

LABOR (DE)FORM: FLEXIBILIZATION AND PRECARIOUSNESS BY THE PERSPECTIVE OF THE WORK PSYCHOLOGY

Fábio José Orsini Lopes¹, Orcid: <http://orcid.org/0000-0001-6827-820X>
Guilherme Elias da Silva^{1 2}, Orcid: <https://orcid.org/0000-0002-2834-2905>
Marcos Paulo Shiozaki¹, Orcid: <http://orcid.org/0000-0003-2123-786X>
Sylvia Mara Pires de Freitas¹, Orcid: <https://orcid.org/0000-0002-5882-7065>

ABSTRACT. Based on the intersections of the perspectives of sociology and labor law, Jean-Paul Sartre's existentialism and psychoanalysis about labor reform, and especially on outsourcing, this article gathers reflections resulting from the presentation of its authors in the Round Table that integrated the Program of the *II Meeting of the Interinstitutional Laboratory of Subjectivity and Work, II Symposium Psychology and Work: Social Dimensions and Subjectivity and VIII Meeting of Organizational and Work Psychology (EPOT)* held from November 21 to 23, 2018 at the University State of Maringá, Paraná. It discusses the understanding of the main changes resulting from the labor reform; flexibility as a guideline for social work structuring; and the role of outsourcing - highlighting the issue of worker vulnerability, isolation, unprotection and helplessness. It concludes with the effort to draw attention to the need for the occupational psychologist not to restrict his focus to external working conditions, as well as to understand how his relationship with these conditions occurs, that is, to be willing to have reflexive and critical awareness about the implications of their actions in the face of the precariousness of work and worker life.

Keywords: Labor; legislation; worker's health.

(DE)FORMA TRABALHISTA: FLEXIBILIZAÇÃO E PRECARIZAÇÃO PELA(S) PERSPECTIVA(S) DA(S) PSICOLOGIA(S) DO TRABALHO

RESUMO. Assente nas intersecções das perspectivas da sociologia e direito do trabalho, do existencialismo de Jean-Paul Sartre e da psicanálise sobre a reforma trabalhista, e, especialmente, sobre a terceirização, este artigo reúne reflexões frutos da apresentação de seus autores em Mesa Redonda que integrou a programação do *II Encontro do Laboratório Interinstitucional de Subjetividade e Trabalho, II Simpósio Psicologia e Trabalho: Dimensões Sociais e Subjetividade e VIII Encontro de Psicologia Organizacional e do Trabalho (EPOT)* realizado no período de 21 a 23 de novembro de 2018, na Universidade Estadual de Maringá, Paraná. Discute-se a compreensão de principais mudanças frutos da reforma trabalhista; da flexibilização como diretriz da estruturação social de trabalho; e do papel da terceirização – destacando a questão da vulnerabilidade, do isolamento, da desproteção e do desamparo do trabalhador. Finaliza com o empenho de chamar a atenção sobre a necessidade de o psicólogo do trabalho não restringir seu foco às condições externas de trabalho, sendo igualmente necessário apreender como ocorre a sua relação com

¹ Universidade Estadual de Maringá (UEM), Maringá-PR, Brazil.

² Email: gesilva@uem.br



essas condições, isto é, dispor-se a ter consciência reflexiva e crítica sobre as implicações de seus fazeres diante a precarização do trabalho e da vida do trabalhador.

Palavras-chave: Trabalho; legislação; saúde do trabalhador.

(DE)FORMA LABORAL: FLEXIBILIZACIÓN Y PRECARIZACIÓN POR LA(S) PERSPECTIVA(S) DE LA(S) PSICOLOGÍA(S) DEL TRABAJO

RESUMEN. Basado en las intersecciones de las perspectivas de la sociología y el derecho laboral, del existencialismo de Jean-Paul Sartre y el psicoanálisis sobre la reforma laboral, y especialmente en la externalización, este artículo recoge reflexiones resultantes de la presentación de sus autores en la Mesa Redonda que integró el Programa de la *II Reunión Del Laboratorio Interinstitucional de Subjetividad y Trabajo, II Simposio Psicología y Trabajo: Dimensiones Sociales y Subjetividad y VIII Reunión de Psicología Organizacional y del Trabajo (EPOT)* celebrada del 21 al 23 de noviembre de 2018 en la Universidad Estatal de Maringá, Paraná. Se discute la discusión de los principales cambios resultantes de la Reforma Laboral; flexibilidad como guía para la estructuración del trabajo social; y el papel de la subcontratación: destacando el problema de la vulnerabilidad de los trabajadores, el aislamiento, la desprotección y la impotencia. Concluye con el esfuerzo de llamar la atención sobre la necesidad de que el psicólogo ocupacional no restrinja su enfoque a las condiciones de trabajo externas, así como a comprender cómo se produce su relación con estas condiciones, es decir, a estar dispuesto a ser reflexivo y crítico consciente de las implicaciones de sus acciones ante la precariedad del trabajo y de la vida del trabajador.

Palabras clave: Trabajo; legislación; salud del trabajador.

Introduction

Various movements around the world, which resulted in the Mexican Constitution, 1917; in the founding of the Organização Internacional do Trabalho (OIT) and the Weimar Constitution, both from 1919, have denounced adverse conditions in the work world, grounded in ideas about labor rights. In Brazil, specifically, the Federal Constitution of 1934 and 1937, inspired the creation of the Labor Laws Consolidated (known in Brazil as *Consolidação da Leis do Trabalho - CLT*), in the first day of May 1943. Faced with so much movement, we realize the *Zeitgeist* that is very well represented in Article 23rd of *Declaração Universal dos Direitos Humanos [DUDH]* (1948), in which it is cited the importance of a fair remuneration to the employee so that he and his family can live with dignity. The UDHR makes clear the importance of the work world as something fundamental to the maintenance of life, indicating that we are before a struggle situation aiming at the remaining and developing of rights – such a struggle so essential for human dignity.

The humiliating threats to the labor rights have been consolidated in just over 74 years after the creation of the CLT, under President Michel Temer government, in which the Labor ‘Reform’ was approved, although under various protests and an unfounded critic on the CLT

that was considered exceeded (even with the hundreds of amendments that have been added over the past few years).

Based on this evidence that certainly highlights the colossal damage to the rights and dignity of workers, we propose to present critical essays from studies of respective authors of this article. The ideas were exposed in the Round Table by these authors during the *II Encontro do Laboratório Interinstitucional de Subjetividade e Trabalho, II Simpósio Psicologia e Trabalho: Dimensões Sociais e Subjetividade e VIII Encontro de Psicologia Organizacional e do Trabalho (EPOT)*, performed at the State University of Maringá (UEM), Paraná, Brazil, in November 2018. The theme of this event included the relationship between 'Work, Policy and Action'; and the Round Table addressed issues relating to 'Labor (de)forms'.

By the composition of the abovementioned Round Table, an opportunity to carry out different readings was provided, but complementary, on the Labor Reform focused on the work outsourcing process on the national scene. Studies of Sociology and Labor Law helped the analysis of how the legal structures that govern the work, at present, affect the organization of work and labor relations. Critical thinking of the existentialist philosopher Jean-Paul Sartre, which understands the dialectical relationship, therefore, inseparable, between the individual and the socio-material field in the historic building, contributed with reflections on the production outsourcing as the social structure of work. Based on Freudian psychoanalysis, Freud's interlocutors and statistical data make clear that the outsourcing process has intensified vulnerable states, isolation, helplessness and lack of protection in workers. Finally, given the current scenario of the work world, where activities and worker's life is precarious, it is called into question the role of the psychologist.

Labor Reform (Law nº 13.467 / 2017): from flexibility to precariousness work

The most recent changes in work organization and labor relations occurred in the Brazilian institutional level, through the approval of *Lei nº 13.467 de 13 de julho de 2017*. This law implements several changes in the overall legal framework that guides and limits the relations work in Brazil. There are several changed or created devices, but we emphasize the following impacts, under the careful guidance works by Kerin, Gimenez and Santos (2018), Veiga (2018), and Severo and Souto Maior (2017).

The first of the consequences that we matter directly concerns the types of work contracts. Whereas, among the main objectives of the announced Reform, would be the speed and flexibility of these contracts - the proponents of these changes say the employment contract forms are more diverse and less ruled. These supporters argue that this deregulation facilitates and, thus, encourages the conclusion of new employment contracts. Among the most immediate consequences, are, in practice, forms of more precarious and atypical contracts, extending the contracts spectrum traditionally delimiters of labor relations. Despite this possible announcement³which is fostering of new hires, from a concrete way, among the impacts related to the psychodynamic analysis of the work, that precarious contracts unfeasible the formation and the sedimentation, by work, by collective and lasting social relationships besides compromising the development and improvement of an enhancing and formation of skilled work know-how. In other words, the precarious contract, apart from not unfolding itself in an obvious way to a more significant number of

³ And here, on the date on which this article is produced (June 2019), this announced increase on the hiring as a result of that 'flexibility' has not occurred (Instituto Brasileiro de Geografia e Estatística [IBGE], (2019).

hires, impoverishes both social relations to be fought in the work intersubjectivity and the training of practical skills and the very different labor intelligence. The competent and qualified know-how demand, therefore and legal security and relational constancy. Atypical contracts, such as outsourcing, of the intermittent, partial and temporary type, infeasible this gradual knowledge construction on the astute labor to do.

Second, Reform also directly reaches working hours. Under the same argument that be more flexible is more consistent with the current demands and change in work, the adopted amendments enable variously flexible working hours. This deregulation unfolds, among other elements, in the discussions about: *in itinere* journey; the expansion of the possibilities of bank hours compensation; reducing of the time counted as overtime; the extent of 12 to 36 workday for all sectors of activity; the daily flexibility of the journey; the reduction in lunch break; the holiday installment; and individual negotiation for breastfeeding interval.

As immediate consequences - again in the name of adaptation of job execution times to the capital requirements - the times required by the bodies that perform it are oppressed. The worker is subjected not to have any chance of working time management according to his body and his health signals and should adapt the journeys, interruptions and intervals determined by the productivity functioning and profits maximizing. The studies mainly in the field of Work Ergology and Clinical Activities (Bianco & Holz, 2014), warn us, in the relationships and possible dialogues between Work and Health, that the working bodies have cycles and distinct deep cadences of the required by the production, suggesting that unchallenged adaptation and without counterweights to the rhythms of contemporary work configures a severe threat to worker's health. The impact of these measures on time management and worker's life is gravely disregarded since they ignore the primary worker's time protection needs, forcing him to set, unilaterally and without consideration, to the journeys set by the employer. The impacts on health and the management of non-working time remain evident. Clearly, such changes aim, significantly, to expand the hire possibilities for work according to the changes and demands of the capital.

Another analyzed element in these changes is the impact on the remuneration. The precarious contracts enable a greater diversification of forms of payment, usually following the slicing of employee's relationship with the contract. Thus, it opens the way for, by the new forms of contracts, lowering remuneration, by providing 'productivity payments', 'institutionalized' tips, payment in kind, expansion of the participation centrality by profit-results sharing, allowances and compensations, free wages negotiation. The fallacy of free and direct negotiations between worker and employer (the famous 'negotiated over the legislated') opens a quiet and safe way to cheapen the value of work performed. The cheapening logic of labor costs does not reach the final payment for the same, given that the accumulation of capital, being an end in itself, moves away from the democratization of the supposed gains achieved by these reforms. In addition to the specific impacts of the impoverishment of material life, the symbolic place of the work value in the social fabric is degraded.

Another offshoot, one of the most insidious and alarming, refers to the amendments on safety standards and rules. These changes show one of the sides more transparent and cruel of the logic of the change in work organization: the pure and straightforward accumulation. As noted on the analyzes of contemporary transformations of work, Reform and adaptations fall, in the background and fundamentally, on the employed. Concerning

this set of changes that affect the safety standards and rules, the character of these changes takes, unabashedly, its verve most wicked and ruthless.

Relativize safety standards and rules, despite the occurrence of deaths, injuries, mutilations and various types of disability that can cause labor doings, wide-open refinements of undeniable cruelty. From the analysis of the consequences of this type of transformation and legal change lies not significant interpretative needs. The impact is directly on life and worker safety, objectively. Nothing left to review or note, than the disposability of life of who works. In addition to the reduction and flexibility of standard safety requirements for different categories and specific working conditions, this set of changes also reaches and exceeds limits, which, in our opinion, can be considered moral. Among other examples, these deregulations on safety standards imply consequences for the safety of pregnant and breastfeeding workers. Such changes allow pregnant and/or lactating workers to undergo conceptualized conditions as unsanitary. A scenario of frank disservice both the protection and development of life and the dignity and civility of society.

Following the signaling of these changes and transformations sedimented by Federal Law n° 13.467/2017, there is also the impacts on collective unionized organizations⁴. The amendments adopted in this field bring a dual scope. On the one hand, they are anchored in the discourse of desire freedom for union membership and collective participation. On the other hand, as a development, they impact the release of compulsory union dues. These changes directly affect the working class fragmentation, in the decentralization of negotiations, in the rules for representation in the workplace and the funding of union organizing activities.

As mentioned, in the support plan of these changes, they usually figure the idea of freedom as opposed to the compulsory nature of the union gathering. It is a narrative of immediate appeal and easy to understand and to assimilate, which permeates the emptying moral of collective and social participation by work. Added to the forcible valorization of work management focused on individualized ratings, competitiveness and productivity, these changes have the potential to change the construction of the collective around work significantly.

The role of unions should deserve continuous and special attention, but it is immediately noted that many are the perfectible elements of unionized collective representation. Elements such as dispersion, union freedom and representation forms are vital and should always be improved. Instead, the Reform points out its transformations aimed at weakening and emptying of the participation and the representation, because their objectives are: 1) deepening fragmentation of union representation bases; 2) the prevalence of negotiated over the legislated and the reversal of the hierarchy of legal instruments; 3) the elimination of the effective period agreements and the most favorable clause; 4) the representation of workers at workplace regardless of the unions; 5) reducing of the financial resources to unions. We see that it is a deliberate attempt to deflate and undermine union representation units. Deliberately and directly, as well as in several other points of this Reform, the weakening and dismantling of workers are its main objectives.

One final point here highlighted through these many institutionalized transformations by Reform of legal regulations of labor relations in Brazil is precisely their background and legal developments. Law n° 13.467/2017 impacts very directly and particularly the issues relating to access to the Labor Justice, and has roots and found fertility to be effective in the context of legal discussions. Some of its aspects are going to be studied below.

⁴ Title VI, Law n° 13.467 / 2017 which is on the 'Collective Labor Conventions' (items 611, 611-A, 611-B; 612; 614; 620).

The first question that we would highlight concerns the very formation of an understanding of anachronism on the consolidation of labor laws. This is recognized as the fundamental justification and the foundation of sustaining forces of the said Reform. The construction of the idea that the law of labor relations in Brazil is divorced from contemporary Labor transformations sounds uncontested initially, and it disregards that the total fabric of the consolidated laws crossed an innumerable of adjustments and 'mini' Reforms over the decades of existence. The construction of a narrative apart from reality seems to be a recurring tonic in various social transformations that the country is going through.

Authors such as Reis and Coutinho (2017), Melo Filho and Acioli (2017) point out that this Labor Reform has as its target the dismantling of very Labor Justice, as historical support cushion against the asymmetries between capital and work. Historically, the Brazilian Labor Justice is configured as a result of struggles and resistance, as shown by Machado (2015). The consolidation of a structured legal apparatus, plus the pacified jurisprudence before the transforming forces of labor relations, is shown, particularly in Brazil, of odd relevance. The nature of Brazilian labor relations, strongly marked by the recent past slavery, combined with the contemporary setting of implementation of these Reforms of ultra-neoliberal character and the planned impoverishment of a significant portion of Brazilian workers, require the Labor Justice herculean challenges. Among the measures taken, we highlight those that hinder the worker's access to the Labor Justice. Breach of the principle of gratuitousness, expansion of private facilities for conciliation and effectiveness discharge of the agreements are among the examples of changes supported by the rhetoric of increasing the speed of judicial decisions and at the same time to reduce the number of process in the system, as they say, 'excessively judicialized labor relations'. Another collapsible fallacy when, for example, we understand that much of the labor claims are related to the non-payment of contract termination obligations. It is fallacious, therefore, the argument that the high number of actions have a relation with 'legal uncertainty'.

It is observed, finally, that the employee induction project on the necessity and importance of the Labor Reform, occurs in his inducement to the idea of free negotiation over the legislated, as mentioned above. Using the neoliberal ideology, however, it aims to hide the real need for worker instrumentation/reification; then, the interests of those who hold the power of the market can be conquered. The release of these with stability, security, favoritism and commitment to life quality and workers' health is made possible, and one of the main vias to this achievement is the outsourcing process - theme on which we will talk from now.

Outsourcing

Outsourcing can be understood as the transfer process of the activity execution or service of a contracting company to a contracted one. The activity or service can be both internally and externally to the physical limits of the contracting one. Marcelino and Cavalcanti (2012), in their definition, establish that outsourcing is the whole process of hiring workers through a third-party company, whose ultimate goal is to reduce costs with the workforce or reduction of labor conflicts. That is, it is the relationship in which the work is performed for a company, but immediately hired by another one.

The cornerstone of the new neoliberal order, 'outsourcing', as a product of productive capital restructuring and imposing the related reorganization of the labor market, arises as an effective instrument, according to some capital ideologues, to lower production costs and

to increase productivity, without jeopardizing the quality of the final product⁵, which, according to its defenders, qualifies it decisively as one of the instruments that can implement the necessary conditions so that domestic companies can face the fiercer international competition.

Outsourcing as a social structure of work

The process of outsourcing as a social structure of work was produced by the need for reproductive restructuring during and after World War II. Moreover, like all social production, this returns to individuals as producers of the same.

We realized in historical-social organizations, individuals who voluntarily come together, organize among themselves the distribution of roles and tasks, taking into account to identify the common need they have. Thus, they aim to achieve ends that are common to all their members. Under these conditions, the tasks and roles are interdependent, as they are unified by this common purpose, and decisions are made among all of them, considering each one is a mediator of the relations. Therefore, the phenomena of the need and the actions taken to meet it should be understood as coming from the 'inside' of this group.

However, if this group is faced with a shortage of instruments or expertise to reach the joint project as a group, for example, may request such knowledge and/or means of production to other/others that do not belong to the group. Given this, the third-party worker that is not part of this organized group is understood by the group members as a 'third party which is outside the group', that is, the look of the group's members so mean him. Similarly, the perception - from the outside -of that third, unifies individuals, group members, as a whole, that is, the singularities are diluted in the 'belong to the group' idea. Therefore, this third party does not participate in decisions of the ordinary members of the group, he only provides resources and/or expertise to the group members do that they can continue their endeavor in achieving their needs. Because of this, the subjectivity relations that occur in the group are also mediated by third-parties productions.

Actions employed for the formation and maintenance of groups that spontaneously organize themselves to achieve common purposes - as can be seen in the early movements of labor unions - and, equally, actions of third parties who lend them the means and/or expertise to assist them in the contract, notwithstanding, they are appropriate for institutions that return them to society as standards of conduct. That is, as mentioned by Jean-Paul Sartre (2002), the free individual action, when set, turns process, in view of being standardized, normalized and regulated by the institution, for example, by the government, the market et so on.

Institutions not only take possession of the actions in which individuals organize themselves spontaneously in groups, as well as transform the individuals in 'anyone' (seriality), denying their singularities. Also, the institutions become the owner of informal work structures, as in the case, the assistance of a third party as a means activity for a group to reach its goals. Therefore, the institutionalization of actions requires that "[...] each one must define himself and, in the collectivity, individuals must define amongst themselves on reciprocity that they establish with the institution, supporting the unit assigned to them such as an 'institutional brand'" (Freitas, 2018, p. 168, authors emphasis).

⁵ Obviously, as we will discuss, we refute ideologies, which advocate the worker as an instrument, as the product of labor. We agree with the understanding that he is a producer and a product of that relationship.

This author continues commenting that this movement of institutionalization of actions reified man, considering the alienation of his freedom, turning it into social obligations. Thus, the hand of outsourcing process work is nothing more than hiring for an institution or company, for example, the labor of workers whose actions were appropriated by other institutions and that, in turn, also institutionalized the place of 'deleted third', which, even working for the company that hires him, he does not belong to its staff - which exempts the worker's labor obligations.

The institutions thus become mediators between workers and their work, but also mediate their relationship with other institutions to outsource them. Furthermore, likewise the institutional ownership of productive actions, the place of third parties outside the group is appropriate for them and nominated today as outsourcing. "The institution projects in the future the fate of stereotyped praxis and the social worker's place. A practice that should be directed according to the predetermined process. The future makes itself passive synthesis of the past" (Freitas, 2018, p. 168).

Reified in his actions, and taking the place of a third party outside the workforce of the companies to which he provides services, the outsourced workers is the surplus produced by the capitalist market, judging by being an instrumental output to tackle the shortage of profits. From the outsourced worker is misused his freedom for both sides, increasing precariousness not only of his work but in his own way to exist in the world and also be a worker.

The condition of the autonomic outsourced worker, without the direct mediation of a company by another, he still continues being the third party outside for those who work. It is an illusion to think that autonomy gives him freedom as a worker. Although he is not 'private property' of any company, he experienced instability in the exercise of his autonomy in the provision of services, which is the product of market precariousness; therefore, the worker becomes a hostage of that situation.

The ideology of the neoliberal market that combines the freedom of the worker with the autonomy of his work, such as in cases of outsourcing, forge the reality of facts. In essence, the idea of this (pseudo) freedom is 'sold' to the workers to hide that his self-employed status is a market product. Besides the precarious work and its relationships, outsourcing likewise reveals the failure of the man himself; therefore, this structure itself, since the foundation of outsourcing is dehumanization.

Provided that the dehumanization in the workplace is a violation of worker autonomy to produce himself as such in humanitarian conditions, the outsourced work committed the worker 'Being', considering this to be set up, prescribed (as it should be); thus directly involves his health.

Vulnerability, isolation and deprotection produced by work outsourced

In recent decades, the outsourcing of production (goods or services) has been characterized as a central instrument of corporate management strategies. According to Antunes (2018, p. 149), the importance of this contracting mechanism is due, among other things, to the fact that:

[...] concealing the established social relations between capital and work, converting them into inter-relationships, it enables greater flexibility of labor relations, enforcing workers to be contracted for a specified time, according to the production pace of contracting companies.

This trend indelibly infected services, industry, agriculture, public service, becoming general-not only for the support activities, but also for the end-activities [provide by Law nº 13.429/2017].

In light of the theses of the wage society crisis and the flexible accumulation, whose reference is found in the thought of Fordist regulation school, it is argued that subcontracting, better known in Brazil as outsourcing, strengthens the relations of domination and social control over the labor force, lowering or removing rights historically achieved. This process has been much more pernicious in newly democratic societies such as Brazil, where the new flexibility of work practices contributed to weakening, even more, the structure of the labor market, historically marked by low wages, by the excessive instability employment relationship, by the low qualification of its workers, by the weak collective organization, and by the limited rights of citizens. Despite the advancements in the job indicators and the last decades' income in the country, the subcontracting has been disseminated, which reiterates this predatory standard of relations at work (Costa, 2016, p. 115).

Differences between formal and outsourced companies are accentuated, according to Dal Rosso (2017), in salary levels, the lengthiest journeys, the intensity of work, in higher turnover, in conditions of insecurity and unhealthiness, in sickness, among others.

Studies conducted by the Departamento Intersindical de Estatística e Estudos Socioeconômicos (DIEESE) along with the Central Única dos Trabalhadores (CUT), in 2014, point out that the work time in typically outsourced sectors is half of the typical contracting sectors. The compensation is, on average, 27% lower and annual turnover rate reaches 45%, while in the contracting, it is 22% (Manzano, Santos, & Teixeira, 2013). Another astonishing fact about the phenomenon is the high cases of outsourced companies that close (and 'disappear') without fulfilling their labor obligations.

As denounced by Antunes and Druck (2014), by creating and stressing many differences, the outsourcing increases, even more, the fragmentation, the heterogeneity and the working intra-division, apart from the competition among those working in the same productive space. The above authors warn about the imposition of a division between the different existing unions in one company [that means the disintegration of the working class in its political and collective potential].

In contrast to business discourse justifying the outsourcing as part of the 'modernization' of business in the era of globalization, seeking greater 'specialization' of productive activities, the surveys state that companies also outsource to transfer the risks to workers, being released to meet and follow the requirements of legislation and labor rights, which become the responsibility of the third party. It is not hard to see, then, that outsourcing has become one of the elements that expands the rates of accidents significantly, present practically in all branches, sectors and workspaces (Antunes, 2018, p. 150, authors emphasis).

These precarious working conditions have contributed to deteriorating the health situation once the outsourced workers are the most vulnerable and susceptible to accidents at work in different fields of activity, such as electric energy, extraction and refining of the oil and steel industry (Druck & Franco, 2007).

In union leader's testimony⁶, we can give birth to some conditions that are in the shade.

It is well known by all workers the inequality of security conditions in the companies' category [...]. Often, outsourced workers are completely unprotected collectively and individually, although they are in the same industrial plant, sometimes developing the activities with greater exposure to risk. In the event of accidents, it has been customary the omission of the principal contractors, claiming that they

⁶ Sindiquímica.

have nothing to do with the worker and this is a service contract and not personal⁷. [...] The number of victims is growing among third-party workers (Druck & Franco, 2007, p. 53).

Thus, the changes occurring in the labor market in recent decades have resulted in the creation of an army of workers injured, disabled (physically and mentally), many of them unable permanently. In other words, the companies employ mobilization management and performance strategies (grounded in subjectivity and objectivity control), in order to obtain high productivity, however, such strategies appear increasingly incapable, by the very competitive environment and market instability, to ensure working conditions minimally adequate to workers' physical and mental health.

Production of helplessness in the Labor Reform process

Every Reform aims to improve something. However, at least the workers' side, the Labor Reform does not show progress or improvement, as was to be expected from Reform but a significant setback concerning their rights, as already mentioned.

Thus, how is the relationship of security and stability, qualities that are so fundamental to whom produces and works? It seems we are living in a very fine line, in which the perversity of the changes in the Reformation are leaving workers increasingly alone, more and more helpless.

The helplessness term, sometimes cited by Freud, is called in German-speaking *Hilflosigkeit*. By analyzing the root of this word, we find *helfen*, which gives us a sense of 'help'; and *losigkeit*, which can bring the idea of 'loss'. Helplessness, then, has to do with the loss of help from something or someone.

The state of helplessness can be identified in the period of early child care and influences the structure of our psyche. When one is still a baby, for example, it is clearly the absolute dependence we have by the other. After all, it is difficult to think of the survival of a baby without such care. Laplanche and Pontalis (2004, p. 112) report that "[...] the helplessness is felt when the infant [...], depending entirely by the other to meet his needs (thirsty, hunger) is impotent to do the appropriate specific action to put an end to his internal tension".

In *Inibições, sintomas e ansiedade*, Freud (2006a) explains that the various internal and external situations can lead us to a progressive increase in tension and hence a non-viability of mastering excitations; so, it would set up, a sense of helplessness. Besides, a hazard situation would be recognized, remembered and expected in this situation.

Given these considerations, it is necessary to reflect on the impact of the Labor Reform that makes precarious increasingly to different relationships between workers, as they depart this class of its rights that should be guaranteed. Faced with so much loss, would the worker be feeling helpless? The helplessness condition in adulthood also relates to that experience in the first care. After all, the experiences continue to put men on possible situations in which they feel alone and powerless.

An illustration of what has been mentioned above lies in the three primary sources of suffering, cited by Freud (2006b) in the *O mal-estar na civilização*, which would prevent us

⁷ This reality is still present despite the 'protective' advances that the entitled 'new law of outsourcing' (at 13.429/ 2017) proposes in its article 9, paragraphs 1 and 2, as follows: "§ 1. It is the responsibility of the contracting company ensure the safety, health and hygiene of workers when work is done on the premises or in a place designated by it" [...] "§ 2. the contractor will extend the employee's temporary work company the same medical care, outpatient and meal intended for their employees, existing on the contractor's premises or location designated by it".

from getting to happiness: nature, the body and the other. These three sources represent different situations in which there is no control, that is, which is alien to the will.

In nature, the first source, however, there is an attempt to dominate it, there are forces (natural disasters, for example) that are inevitable and can even devastate great achievements built by man. The second source, the body, falls sick and gets older and there is no way to prevent it. Finally, the third source, the other has a given contradictory: there is no way to be thought about civilization without the presence of the other. The other, which is also a man, created the culture and laws and these creators themselves suffer from it, as it bars the desires towards the social. These three great sources of suffering are produced and marked by impotence in the face of different situations.

It is true that with the Labor Reform, it becomes clear the suffering in, at least two sources, which are the body and the other. The body will suffer directly with the precarious process at work, and this will not only be on a physical plane. The situation that marks the perversity of the Reformation forces workers to accept precarious conditions in their activities to keep employees. This, inevitably, leads to a higher likelihood of accidents and illnesses at work.

About the other, also a source of suffering, there is an unfavorable scenario: A partiality of advantages for those who are making and approving the Labor Reform (these 'others' are creating regulations that are hurting 'other' men); and an absence of the 'other' that leaves the worker helpless- represented in the weakening of an organized group that could be found in the unions.

Thus, it is clear that the Labor Reform is linked to a great situation of helplessness. In the outsourced work, for example, there is a fee, working time and security, significantly lower, in contrast with a working volume, instability and fragmentation significantly higher. Given this disastrous situation, to whom can the worker appeal and what is the personal impact that this situation may bring or be worsen?

Often, this helplessness situation can establish, since all this leads to a progressive increase in internal pressure. However, before so many dangers that this Labor Reform presents, it is natural that the occurrence of an inability to act, since workers would not have to turn on these losses, that is, they would find themselves alone and virtually no satisfaction possibilities of needs (in the sense of limiting actions a precariousness can bring). This means that they would find themselves deprived of help from something or someone – testifying the *Hilflosigkeit* word-meaning, or rather, they would be helpless.

This situation, indeed, would act as a kind of a traumatic intrusion, as it requires a way to subjectively, compared to these new ways of suffering. It is true that with the CLT existed several barriers that brought harrowing situations in the office, but it was still possible to use rights. However, with the flexibilization of labor laws, the recurrence of subjects increasingly helpless, without power, precarious (socially and psychically), devitalized, et so on, is easily noticed. The helplessness takes over. All that remains is suffering.

An interesting alternative before this helplessness could come from the trade unions and/or distinct movements of organized groups. However, in the neoliberal context, it is clear the difficulty of the workers to occupy that space, because the issue of diverse individuals' performances as labor appreciation possibilities is valued currently, even if it rarely occurs.

This phenomenon presents itself as an interesting contradiction. In essence, individual performance is valued in this context of private life, consumerism and narcissism, exalting a social personalization process, in which the desires and individual choices should guide people (Lipovetsky, 2005). However, it seems that the more you search this

individuation, more homogeneity appears. Santos (2010, p. 21) points out that “[...] the individual seems today less individual than ever, his private life has never been so public, his sex life has never been so codified, his freedom of expression has never been inaudible [...]”. Even with the massive sale of performed concept, the subject is helpless in the ideal that is sold as exclusive.

As a result, we meet subjects who are helpless, active and eager for recognition, and highly prone to failure subjects. This bizarre combination characterizes these times and, no wonder, it is noticeable a sharp growth of depressions, addictions, compulsions and phobias. Nothing more significant before all this helplessness.

Psychology in the context of labor changes

The findings held here on the Labor Reform and outsourced work, reveal unsatisfactory conditions for workers. The Work Psychologist, however, as a worker, is in the same condition as any other – as he also lives with the consequences of the Labor Reform, and many of them are outsourced and/or self-employed professionals. So, how can the psychologist help those who are experiencing vulnerability, isolation, lack of protection, helplessness et so on, as the own work psychologists experience concerning the market?

Professional Psychology, like other workers, produces his work in contradictory terms. The ‘being’ of the worker is not a ‘natural’ attribute, we are not born with it, it is built socio-historically and we grasp it in our social relations, including those that are established with and at work. Given this, the psychologist is also vulnerable before the neoliberal ideology. He can understand optimistically free negotiation between workers and the market, as he intends only the idea to be transmitted - the freedom and autonomy of the employee - without realizing that the concrete reality indicates another one: worker reification by unequal relations, dehumanizing, which are necessary to sustain capitalism.

Devoid of reasoning that reveals the dialectical relations, and alienating his knowledge and practices to neoliberal ideology, it remains to the psychologist to be a guardian of it, exercising this role when replicating the current *status quo*. In these cases, his projects tend to be geared to worker adequacy/adjustment to the market without being aware that he is alienated from the neoliberal ideology and the demands of the market due to these same actions.

As the Work Psychologist builds his profession in contradictory conditions, which are the limits and possibilities of his performance when he aim sat any change in this *status quo*? The primary is to be aware of his very contradictory condition by which he builds his life, and even his work; that is, to be clear about the concrete reality of the context in which he operates and how to establish a relationship with it; which are his limits and possibilities of action; how he understands the building process of the Labor Reform and outsourced work, and what are the consequences from them.

Therefore, we advocate the need for a paradigm change related to Work Psychology sustained in perspective at the same time clinical, interdisciplinary and policy. ‘Clinic’ in the sense of dealing with the ‘subject in the situation’, being him focus on this concern, the understanding of the meaning of work [individual and collective] for those who do it. ‘Interdisciplinary’ in order to occupy themselves with the historical complexity in progress and that, in turn, demands to be apprehended from a range of disciplines that enable the unveiling of the ‘concrete’ in its multiplicity of determinations and contradictions that are found in individual and collective praxis. Lastly, this paradigmatic change incorporates in the

heart of the very Work Psychology, the political sphere understood as a necessary and fundamental dimension to any scientific activity guided by a transforming, ethical humanly *praxis* (Lhuillier, 2011)

Thus, understanding the reality constructed by the relationship between the labor market and the worker, it requires from the psychologist both the reflection of this relationship in which they build each other, as his own relationship with this reality, which also he builds and is built by it. Any action of the psychologist who can overcome the current concrete conditions, without the replicate, can only occur from the consciousness that reflects and criticizes the socio-material situation, including the same movement on himself in this situation. Unable to understand what it is designed for the worker who therefore forges his concrete and real condition, his only effort will be to preserve and contribute to the ills that neoliberal working conditions produce.

Final considerations

This article has as its starting point the participation of the authors in a Round Table at an event on the transformation of the work world. It originated from the need to describe, briefly, the core of these changes occurring in Brazil, primarily through the implementation of Law n° 13.467/2017, entitled popularly as 'Labor Reform'. In general, such a reform points to the flexibility of work contracts, to the cheapening of the productive force, to contractual disclaimers and the creation of barriers to access the Labor Justice.

Aspects also related to unrestricted outsourcing of labor contracts were analyzed. The objectives centered around the need to expose on the ramifications of these changes in the workplace over the workers' health conditions. Modifying factors have been identified both in work contract relations and in the meaning of work organization and exploitation of the productive force. These elements have direct consequences on workers' health. Theoretical frameworks that shed light on these relationships have been used here, emphasizing the sense of helplessness, social and psychological, as identifiable results of those changes work. We understand that the adjustment of these changes should be analyzed by broader perspectives, among which include political, economic and social development events, whose evolution culminated in today's consolidated labor reform. This scenario invites Psychology professionals and researchers who work on the labor context to expand their analysis beyond the field of technical assistance and, above all, to act under ethical principles and by a transformative *praxis*. Recent reforms here analyzed diversify the challenges of Psychology in this context and impose to the professional and researchers requirements also renewed.

References

- Antunes, R. (2018). *O privilégio da servidão: o novo proletariado de serviços na era digital* (1a ed.). São Paulo, SP: Boitempo.
- Antunes, R., & Druck, G. (2014). A epidemia da terceirização. In R. Antunes (Org.), *Riqueza e miséria do trabalho no Brasil* (Vol. 3, p. 13-24). São Paulo, SP: Boitempo.

- Bianco, M. F., & Holz, E. B. (2014). Ergologia: uma abordagem possível para os estudos organizacionais do trabalho. *Cadernos EBAPE.BR*, 12(n. esp.), 494-512.
- Costa, M. S. (2017). Terceirização no Brasil: velhos dilemas e a necessidade de uma ordem mais incluyente. *Cadernos EBAPE.BR*, 15(1), 115-131.
- Dal Rosso, S. (2017). *O ardil da flexibilidade: os trabalhadores e a teoria do valor*. São Paulo, SP: Boitempo.
- Declaração universal dos direitos humanos[DUDH]*. (1948). Paris, FR. Recuperado de: <https://nacoesunidas.org/wp-content/uploads/2018/10/DUDH.pdf>
- Druck, G., & Franco, T. (2007). Terceirização e precarização: o binômio antissocial em indústrias. In G. Druck & T. Franco (Orgs.), *A perda da razão social do trabalho: precarização e terceirização* (p. 97-118). São Paulo, SP: Boitempo.
- Freitas, S. M. P. (2018). *Psicologia existencialista de grupos e da mediação grupal: contribuições do pensamento de Sartre*. Curitiba, PR: Appris.
- Freud, S. (2006a). Inibições, sintomas e ansiedade. In *Obras psicológicas completas de Sigmund Freud* (J. Salomão, trad., Vol. XX, p. 81-173). Rio de Janeiro, RJ Imago. Originalmente publicado em 1926.
- Freud, S. (2006b). O mal-estar na civilização. In *Obras psicológicas completas de Sigmund Freud* (J. Salomão, trad., Vol. XXI, p. 67-150). Rio de Janeiro, RJ: Imago. Originalmente publicado em 1930.
- Instituto Brasileiro de Geografia e Estatística [IBGE]. (2019). *Desemprego sobre para 12,7% com 13,4 milhões de pessoas em busca de trabalho*. Recuperado de: <https://agenciadenoticias.ibge.gov.br/agencia-noticias/2012-agencia-de-noticias/noticias/24283-desemprego-sobe-para-12-7-com-13-4-milhoes-de-pessoas-em-busca-de-trabalho>
- Krein, J. D., Gimenez, D. M., & Santos, A. L. (2018). *Dimensões críticas da reforma trabalhista no Brasil*. Campinas, SP: Curt Nimuendajú.
- Laplanche, J., & Pontalis, J. B. (2004). *Vocabulário de psicanálise*. São Paulo, SP: Martins Fontes.
- Lei nº 13.429, de 31 de março de 2017*. (2017). Altera dispositivos da Lei nº 6.019, de 3 de janeiro de 1974, que dispõe sobre o trabalho temporário nas empresas urbanas e dá outras providências; e dispõe sobre as relações de trabalho na empresa de prestação de serviços a terceiros. Recuperado de: http://www.planalto.gov.br/ccivil_03/_Ato2015-2018/2017/Lei/L13429.htm
- Lei nº 13.467, de 13 de julho de 2017*. (2017). Altera a Consolidação das Leis do Trabalho (CLT), aprovada pelo Decreto-Lei nº 5.452, de 1º de maio de 1943, e as Leis nº 6.019, de 3 de janeiro de 1974, 8.036, de 11 de maio de 1990, e 8.212, de 24 de julho de 1991, a fim de adequar a legislação às novas relações de trabalho. Recuperado de:

http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2017/lei/l13467.htm. Acessado em 12/06/2019.

- Lhuillier, D. (2011). Filiações teóricas das clínicas do trabalho. In P. F. Bendassolli & L. A. P. Soboll (Orgs.), *Clínicas do trabalho* (p. 22-58). São Paulo, SP: Atlas.
- Lipovetsky, G. (2005) *A era do vazio: ensaios sobre o individualismo contemporâneo*. São Paulo, SP: Manole.
- Machado, C. U. C. (2015). *A construção histórica do direito do trabalho como resistência à aplicação do pós-positivismo* (Dissertação de Mestrado). Faculdade de Direito, Universidade de São Paulo, São Paulo.
- Manzano, M., Santos, A. L., & Teixeira, M. (2013). Desenvolvimento econômico e trabalho nos anos recentes. In J. D. Krein et al. (Org.), *Regulação do trabalho e instituições públicas* (Vol. 1, p. 23-44). São Paulo, SP: Fundação Perseu Abramo.
- Marcelino, P., & Cavalcante, S. (2012). Por uma definição de terceirização. *CADERNO CRH*, 25(65), 331-346.
- Melo Filho, H. C., & Acioli, J. A. S. (2017). A inconveniência da Lei 13.467/17. In Severo, V. S., & Souto Maior, J. L. (Coords.), *Resistência: aportes teóricos contra o retrocesso trabalhista* (p. 79-96). São Paulo, SP: Expressão Popular.
- Reis, D. M., & Coutinho, G. F. (2017). “Reforma Trabalhista: a potencialização do valor trabalho como mercadoria em tempos de governança burguesa ilegítima”. In Severo, V. S., & Souto Maior, J. L. (Coords.), *Resistência: aportes teóricos contra o retrocesso trabalhista* (p. 59-78). São Paulo, SP: Expressão Popular.
- Santos, B. S. (2010). *Pelas mãos de Alice: o social e o político na pós-modernidade*. São Paulo, SP: Cortez.
- Sartre, J-P. (2002). *Crítica da razão dialética: precedido por Questões de método* (G. J. de F. Teixeira, trad.). Rio de Janeiro, RJ: DP&A. Obra original publicada em 1960.
- Severo, V. S., & Souto Maior, J. L. (Coords.). (2017). *Resistência: aportes teóricos contra o retrocesso trabalhista*. São Paulo, SP: Expressão Popular.
- Veiga, M. F. C. (2018). *Reforma trabalhista e seus impactos*. São Paulo, SP: LTr.

Received: Jun. 03, 2019
Approved: Feb. 07, 2020

Fábio José Orsini Lopes: Department of Psychology, Universidade Estadual de Maringá (UEM).

Guilherme Elias da Silva: Department of Psychology and Graduate Program in Psychology, Universidade Estadual de Maringá (UEM).

Marcos Paulo Shiozaki: Department of Psychology, Universidade Estadual de Maringá (UEM).

Sylvia Mara Pires de Freitas: Department of Psychology and Graduate Program in Psychology, Universidade Estadual de Maringá (UEM).