacts the income of the unions, which makes the unions less able to stand up for employees during negotiations about the contract conditions and during contract period itself. After this rule, unions are less able to stand up for the employees regarding both material and immaterial issues.

Respondents argue that they worry a lot about the working hours and salary. Some respondents, especially R10, say that overtime work is a serious problem, that after this rule will be a bigger issue. However, in the interviews it comes forward that they see the impact of the labor reform on salary and health as a bigger problem, as this is mentioned way more than work time. R1 explains, for example, that the negotiation about the salary is "*Between the union and the business association every year*". As the power of the unions decreases, this weaker position within the negotiation often leads to the outcome of a lower minimum salary. This shows that this weakening of unions has a negative effect on their position, especially within the collective/individual bargaining agreements. R1 also explains "*Unions are very important in standing up for health issues, health is getting worse as the unions are becoming more fragile within the negotiations*". As the orange industry has to deal with a lot of crop diseases (R7), the resulting increased use of pesticides is being said to be bad for the employees' health (R10). R10, for example, argues that health problems are increasing. So, concluding, even though the weakening of unions leads to the unions being less able to stand up for workers in multiple aspects of the working conditions, respondents worry most

about the consequences of this on their health (immaterial working condition) and on their salary (material working conditions).

### 5.3.3 Coercive power

In section 6.2.4 it came forward that rule 4 'labor lawsuits and legal proceeding' (see figure B) increases the coercive power of employer over employee. Namely, in the way that employees are being more afraid to do labor lawsuits. What are the consequences of this on the working conditions? In the interviews it comes forward that the amount of labor lawsuits is highly influenced by this new power relation.

This has a good and a bad side. First, I'll explain the 'bad side'. It comes forward that employees in general now *"don't want to go to labor justice, because they are afraid to lose the demand and then need to pay something to the justice"*. This shows that employees now are more hesitant of starting a case. This could mean that employees will receive a salary that is too low but are not motivated to do anything about it as the lawsuits are more financially risky. This in its turn makes them more vulnerable for exploitation. R2 confirms this, by stating *"we saw a lot of problems in that", "a lot of employers paying less than the minimum salary"*. This makes one think that after the labor reform, cases regarding working hours are more difficult for employees to start because of the risks involved. However, when I ask respondents about this, they confirm that most of the labor suits are about the salary, and not about the working hours. This is confirmed by R9, lawyer himself. Another thing that comes forward is that many pickers work without a contract (R1). The law is basically all they have to stand up for themselves, as a contract is missing. About this group R1 says; *"So it is very usual for them, for example, to work in orange harvest, or coffee harvest for 3 or 4 months, without any contract. And then afterwards they go to the labor justice in order to get extra funds related to the rights that are considered by the labor legislation in Brazil. But now, decided not to go to the labor justice anymore, because of the risk to have to pay the order of the justice."*

However, also another side comes forward. Respondents also argue that there is a big problem of employees making up fraudulent unjust lawsuits to the farmers and big corporations in order to get economic benefits. R3: *"Not because of the workers themselves but lawyers that are after them and creates false allegations. This is quite common"*. Also, R3 argues that it lowers the chance of false claims. This means that farmers are more protected for unjustness and have less risk on this topic. Besides, only fraudulent pickers will be hit by the reform, not the ones that are being honest, so it doesn't negatively affect them.



This shows that employers are protected from unjust cases. Employees however feel more hesitating of starting a lawsuit. Not only the employees that have fraudulent reasons, but also the employees that do have reason. This especially impacts employees that work without contract, as labor lawsuits are more or less the only thing they have to stand up for themselves, as they don't have a written contract to protect them. This has a negative impact on the working conditions, as it comes forward in specific on the salary of employees (material), as this is main topic in most cases.

#### **5.3.4 New theory: Dependency power**

A new kind of power comes forward in the interviews, which is power deriving from dependency. I'll explain this in this section. According to R8, the high unemployment rates in Brazil leads the employee to be dependent on the employer for having a job, and therefore has to accept the conditions negotiated, even if these disfavour him or her. Where does this leads to, focusing on the working conditions? R8 argues that: *"So you imagine in a country with high unemployment with very high unemployment the large number of unemployed workers. This negotiation is unfeasible"*.

But also, the working conditions during the contract period are influenced. R7, states that a scenario becomes possible wherein the employer can force working conditions on the employee that are harmful, as he talks about "a scenario where the employer is going to tell the worker "you are going to work 12 hours a day". R10 confirms this scenario, as when I ask R10 if employees work more hours than approved by law by asking; *"eles trabalho mais horas?"* R10 said; *"muito mais horas"*. It can also imply costs for the employees. For example, that they have to pay for their own lunch etc. There is another type of dependency that comes forward. The labor reform made it a rule that some activities are not paid out anymore, such as lunch, and travel time. This leads to economic losses for the employees. R1 explains that debt bondage is being covered by the labor reform. Debt bondage is the activity that business pay for these kind of activities for their employees, with the promise the employees will pay this back. However, the debt is so high that employees cannot pay it off and are therefore 'bound' to the company, as they have open debts. This dependency brings high risks of exploitation of the employee. To resume, dependency because of a high unemployment rate leads to the employer having the power, both pre-contractual as during the contract period, to worsen the working conditions of the employees, as it is in their own favour. This mostly impacts the salary, working hours and costs. Besides this, debt bondage, stimulated by the labor reform, brings the risk of exploitation.

### 5.3.5 Legal power

It came forward that most rules are in favour of the employer. In order to understand the consequences of this, I accordingly discuss the 11 rules, dividing them into 'pre-contractual' and 'during the contract'.

#### Pre-contractual

In the interviews it comes forward that the 'periodic work' rule gives more income insecurity. R7 argues that "*E muito mal para o trabalhador. E muito mal. Eles não têm um garantia o segurança*". This implies negative implications for the security and mental state of the employees, as this leads to stress about income as it is less secure when an employee will be able to work. Regarding 'outsourcing' R8 argues that outsourced employees usually work more than directly employed workers as outsourcing gives more space to employers to influence the working conditions, as it is less coordinated. R8 states: "*A quantidade de acidentes de trabalho contextualizados é maior e o salário de trabalhadores terceirizados é um terço menor do que o dos trabalhadores contratados diretamente*". This shows that outsourced employees suffer more risks than non-outsourced employees. Regarding 'prevalence of collective bargaining/individual agreements' the consequences of this rule are that this opens possibilities to develop agreements that are of negative influence on the working conditions of the employees. This shows all three rules seem in favour of the employer, as they benefit from the flexibility and profits, and the employees experience more risks and uncertainty because of it.

#### During the contract

The *fundo da garantia*, that is included in rule 7 (termination of work contracts) (see figure B), increases the certainty of employees from economical viewpoint. Because of these economic advantages of continuing the contract, R9 in line with this states: "*Creio que serão poucos os casos, visto que é muito mais vantajoso financeiramente para o empregado e empregador combinarem o acordo ilícito*". Regarding rule 5 (pay for productivity) (see figure B) the employees that I spoke to, are positive about payment by productivity. This is because they argue it gives higher payment, Also farmers (R12) argue that this measure is better, as otherwise the pickers will not be productive enough, and leave them with problems (such as the trees not being plucked soon enough, rotting fruits, economical disadvantages etc). This

shows a positive impact on the salary of the employees. Something they value a lot. Regarding rule 4, 'labor lawsuits and legal proceeding' employees feel more resistant to start a lawsuit. but also leads to the problem that also 'fair' cases are not started because of fear for the consequences. The stimulation of 'part time labor' (rule 9) impacts the average income of the employee, as the number of hours worked is declining. R9 explains "*O trabalho em tempo parcial existe desde 2001, entretanto foi aumentado de 25h para 36h semanais sem a possibilidade de horas extras e surgiu a possibilidade de que possa haver trabalho de 26h semanais com até 6 horas extras semanais.*" This shows that the maximum hours that is allowed to work overtime has increased. Voluntary payment of union duties, that has as a consequence that unions are declining in power, as mentioned leads the union to be less able to stand up for the employees during negotiations about the working conditions (mostly mentioned the negotiations about salary), but also during the work itself. As unions have an importance in informing employees about their rights, this falling away leads employees to accept working conditions that are harmful to them. As 'home office' is not applicable in this case, this rule also doesn't influence working conditions. Regarding the 'bank of compensatory hours', both the employees and employers I spoke to regard this as positive for the working conditions. It comes forward that it in specific has positive consequences for the employees' health, as it creates more flexibility to do doctors' visits. R12 argues that it creates space for employees to go home whenever they feel sick. This implies positive health benefits for the employees. Regarding 'activities not being regarded part of work' R1 explains: "*In some cities the part of the, about 30% of the salary, in the end of the month, came from the transportation hours. So, in one month, to the other from November 2017 to 2018, some workers, have lost 30% of the salary, because this change in the law.*" He and R9 also tell me that lunch breaks and resting time is not paid out anymore. According to R9; "*O fim do pagamento da hora in itinere representa uma diminuição de até 30% na remuneração de alguns trabalhadores*". This implies a lot of economic losses for the employees. R7 and R8 argue that the stop of paying out for these types of activities, leads to employees having less time to for example lunch and rest, as the economic consequences are too big. This, in its turn, is in disadvantage of the health of the workers, as they need time to eat and rest.

Resuming, there are rules during the contract period that seem to benefit the employees<sup>6</sup> as it creates certainty and flexibility and can offer benefits for health. However, the other rules seem in favour of the employer, and they imply in many ways economic

<sup>6</sup> Rule 7: Termination of work contracts, rule 5: Pay by productivity and rule 10: Bank of compensatory hours

losses for the employees. Besides, the increasing work pressure leads to negative health consequences.

### **5.3.6 Tactful power**

In the previous section it came forward that there are two forms of tactful power. Firstly, there is a knowledge gap that the labor reform increases. Besides there are two forms of selfish behaviors of the employees that (working without a contract and not paying the unions) leads as a side effect to this group as a whole losing power and the employers gaining more power. In this section I regard the impact of this increasing knowledge gap and the impact of the two forms of selfish behaviors on the working conditions.

#### **Consequences of the knowledge gap**

R10 is the first one to mention something about the impact of the knowledge gap. He mentions that in specific rule 5 (pay for productivity) (see figure B) creates possibilities for employers to fraud the weight of the boxes that are collected. R10 and R14 argue, for example, that this system is sensitive for fraud, as employers weight the crates that are filled and benefit from measuring the boxes lighter than they actually are. As the employees are more fragile, there is not much they can do about this. A second thing that comes forward is that there is a lack of knowledge amongst the employees about what the union exactly does for them. The consequence of this is that after the implementation of that unions should be paid voluntarily, employees don't have full knowledge of the importance of the union for them in their decision-making. Therefore, decision-making regarding paying or not is not based on complete and correct information and has side effects that employees decide not to pay and therefore weakens the unions. This, in its turn, increases the dominant power of the employer and this dominant power leads to disadvantages in working conditions of the employees. It also comes forward that unions are one of the actors that contribute to knowledge amongst the employees about their rights. In this sense the already existing knowledge gap leads to weakening of unions, which leads to an even bigger knowledge gap.

Resuming, the labor reform increases the knowledge gap.<sup>7</sup> Rule 5 (pay for productivity) (see figure B) is being regarded by the employees as having economic benefits as they have power over their income in this way. However, fraud during the weighting leads to economic losses. Besides, rule 6 (voluntary payment) (see figure B), leads to weakening of the unions in educating the employees, which leads to a decrease in their ability to stand up for their interests, in for example battling the fraud during the weighting of the boxes.

### **Consequences of ‘selfish behavior’**

One thing that comes forward in the interviews is that the labor reform stimulates more people to work without a contract. As mentioned before this is, because the labor reform makes matters complicated and even has negative financial consequences. What are the consequences of this? Working without a contract is being perceived as being very bad for the working conditions, as the rules that protect the employees are not present. This implies both material as immaterial conditions.

I already mentioned the employees who don't pay unions voluntarily, because of a lack of knowledge, but in the interviews it also comes forward that there is a part that doesn't pay because of own interest. Interestingly most pickers I spoke to see this measure as something positive, when I ask them about this, even though the 'non-pickers' are more negative about this. When I ask the pickers why it is positive, they argue it is because they can spend that money on other things. This shows that this political measure is a very tactical one, it is being received good amongst employees, but in the end the weakening of unions has a negative impact on the dominant power position of the employee. This in its turn has a negative impact on both material and immaterial working conditions.

### **5.3.7 Bolsonaro future**

“Nós vivemos um momento no país, eu falando do Brasil, de mudanças”, R15 said to me. During the interviews it became clear that even though the labor reform was implemented by Temer in 2017, the consequences are yet to fully develop. The persons I spoke to argue that the changes we could already see and speak about, will increase in the future. I focussed in

<sup>7</sup> Especially rule 5 pay for productivity and rule 6: voluntarily payment

this research on the contemporary consequences, but based on the answers there are some hypotheses to make about the future consequences on the working conditions.

Bolsonaro started as a president right when I went to Brazil, in January 2019. In the future Bolsonaro will be an important actor in influencing how the labor reform is implemented. In the moment I did the interviews, his influence was minimal, as he just started his presidency. However, his presidency will influence the impact the labor reform has and will have in the future on the working conditions.

Respondents argue that Bolsonaro's strategy in achieving his political goals is weakening organizations and instances that could be resisting his plans. In more specific, regarding labor, it is argued that Bolsonaro "*que pretende terminar com a Justiça do Trabalho fechar a Justiça do Trabalho*" (R10). This shows that in the future Bolsonaro will probably focus on getting 'dominant power' by weakening the instances that are protecting workers' rights. This power in its turn will probably be used to break down the rules of labor justice to protect the employees. Therefore Bolsonaro in the future will probably pave himself a way to get the economic benefits he promised, unfortunately by decreasing the working conditions of the employees.

## Conclusion

The economic downfall of Brazil and its consequences show the need for change. Therefore, the rules of the existing labor law were changed in order to reshape the relation between employer/employee in order to modernize and flexibilize the sectors. This should lead to economic growth and the creation of jobs. The orange sector is of great economic importance and offers a lot of jobs and it is important to have this sector running well. However, reshaping the employer/employee relationship – which is the purpose of the labor reform - within this sector that already is familiar with inequality between employer/employee, can lead to growing inequality. Growing inequality is negative for two reasons: it has negative ethical complications and growing inequality also reduces economic growth (which is the main goal of the labor reform). In order to inform organizations that tackle inequalities and the negative consequences of inequalities, it's important to get an understanding of the impact of the labor reform on the relation between employer/employee, in order to see the impact the reform has on the working conditions of the employees. Therefore, the question central in this research is “*what is the impact of the labor reform on the working conditions in the orange industry?*”

### 7.1 The need for a reform

By background research it soon became clear that unemployment, a decreasing GDP, an inefficient market and international competition are actual problems in Brazil that should be overcome. Flexibilization and modernization of labor laws seem theoretically be supported to tackle these problems. The labor reform consists of 11 main rules/implications<sup>8</sup> that each in their own way contribute to flexibilization/modernization. A historical overview shows that in Brazil democracy is relatively new and there are still deep-rooted unequal power structures in labor. This implies that the labor reform is being set up in a context that is sensitive for misuse in unequal power relations. In order to understand the probability of misuse, I did a theoretical exploration of power relations.

<sup>8</sup> The 11 main complications are; Periodic work, contractors, prevalence of collective bargaining agreements/prevalence of individual agreements, labor lawsuits and legal proceeding costs, pay for productivity, voluntary payment of union duties, termination of work contracts upon agreement/termination for no reason, home office, part-time labor, bank of compensatory hours and activities not considered part of the work shift

## **7.2 Theoretical exploration and need for a research**

Theories gave insight in different types of power that are apparent in employer/employee relations: 'charismatic', 'dominant', 'legal', 'coercive' and 'tactic' power. The type of power relation in its turn impacts the working conditions in both material (salary, working hours, work related costs) and immaterial (health, risks, mental) aspect. As theories give different explanations of how power relations are constructed and varying ideas on how this would impact the working conditions. Besides the theories are general, without considering the characteristics of a specific case, such as, in this case the orange industry. Therefore, I did research in order to get insight in the impact of the labor reform on the working conditions in the orange industry. The research involved me taking a trip to Brazil where I did interviews with a group of persons that are all, in different ways, involved in the industry.

## **7.3 Results**

I divided the results of these interviews in three parts. 1: I've analyzed to which extent the 11 main changes of the reform were being felt by the respondents. 2: I've analyzed the impact of the reform on the already existing power relations by asking questions that informed me about changes in the power relation after the reform, and 3: I've analyzed the material and immaterial consequences of these shifted power relations by asking about changes respondents experienced in the working conditions.

### **7.3.1 Impact labor reform**

As mentioned before, the labor reform brings 11 main changes; three main changes concern the setting up of the contract and the other eight changes impact the after-contract period. Regarding the 'pre-contractual' rules, it comes forward that the 1. 'periodic work' rule impact is small, as it is not much implemented yet. The same goes for the 2. 'outsourcing' rule as respondents explain that outsourcing was already done before the labor reform and the number of outsourcing didn't increase that much. This shows that contracts are more or less the same as before the reform. However, regarding rule 3. 'prevalence of collective bargaining agreements/individual agreements', the impact is big. What changed is that the framework of the labor reform gave power to the businesses in their contractual negotiations, leading it to be more difficult to come to agreements and the formation of contracts to become more time consuming and in the end more in favour of the businesses. Regarding



rule 4 'labor lawsuits and proceeding costs', it comes forward that after the reform it is harder to do a lawsuit case, and actually the number of lawsuit cases has already dropped. The 5. 'pay for productivity' system was already apparent, but after the labor reform the implementation has been facilitated better. When it comes to rule 6. 'voluntary payment of union duties' the impact of the reform is that employees indeed now have this option and the contribution for unions has been dropping since. Regarding rule 7. 'termination of the work contract' it comes forward that it is still possible to end the contract, however, it has become more difficult nowadays. The 8. 'home office' rule did not comply for this industry, which shows that there is no impact of this rule noticeable. Regarding rule 9. 'part time', after the labor reform there has been a raise in part time work. Regarding rule 10. 'bank of compensatory hours' respondents indeed see that this bank is implemented between company and workers after the reform. Lastly, regarding rule 11. 'activities not regarded part of work' respondents confirm that many activities, most importantly travel time, after the labor reform are not included anymore in the salary. This shows that most of the 11 main implications, (except for rule 8 'home office') are indeed felt by the respondents, each having an impact in its own way.

### **7.3.2 Change in power relation**

In the results it came forward that the labor reform indeed changes the power relation between employer and employee in multiple ways.

Regarding charismatic power, it came forward that the relation between employer/employee before the labor reform was based on a low amount of trust and respect, and after the labor reform the amount of respect and trust didn't increase, nor decrease. Dominant power between employer and employee is highly apparent and the labor reform increases this already apparent power imbalance in two ways. Firstly, before the labor reform, employees were supported by supervision of organizations, such as unions. However, after the labor reform, because of rule 6 – the voluntarily payment of union membership, unions weaken and their contributions become weaker. This leads to growing dominant power of the employer. Secondly, before the labor reform, there already was a dominant power overweight of companies over the employees. The labor reform rules each in their own way are in interest of the companies, leading to increase their dominant position by cartelization. For example, the framework in which businesses and unions/employees negotiate about the contract is being in favour of the business, leading them to get more benefits in these negotiations. Therefore, rule 3 'prevalence of collective bargaining agreements/individual

agreements' offers businesses the possibility to increase their dominant power position. The legal power already benefitted the employer before the implementation of the labor reform. After the labor reform, the rules that are implemented, even though all 11 differ in their intensity, in general can be regarded to be in favour of the employer. The three pre-contractual rules, are all in favour of the employer as they benefit their interests and don't benefit the interests of the employees. As the impact of rule 3 is bigger, this is the main rule that negatively impacts the employees. When it comes to the contractual rules, some are in favour of the employee, and some of the employer. However, when analyzing more critically, it comes forward that besides that more rules are in favour of the employer, also rules are being framed in order to seem in favour of the employee, while these same rules indirectly also contribute to the interests of the employer. This shows that in general, the legal power of employers increases because of the labor reform. Regarding coercive power, before the labor reform there is dependency of employees of having a job, because jobs are scarce. This leads to eagerness to sign contracts (even if the conditions are not good) and eagerness to accept conditions during the job that are not good out of fear of losing the job. Through the labor reform, policymakers 'used' this dependency to press rules that make this dependency even greater. Such as for example the rule that unsuccessful lawsuits are being financially punished. This shows that the labor reform increases coercive power of the employers. Lastly, when it comes to tactful power, before the labor reform there was already a power imbalance: the employer has more power than the employee because of having more knowledge over labor rules. Secondly, the employers have more power, because of tactfully stimulating employees' selfish behaviour. Both have contributed to the higher power position of the employers over the employees. The labor reform has increased the knowledge gap, because it complicates the rules regarding the working conditions and secondly, as the reform weakens the unions, this leads to unions to be less able to educate employees about their rights. The labor reform also stimulates selfish behaviour, as it stimulates employees to work without a contract and it stimulates them to not pay the unions voluntarily. This shows that all forms of power, except for charismatic power, were already apparent in the employer/employee relation. The labor reform in general, but some rules also impacting a specific form of power more than another, has led to an increase of the power gap between employer and employee.

### **7.3.3 Consequences of these shifted power relations on the working conditions**

It came forward that the power of the employer based on respect and trust (charismatic), didn't increase nor decrease. However, there was a certain trust in the rules of labor as a system, as there was a perception that the rules are protecting the employees from the employers. After the labor reform, this changes a bit, as the rules are being regarded to be more in favour of the employer and the working conditions are threatened to decline. This slightly negatively impacts the mental state of the employees as it leads to stress about their future.

In contrast with charismatic power, dominant power of the employer does increase significantly after the labor reform. This is in two ways, namely by increasing isolation of the employees (mostly due to rule 6 'voluntary payment' that weakens the unions and lowers their ability to supervise) and cartelization of the big companies (due to all rules to be in favour of the employer). Cartelization leads the employers to be more able to act out of own interests both during setting up the contract and during the contract. Especially rule 10 'bank of compensatory hours' is influenced by the power that stems from cartelization. This has both material and immaterial negative consequences for the employees, but the risks for health complications and declining salary are most mentioned. The isolation of the employees mostly weakens the employees' position in pre-contract negotiations, but also during the work. Employees also in this case worry most about how this impacts their health and their salary.

Coercive power is also, to a lower extent, increased by the labor reform. This is mostly due to rule 4 'labor lawsuits and legal proceeding', that protects the employers for unjust lawsuits. Because of this rule, employees are hesitated to do lawsuits and it comes forward that the level of lawsuits already has declined. This makes employees more vulnerable for exploitation. This especially hits the employees that work without contract, and who are completely dependent on lawsuits to stand up for themselves. Normally lawsuits are mostly about salary, which implicates that the implications are mostly on the salary.

Dependency power is a new type of power that has come forward. High unemployment rates in the industry lead to employees being highly dependent on having a job. This enforces employees to accept bad working conditions. The labor reform has increased this dependency. This is because the labor reform covers debt bondage and lowers the average salary employees receive. Therefore the dependency increases, leading employers to have more power to exploit the employees, mostly when it comes to salary, working hours and payment for activities, such as travel time and lunch time.

Regarding the legal power, it comes forward that most of the rules are in favour of the employer, even though they seem in favour of the employee by the way they are framed by policymakers. The three pre-contractual rules lead to experiencing more income insecurity (rule 1), suffering more health risks (rule 2) and risks regarding setting up the conditions in the contract (rule 3). Regarding the post-contractual rules, three rules seem in favour of the employee, namely rule 7 'termination of work contracts', rule 5 'pay by productivity' and rule 10 'bank of compensatory hours'. This increases flexibility that can be in advantage of the employees, such as that the bank of compensatory hours can be used to work less on a day when it's not suitable and to compensate on another day. This is in favour of the employees' health and mental state. However, these rules can also be misused by the employer. Besides, the other rules seem to be more in favour of the employer. An example that illustrates this is rule 11, that directly negatively impacts the employee's salary.

It came forward that the labor reform increases the tactful power of the employer: by increasing the knowledge gap and by increasing selfish behavior in two ways. Rule 5: pay for productivity, leads to more possibilities for the employer to fraud during the weighing of the orange boxes that are collected. Besides, the weakening of unions, that is caused by rule 6: 'voluntary payment of union duties', leads to a decline of education of the employees, which makes them more vulnerable for exploitations like above mentioned. Besides, selfish behavior is reinforced. More employees work without contract, because of the implications of the labor reform, which leads them as a group to be more vulnerable for exploitation. Besides, employees have a positive feeling about rule 6, as individually it gives them more salary. However, as a group it makes them more vulnerable as unions weaken. This has negative consequences for both the material and immaterial working conditions.

These outcomes show the labor reform rules, except for rule 8, all in different ways already have impact. Mostly, the legal power and dominant power of the employer over the employee has increased, but also coercive, tactful and dependency power are reinforced. Charismatic power is the only form of power that the reform didn't seem to have much impact on. These shifts in power all had their main impact on the material/immaterial working conditions. However, the impact on the salary is most mentioned and can be traced most back in the interviews, followed up by risks for health and the impact of the changes that the reform brings on the stress that employees experience.

This shows that, even though the labor reform seems to be in favour of both employers and employees, it is not as bright as it seems. The reform shifted the power relation in multiple ways in favour of the employer. However, it is important to mention that my research is about a topic that is new, and still developing. The interviews I did for the

purpose of my thesis were exerted before the harvest. During the harvest and also in the future under Bolsonaro's leadership the results of the labor reform will be clearer and as well adjusted. The consequences are very non-static, because they depend on what Bolsonaro will do now and in the future. Therefore, current results are not fixed, and can change over time. Therefore, more of the same type of research in the future would be needed to get a better understanding of the implications of the labor reform in the future.

Let's for now consider the labor reform as a 'dark grey' reform, disguised as 'white'. This is because it can be concluded that the implications on the working conditions are predominantly negative, even though it is framed as being positive for both employer and employee. Therefore, I did this research, in order to see through the 'white veil' and identify the 'dark grey' that is behind it.

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## Annexes

Figure A: Main impacts of the labor reform policy (McIlwaine & Moser 2004)

1. Intermittent work: The individual labor contract may be written for intermittent work, with active and inactive periods, regardless of the activity type by employee and employer (except for aeronauts).
2. Contractors: With contractors, the contracting company transfers the execution of any of its activities (including core activity) to another legal entity. Employees of the service provider are guaranteed the same conditions offered to employees of the contracting company (meals, training, etc.). Terminated employees must wait 18 months before providing contractor services again for the same company.
3. Labor lawsuits and legal proceeding costs: An employee who initiates a lawsuit in bad faith will pay a penalty ranging from 1% to 10% of the amount claimed. Employees who skip court hearings will bear the costs of the proceedings, even when using free public prosecutors, unless there is a proof of a justifiable reason. Moral compensation payments are limited to 50x the last salary.
4. Prevalence of collective bargaining agreements: Collective bargaining agreements prevail over legislation when it comes to: work shifts (limited to 12 hours per day and 220 hours per month), divided paid vacation days (as much as thrice), bank of compensatory hours, intra-shift breaks (a minimum of 30 minutes for shifts longer than 6 hours), switching of holidays and workdays, career plans, home office, pay for productivity and individual performance, and profit sharing. Salary cuts may be decided collectively, as long as the agreement protects employees against termination for no reason. The following rights are non-negotiable: 13<sup>th</sup> monthly salary, FGTS fund deposits, unemployment aid, paid vacation days, termination notice, as well as health, hygiene and safety norms.
5. Prevalence of individual agreements: Individual agreements prevail over legislation for college graduates with monthly salaries totaling at least twice the cap for benefits under the Social Security General Regime (currently at BRL 11,062.62).
6. Pay for productivity: Equal work is work executed with the same productivity and technical expertise. Pay for productivity, when collectively agreed, prevails over the law.
7. Voluntary payment of union duties: Employees now must previously and openly authorize deduction of union duties from their paychecks. For companies with 200+ personnel, a commission must be elected to represent them, with the purpose of fostering direct understanding with employers.
8. Termination of work contracts upon agreement: Work contracts may be terminated when employer and employee come to an agreement when the following labor dues must be paid: half of the advance notice payment, half of the fine calculated upon the balance of the FGTS account (if indemnified) and other labor dues paid in full. Termination of work contract by mutual agreement does not authorize the worker to claim unemployment benefits.

9. Termination for no reason: Terminations for no reason require previous authorization from the union, convention or collective bargaining agreement.

10. Home office: Home offices refer to services executed outside the employer's premises. Work is not limited to a regular 8-hour daily shift.

Employees are still in-home office if they visit employers' facilities for specific activities.

11. Part-time labor: A maximum of 30 hours per week or 26 hours plus 6 hours of overtime per week (vs. 25 hours per week previously).

12. Bank of compensatory hours: The bank may be set up in a written individual agreement, as long as compensation happens in no more

than 6 months.

13. Activities not considered part of the work shift: Employees' travel time between home and workplace is excluded from the work shift, as

are the following activities: religious practice, rest, leisure, study, meals, social activities, personal hygiene, clothing changes.

Figure B:

<p>Labor reform A</p> <p><b>A</b></p> <p>Power relation within cooperation (setting up contract) pre-contract</p> <p>Power relation to influence work employee (during contract) post-contract</p> <ol style="list-style-type: none"> <li>1. Periodic work</li> <li>2. Contractors</li> <li>3. Prevalence of collective bargaining agreements/ Prevalence of individual agreements</li> <li>4. Labor lawsuits and legal proceeding costs</li> <li>5. Pay for productivity</li> <li>6. Voluntary payment of union duties</li> <li>7. Termination of work contracts/for no reason</li> <li>8. Home office</li> <li>9. Part-time labor</li> <li>10. Bank of compensatory hours</li> <li>11. Activities not considered part of the work shift</li> </ol>	<p>Reshifting relations B</p> <p><b>B (Codes)</b></p> <p>Emotional employer/employee relation</p> <p>Rules within employer/employee relation</p> <p>Tactics within employer/employee relation</p>	<p><b>B (Subcodes)</b></p> <ol style="list-style-type: none"> <li>1. Charismatic (based on respect and trust)</li> <li>2. Traditional (by dominance)</li> <li>3. Legal (by rules)</li> <li>4. Coercive (by fear)</li> <li>5. Using knowledge (knowing/lacking)</li> <li>6. Reinforcing selfish behavior, that disadvantages the group as a whole.</li> </ol>
<p>Working conditions C</p>	<p><b>C</b></p> <p>Material consequences</p> <p>Immaterial consequences</p>	<p><b>C</b></p> <ol style="list-style-type: none"> <li>1. Salary</li> <li>2. Longer working hours</li> <li>3. Shorter working hours</li> <li>4. Work related costs</li> <li>5. Risks</li> <li>6. Health</li> <li>7. Mental</li> </ol>

Figure C:

- ▼ ●  **Code System**
  -  Privacy statements
  -  Background information
  - ▼ ●  Powerrelation before contract
    -  Periodic work (intermittent)
    -  Contractors (outsourcing)
    -  Prevalance of collective bargaining/ individual agreements
  - ▼ ●  Powerrelation during contract
    -  Termination of work contracts
    -  Pay for productivity
    -  Labor lawsuits and legal proceeding costs
    -  Part-time labor
    -  Voluntary payment of Union duties
    -  Home office
    -  Bank of compensatory hours
    -  Activities not considered part of work
  - ▼ ●  Emotional employer/employee relation
    -  Charismatic (Based on respect and trust)
    -  Dominant power (isolation/support)
    -  Coercive (By fear)
  - ▼ ●  Rules within employer/employee relation
    -  Legal (By rules)
  - ▼ ●  Tactics within employer/employee relation
    -  Using knowledge (knowing/lacking)
    -  Reinforcing selfish behavior (that disadvantages group)
  - ▼ ●  Material consequences
    -  Salary
    -  Longer working hours
    -  Shorter working hours
    -  Work related costs
  - ▼ ●  Immaterial consequences
    -  Risks
    -  Health
    -  Mental

Figure D:

R1; Employed at NGO Repórter Brasil

R2; Employed at Coperfam.

R3; Employed at the Brazilian Association of Citrus Growers and had an orange farm

R4; Orange picker

R5; Orange picker

R6; Employed at Coacipar

R7; Former orange farmer

R8; Employed at Union Confederations Contag and Contar

R9; Employed at the Union of Rural Employees of Piratininga

R10; Employed at RedeSuco

R11; Orange farmers

R12; Orange farmer

R13; Employed at Cultrale

R14; Labor prosecutor

R15; Employed at Rural Union of Ibitinga and citriculturist.

## English version employees

### Introducing

Hello, first of all, thank you for being here and letting me asking you some questions. I am Sitie Brak, student in Lisbon, and I am here in Brazil to do research on how the labor policy impacts your work. With this I will try to help organizations working improving working conditions. I will therefore ask some questions to you about your work and how it changed after the labor reform. Feel free to ask any questions anytime. So, you have any questions so far?

### Introduction (background information)

So, to start off, can you start off with telling me about yourself, and the work you do? Since when do you work here?

1. To start off; what do you think about the reform? Good or negative feelings?
2. If you compare the work you do now, with the period before the reform, do you see/experience differences? If yes, what?
3. What, according to you, are the main changes of the labor reform? Can you tell me more about this?

### Labor reform

1. Periodic work
  - a. Can you tell me about your work (contract?) (how long/how many days a week/who is your contractor)
  - b. One of the things that changed is that after the reform it's possible to have periodic contracts. Do you have this as well? Can you tell me about this?
2. Contractors
  - a. Are you working at different locations? (if yes continue to question b)
  - b. Do you work under the same conditions there? (regarding salary, working hours, safety, health, physical, pleasure)
3. Labor lawsuits and legal proceeding costs
  - a. Did you ever have a labor lawsuit yourself? Or do you know people who did? Can you tell me how that went?
4. Prevalence of collective bargaining agreements/prevalence of individual agreements
  - a. Did you make specific agreements with your employer before you started working? (regarding salary, working hours, safety, health, physical, pleasure) or was this pre-made?

5. Pay for productivity
  - a. Do you have a strict salary, or do you get payed more or less depending on what you do and when you do it?
  - b. What do you think about this?
  
6. Voluntary payment of union duties
  - a. Do you pay an union?
  - b. Do you think it's worth paying?
  
7. Termination of work contracts upon agreement/termination for no reason
  - a. When does your work contract end? Is it possible for you and your employer to stop it earlier? What would happen if one of you does?
  
8. Home office
  - a. Can you tell me which work you do counts as work? Also work from home? Or meetings? If yes, do you have the same working hours?
  
9. Part-time labor
  - a. How many hours a week do you work?
  - b. Do you sometimes work overtime? If yes how much?
  - c. Are there differences in this before and after the labor reform?
  
10. Bank of compensatory hours
  - a. Do you work with compensating hours?
  - b. Has it always been this way?
  
11. Activities not considered part of the work shift
  - a. Are you being paid out for travel time to work/rest/meals?
  - b. Was this the same before the labor reform?

Closure:

Can you tell me about your privacy preferences? Can I name you?

Thank you a lot for your time.



## English version experts

### Introducing

Hello, first of all, thank you for being here and letting me asking you some questions. I am Sitie Brak, student in Lisbon, and I am here in Brazil to do research on how the labor policy impacts your work. With this I will try to help organizations working improving working conditions. I will therefore ask some questions about the orange sector and how it changed after the labor reform. Feel free to ask any questions anytime. So, you have any questions so far?

### Introduction (background information)

So, to start off, can you start off with telling me about yourself, and your field of expertise?

1. To start off; what do you think about the reform? Good or negative feelings?
2. If you compare the orange industry you do now one year, with the period before the reform, do you see/experience differences? If yes, what?
3. What, according to you, are the main changes of the labor reform? Can you tell me more about this?

### *Labor reform*

1. Periodic work
  - a. One of the things that changed is that after the reform it's possible to have periodic contracts. Can you tell me about this?
  - b. What did it change regarding salary, working hours, safety, health, physical, pleasure)?
2. Contractors
  - a. One other new impact of the reform is that after the labor reform outsourcing of employees is being done more, do you see this as well?
  - b. Do you think this changed the working conditions (regarding salary, working hours, safety, health, physical, pleasure)?
3. Labor lawsuits and legal proceeding costs
  - a. The labor reform changes the rules around lawsuits. Can you tell me more about this? Did you ever experience a labor lawsuit yourself? Or do you know people who did? Can you tell me how that went?
4. Prevalence of collective bargaining agreements/ Prevalence of individual agreements
  - a. One other change that the reform brings is that collective and individual bargaining is being stimulated. Can you tell me more about the difference between the two, and what this changes for the employees?

- b. What does this change for the working conditions? (regarding salary, working hours, safety, health, physical, pleasure)?
- 5. Pay for productivity
  - a. When it comes to the 'pay for productivity' change, where employees get more or less salary based on productivity, what do you think about this?
- 6. Voluntary payment of union duties
  - a. The labor reform obligates employees to pay for union membership, was it already like this before?
  - b. Do you feel that union membership is valuable for employees, when it comes to coming up for their rights?
- 7. Termination of work contracts upon agreement/termination for no reason
  - a. Did the labor reform change the way that employers/employees can end their contract? If yes in which way?
- 8. Home office
  - a. What do you think about the 'home office' rule, that argues that work outside of the regular place also counts as work?
- 9. Part-time labor
  - a. Do you think that part time labor increased after the labor reform?
  - b. Do you think this changed the working hours of employees?
- 10. Bank of compensatory hours
  - a. Can you tell me about the bank of compensatory hours?
  - b. Is this being implemented much?
- 11. Activities not considered part of the work shift
  - a. Are employees being paid out for travel time to work/rest/meals?
  - b. Was this the same before the labor reform?

Closure:

Can you tell me about your privacy preferences? Can I name you? Thank you a lot for your time.

## Portuguese version employees

### Introduzindo

Olá, Primeiro que tudo, obrigado por estar aqui e me deixar fazer-lhe algumas perguntas. Eu sou Site Brak, estudante em Lisboa, e estou aqui no Brasil para fazer pesquisas sobre como a política trabalhista impacta seu trabalho. Com isso, vou tentar ajudar as organizações que trabalham na melhoria das condições de trabalho. Portanto, vou fazer algumas perguntas sobre seu trabalho, e como ele mudou após a reforma trabalhista. Sinta-se à vontade para fazer qualquer pergunta a qualquer momento. Então, você tem alguma pergunta até agora?

### Introdução (informação de fundo)

Então, para começar, você pode começar por me falar sobre si mesmo, e seu trabalho que você faz? Desde quando você trabalha aqui?

1. Para começar, o que pensa da reforma? Sentimentos bons ou negativos?
2. Se comparar o trabalho que faz agora um ano, com o período anterior à reforma, vê/experimenta diferenças? Se sim, o quê?
3. Quais, segundo você, são as principais mudanças da reforma trabalhista? Você pode me dizer mais sobre isso?

### *Reforma trabalhista*

1. Trabalho periódico
  - a. Você pode me falar sobre o seu trabalho (contrato?) (quanto tempo/quantos dias por semana/quem é o seu empregador)
  - b. Uma das coisas que mudou é que depois da reforma é possível ter contratos periódicos. Você tem isso também? Pode falar-me sobre isso?
2. Empregadores
  - a. Você está trabalhando em locais diferentes? (se sim, continue com a pergunta b)
  - b. Você trabalha nas mesmas condições lá? (em relação ao salário, horário de trabalho, segurança, saúde, físico, prazer)
3. Processos judiciais trabalhistas e custas judiciais
  - a. Você já teve uma ação judicial trabalhista? Ou você conhece pessoas que o fizeram? Você pode me dizer como correu?
4. Prevalência de acordos de negociação coletiva/ Prevalência de acordos individuais

- a. Você fez acordos específicos com seu empregador antes de começar a trabalhar? (em relação ao salário, horário de trabalho, segurança, saúde, físico, prazer)) ou isso foi pré-fabricado?
5. Pagar pela produtividade
  - a. Você tem um salário rigoroso, ou é pago mais ou menos dependendo do que faz e quando o faz?
  - b. O que achas disto?
6. Pagamento voluntário das obrigações sindicais
  - a. Você paga um sindicato?
  - b. Você acha que vale a pena pagar?
7. Rescisão de contratos de trabalho por acordo/ Rescisão sem razão aparente
  - a. Quando termina o seu contrato de trabalho? É possível para você e seu empregador pararem mais cedo? O que aconteceria se um de vocês o fizesse?
8. Escritório em casa
  - a. Você pode me dizer qual trabalho você faz conta como trabalho? Também trabalha em casa? Ou reuniões? Se sim, você tem o mesmo horário de trabalho?
9. Trabalho a tempo parcial
  - a. Quantas horas por semana você trabalha?
  - b. Você às vezes faz horas extras? Se sim, quanto?
  - c. Há diferenças nisto antes e depois da reforma trabalhista?
10. Banco de horas compensatórias
  - a. Você trabalha com horas compensatórias?
  - b. Sempre foi assim?
11. Atividades não consideradas parte do turno de trabalho
  - a. Você está sendo pago pelo tempo de viagem para o trabalho/repouso/refeições?
  - b. Isso era o mesmo antes da reforma trabalhista?

Encerramento:

Você pode me dizer, mas suas preferências de privacidade? Posso dar-lhe um nome?  
Muito obrigado pelo seu tempo.

## Portuguese version experts

### Introduzindo

Olá, Primeiro que tudo, obrigado por estar aqui e me deixar fazer-lhe algumas perguntas. Eu sou Site Brak, estudante em Lisboa, e estou aqui no Brasil para fazer pesquisas sobre como a política trabalhista impacta seu trabalho. Com isso, vou tentar ajudar as organizações que trabalham na melhoria das condições de trabalho. Vou, portanto, fazer algumas perguntas sobre o setor laranja, e como ele mudou após a reforma trabalhista. Sinta-se à vontade para fazer qualquer pergunta a qualquer momento. Então, você tem alguma pergunta até agora?

### Introdução (informação de base)

Então, para começar, pode começar por me falar sobre si mesmo e sobre o seu campo de especialização?

1. Para começar, o que pensa da reforma? Sentimentos bons ou negativos?
2. Se comparar a indústria laranja que faz agora um ano, com o período anterior à reforma, vê/experimenta diferenças? Se sim, o quê?
3. Quais, segundo você, são as principais mudanças da reforma trabalhista? Você pode me falar mais sobre isso?

### Reforma trabalhista

1. Trabalho periódico
  - a. Uma das coisas que mudou é que depois da reforma é possível ter contratos periódicos. Você pode me falar sobre isso?
  - b. O que mudou em relação ao salário, horário de trabalho, segurança, saúde, físico, prazer)?
2. Empreiteiros
  - a. Um outro novo impacto da reforma é que depois que a reforma trabalhista terceirização dos empregados está sendo feita mais, você vê isso também?
  - b. Você acha que isso mudou as condições de trabalho (salário, jornada de trabalho, segurança, saúde, físico, prazer)?
3. Processos judiciais trabalhistas e custos processuais
  - a. A reforma do trabalho muda as regras em torno dos processos judiciais. Você pode me falar mais sobre isso? Você já passou por alguma ação judicial trabalhista? Ou você conhece pessoas que o fizeram? Você pode me dizer como correu?
4. Prevalência de acordos de negociação coletiva/ Prevalência de acordos individuais

- a. Uma outra mudança que a reforma traz é que a negociação coletiva e individual está sendo estimulada. Você pode me dizer mais sobre a diferença entre os dois, e o que isso muda para os funcionários?
- b. O que isso muda para as condições de trabalho? (quanto a salário, jornada de trabalho, segurança, saúde, físico, prazer)?
  
- 5. Pagar pela produtividade
  - a. Quando se trata da mudança "pagar pela produtividade", em que os empregados recebem mais ou menos salário com base na produtividade, o que você acha disso?
  
- 6. Pagamento voluntário das obrigações sindicais
  - a. A reforma labor obriga empregados pagar pela sociedade da união, era já assim já antes?
  - b. Você acha que a filiação sindical é valiosa para os empregados quando se trata de reivindicar seus direitos?
  
- 7. Rescisão de contratos de trabalho por acordo/ Rescisão sem motivo algum
  - a. A reforma do trabalho mudou a forma como os empregadores/empregados podem terminar o seu contrato? Se sim, de que forma?
  
- 8. Escritório em casa
  - a. O que você acha da regra do 'home office', que argumenta que o trabalho fora do local regular também conta como trabalho?
  
- 9. Trabalho a tempo parcial
  - a. Você acha que o trabalho a tempo parcial aumentou após a reforma do trabalho?
  - b. Você acha que isso mudou o horário de trabalho dos empregados?
  
- 10. Banco de horas compensatórias
  - a. Você pode me falar sobre o banco de horas compensatórias?
  - b. Isto está sendo implementado muito?
  
- 11. Atividades não consideradas parte do turno de trabalho
  - a. Os empregados estão sendo pagos pelo tempo de viagem para o trabalho/repouso/refeições?
  - b. Isso era o mesmo antes da reforma trabalhista?

Encerramento;

Você pode me dizer, mas suas preferências de privacidade? Posso dar-lhe um nome?

Muito obrigado pelo seu tempo.