

Teleworking: the challenge of work in the post-pandemic world

Patrick Verfe Schneider

Masters in Sustainability, PUC Campinas, Brazil
patrick.verfe@gmail.com

Cibele Roberta Sugahara

PhD Professor PPG Sustainability, PUC Campinas, Brazil
cibelesu@puc-campinas.edu.br

Luiz Henrique Vieira da Silva

PhD Student in Environment and Society, Unicamp, Brazil
vieiraluiz77@gmail.com

SUMMARY

Since 2019, humanity has been affected by one of the most serious pandemics in recent history, caused by the severe acute respiratory syndrome virus 2 (SARS-CoV-2). The number of cases and deaths escalation in Brazil and the significant socioeconomic challenges have led organizations around the globe to recommend isolation and social distance, to mitigate the pandemic impacts. In this context, organizations are looking for alternatives to the temporary interruption of business activities through teleworking. As it proves to be temporary, it begins to take on perpetuity contours, with companies announcing the sale of buildings and the extinction of their offices. The study identified whether initiatives presented elements of precariousness in the work relationship. To this end, the theoretical framework addressed the situation of work relations with the pandemic from the home office. The research method was based on a descriptive study with a qualitative approach and bibliographic design. The discussion showed that, after twelve months since the first confirmed case of Covid-19 in Brazil, it is necessary to regulate teleworking activities, with formalization by means of a contractual amendment, as well as checking if there is any expenditure of extraordinary resources by employees due to the new type of work. It was concluded that all world leaders should be engaged in combating precarious work and this extends to the context of the pandemic, to prevent the atypical modality from facilitating the loosening of labor relations.

KEYWORDS: Decent Work. Teleworking. COVID-19.

1 INTRODUCTION

On February 26, 2020, Brazil entered the world map of the SARS-Cov-2 virus pandemic, which brings human beings to Covid-19. Based on the diagnosis of a 61-year-old Brazilian with a history of traveling to Italy, more specifically to the Lombardy region, the Italian epicenter of the virus proliferation at that time in that country, Brazil inaugurated in its territory the health crisis faced by other nations and which carried with it two major aspects as the number of cases advanced within the borders of the countries: a health crisis, rarely faced by humanity, which was accompanied by an unparalleled economic crisis at the intercontinental level, responsible for plaguing the financial results the majority of companies and particularly afflict some segments of the labor market (MINISTÉRIO DA SAÚDE, 2020).

With the accelerated escalation of the number of cases, coupled with the scarcity of available resources to fight the pandemic, the World Health Organization (WHO) started to determine minimum elements for the control of the local contagion of the virus from the adoption of barrier masks, the social distance of at least 2 meters between human beings and the reduction of agglomerations and circulation of people, especially in environments with low air circulation.

Thus, public, and private companies needed to quickly adopt many measures to adapt to the new definitions of minimum control of the virus proliferation in the Brazilian territory, in accordance with what was established and recommended by the WHO. Precisely based on the restrictions just announced, a series of activities were defined as essential for the maintenance of human life, restricting the possibility of the operation of numerous commercial, industrial, and service segments that were temporarily forced to cease their activities, for deadlines to be defined by the states that make up the Union. Over time, the initial definition of a quarantine state imposed by subnational governments was renewed, prolonging the interruption of activities.

Concomitantly, the insecurity regarding the maintenance of jobs within the segments not classified as essential activities by the state governments has grown considerably, with few

legal alternatives for this to be preserved. Due to this threat of job delimitation, as well as the pressure exerted by business associations and employers' unions before the federal government, the President of the Republic issued two provisional measures aimed at mitigating the economic impacts faced by companies.

Provisional Measure (MP) 927, of March 22nd, 2020, provided for measures in the labor sphere to deal with the state of public calamity established, while MP 936, of April 1st, 2020, instituted the Emergency Maintenance Program of the Employment and Income and complementary labor measures to overcome the organizational difficulties imposed by Covid-19. In the first MP, there were acts of preservation of jobs, without necessarily impacting the worker's income, while the second, in turn, had the predictability of reducing the monthly perceived by employees as remuneration for public and private companies. (BRASIL, 2020-A; BRASIL, 2020-B).

Once the emergency introduction of the Provisional Measures was overcome, the constitutional rite for the conversion of the measures into federal laws was instituted, both of which were submitted to the National Congress for ratification, review, and correction, conferring to the MP 936/2020 the level of legislation through Law 14,020, of July 6, 2020. MP 927/2020, however, did not have its constitutional rite fulfilled, once the Federal Senate lost the voting deadline for converting it into law, making all the measures adopted on the basis of this legal statute ineffective.

Among the measures introduced by MP 927 are the anticipation of individual vacations, the granting of collective vacations with different periods from the legislative tradition, the use and anticipation of holidays, the hour bank, the suspension of safety and health requirements at work, the qualification of the worker, adherence of the payment of the Guarantee Fund for Time of Service (FGTS) and teleworking, the latter being an action adopted by a majority part of the companies with their partial or total staff (BRASIL, 2020-A).

However, with the loss of the validity of MP 927, many teleworking practices, also known as home office, left important gaps in view of the Consolidation of Labor Laws (CLT), which governs labor relations in Brazil. Elements such as the control and limit of working hours, ergonomics, and occupational health, as well as the invasion of work in the daily routines of homes, were important developments of this measure adopted as an emergency contingency of the exposure of professionals to the risk of contagion with the new coronavirus.

1.1 Covid-19 Pandemic

Since December 2019, a silent and invisible threat, translated today into an infectious disease that emerged in an environment for which there were no vaccines, nor an immunological forecast in the human organism, has evolved rapidly through a globalized world that connects people, animals, vegetables, products and services, exchanging experiences and close relationships, having been declared by the extent of cases diagnosed a pandemic on March 11, 2020, this being the first caused by the new coronavirus and until now the largest faced by our species since the Spanish Flu, dating from the second decade of the 20th century (HENRIQUES and VASCONCELOS, 2020; OLIVEIRA et al., 2020; SEGATA, 2020).

SARS-Cov-2, or Severe Acute Respiratory Syndrome coronavirus 2, which manifests in people the clinical disease called Covid-19, had its first cases diagnosed in Wuhan province, a Chinese city with an urban population of 8,896,900 inhabitants and that has a market for the sale of animals and other by-products, receiving visitors from different parts of the country in search of new businesses, which may have contributed to the rapid proliferation to other provinces, especially those that regularly receive foreign representatives from companies of different commercial arenas in the world (APOSTLES-PEREIRA et al, 2020; SAFADI, 2020).

As tests for diagnosis emerged, developed on a large scale and in a short time, in some cases, they presented false positive and negative results, which worsened the spread of the virus due to asymptomatic patients, with no possibility of mapping or restriction of contagion and the requirement for a complex hospital structure that would guarantee the maintenance of the respiratory system of the sick (GRISOTTI, 2020).

In Brazil, a country with a great social valley that separates its citizens economically, some elements proved to be even more challenging than in other countries where the escalation of the pandemic gained exponential voracity. These elements were characterized by a lack of basic sanitation infrastructure for personal hygiene, sanitation of living spaces, access to tools to block contact with infected people, the inclusion of health professionals who, in some initial cases of the epidemic, did not have adequate protection equipments and which fatally became contaminated, significantly decreasing the number of people able to offer treatment to those infected and, finally, difficulties in terms of social distance, critical elements pointed out by the World Health Organization (WHO) as the only factors at the moment that could reduce the viral proliferation within society (WHO, 2020; GRISOTTI, 2020).

In this sense, Guimarães (2020, p. 135) corroborates when he states emphatically that “the dispersion of the virus throughout the Brazilian territory took place from the areas with the highest density of relations” and goes on to affirm that “the country’s economic organization shaped the direction, the temporality and intensity of Covid-19 cases”, once the “road transport networks with higher circulation density were the preferred routes” for viral proliferation.

In the same sense, Henriques and Vasconcelos (2020, p. 33) when describing the impact of Covid-19 in Brazil, affirm that “the epidemic has reached great proportions in the country, with confirmed cases and deaths in all states” and continues pointing out that “Several capitals and more populous cities started to suffer with the lack of assistance resources”, and the epidemic reached places a little more remote from the big urban centers and that regularly receive visitors from foreign countries, where in the words of the authors “Manaus became the symbol of catastrophe” with its “shocking images of overcrowded cemeteries and burials in collective graves”, despite the pain of losing a family member, funeral rites did not allow many family members and little time was dedicated to the act of wake (HENRIQUES; VASCONCELOS, 2020).

The measure of social distance, presented by WHO as a key factor in controlling the spread of the epidemic, brought social, environmental, and economic effects to different countries around the world, subjecting even the most developed countries to a moment of tension regarding the maintenance of supply, generating an impact on the production chain, which at the end of the day, had consequences for entrepreneurs and employees. Little by little

the labor market was showing signs of deficiency and little by little the different business sectors were sharing the need to reduce their physical and personnel structure, aiming at the survival of the business (SOUZA et al., 2020; AZOULAY; JONES, 2020).

Within the country, social isolation measures were adopted while pandemic evolution grew differently within each state, in the same way, in a different way the control of the circulation of people in the streets, business, industries, public transport was increased and in other potential environments of agglomerations, however these actions were conducted individually from where a lack of coordination from the federal government was perceived, in addition to the lack of clarity arising from contradictory information shared by official organs linked to the theme (CAPONI, 2020; MATTEDI et al., 2020).

Little by little, companies emptied their offices, sending professionals home, from where, through the use of technological resources, they would be carrying out their work activities as if they were inside the company. The same movement was followed by schools and universities, from where their students were able, through technology, to access classes, and with that a new paradigm was established in the year 2020 (OLIVEIRA et al., 2020; SANTOS et al., 2020; DIAS; PINTO, 2020).

1.2 Teleworking

The recent review of the Consolidation of the Labor Laws (CLT) carried out in 2017, through Law 13.467/17, introduced the teleworking or home office modality in this legislation.

Such work format was defined from art. 75-B of CLT as being all the service provided:

[...] predominantly outside the employer's premises, with the use of information and communication technologies, which by their nature, do not constitute external work (BRASIL, 2017).

Although this contractual modality is recent in the Brazilian legal system, it has been developing around the world, even seen on many occasions as a benefit avoiding daily commuting to the workplace (ROCHA; AMADOR, 2017).

There are reports of this type of work format in the 1950s, 1960s and 1970s, mainly related to the textile, footwear, packaging, electrical material, assembly, and preparation of components, as well as correspondents of transnational companies in different countries from its headquarters (ROCHA; AMADOR, 2017; ADERALDO et al., 2017).

According to Ordoñez (2012. p. 186) there are many factors that contributed to growth, however the “crises in the industrial sector, unemployment, the deficit in energy structures, the first major oil crisis and the deterioration of the environment” were preponderant elements so that employers and employees have built a model that allows cost reduction and other impacts for companies that have adopted home office as a form of regular activity.

Although the use of the expression goes back a long time, the definition of home office is not unique in the literature and may vary around the world. However, the main characteristics remain unchanged regardless of the approach or treatment, the main attributes being the regular provision with express contracting, the non-eventuality of work from the employee's

home and the exclusivity of work provision for the same company (SAKUDA, 2005; COSTA, 2005; BRITO-FILHO, 2018).

From the literature it is possible to understand that the search for this hiring format has grown in recent years, mainly due to the entry into the job market of the new generations and their search for a flexible work structure that allows to balance the needs of the company and quality of life.

Aderaldo corroborates this understanding (2017, p. 512-513) when stating that “the entry of young people into companies is observed, with goals that are often different from those that companies with rigid and traditional structures use in their models” of management and employee participation.

From the perspective of Rosenfield (2011, p. 215), although there are people working far from the organization and who understand this as a benefit, there are also “women working on their computers because they cannot leave their children” who do it because of necessity, and therefore, telework allows to approach individual needs of certain groups of people in society with the search of organizations for specific competences, mainly when its headquarters is far from the urban centers where such characteristics are more abundant (SANTANA ; ROCHA, 2002; ROSENFELD; ALVES, 2011; FARIAS, 2017).

Although the advantages of this model are demonstrated, Barros (2010, pp. 75-77) states that “there is no consensus as to the effects of these practices on society, organizations and individuals” due to the lack of transience and alternation between being at home and maintain close contact with the people that compose the companies' organizational environment, in some cases it may even include “there are losses in terms of engagement” and the link with the company. According to the author, “the improvement in the quality of life has been one of the most used arguments by companies to convince employees to migrate” for this contractual modality, however treating it as an affirmation that all professionals can have gains in this type of contracting is something dangerous due to issues related to occupational health.

As stated by Garcia-Salirrosas (2020, p. 13-14) it is possible to perceive that at a certain level “the environment of the companies is prepared to receive the professionals for the execution of their daily activities” and that the same “is not always found in the individual's home”, and in this way serious muscle diseases can be develop, affecting the tendons, the spine and psychological aspects, due to the increasingly competitive and stressful environment imposed by the contemporary labor market, which to a certain extent pressures the human body. This type of condition, in addition to the absence of an ergonomic environment, can cause work-related illnesses in the long term (GARCIA-SALIRROSAS; SÁNCHEZ-POMA, 2020).

The health and safety of the worker did not go unnoticed by the legislator when it included home office as a possibility of hiring and thus describes in article 75-E that “the employer must instruct the employees, in an express and ostensible manner, as to the precautions to be taken in order to prevent illness and accidents at work”, therefore determining the employer's active responsibility for such care (BRASIL, 2017).

In the same sense, there is an important understanding regarding equipment and cost expenditures for the maintenance of teleworking at the employee's home covered by article 75-D, where it is defined that:

the provisions relating to the responsibility for the acquisition, maintenance or supply of technological equipment and the necessary and adequate infrastructure for the provision of remote work, as well as the reimbursement of expenses carried by the employee, will be provided in a written contract (BRASIL, 2017, p. 178).

Based on this statement, Rocha (2018, pp. 160-161) defines that “the full benefits of home office must be determined by the individual's ability to choose” and it supplements in a definitive way “no damage to his/her career or of any financial nature can be evidenced” considering that, even when working at home, the professional is at the exclusive service of the contracting company.

2 OBJECTIVES

Based on the presented question, the following question resides: does the emergency home office measure adopted by companies as an alternative for maintaining the employment contract without remuneration impact present elements of precariousness in the employment relationship?

That said, the present study analyzed the home office practices adopted on an emergency basis in Brazil during the year 2020, in order to show whether they put the worker at risk as a passive instrument of the employment relationship.

3 METHODOLOGY

The research method was based on a descriptive study with a qualitative approach. This type of study makes it possible to describe the characteristics of a social phenomenon (RICHARDSON, 2007). The qualitative approach is “a means to explore and to understand the meaning that individuals or groups attribute to a social or human problem” (CRESWELL, 2010, p. 43).

In this study, data are obtained mainly from sources such as books and articles dealing with the conditions of home office in the context of the Covid-19 pandemic, published in the year 2020.

4 RESULTS

4.1 Covid-19 and the companies

In addition to the immeasurable loss of human life, the COVID-19 pandemic has also profoundly impacted the corporate world. According to experimental statistics published by the Brazilian Institute of Geography and Statistics, more than 1.3 million companies closed their activities, temporarily or permanently, until the first half of June 2020, with small and medium enterprises being the most affected. However, large companies have also adopted rapid and necessary adaptations, in order to avoid contamination of employees and financial losses (IBGE, 2020).

Thus, the experience forced by the pandemic, due to social distance, promoted home office. This practice is not new in the country, as evidenced by Barros and Silva (2010, p. 72), who explain that for more than two decades the “advancement of information and communication technology and changes in society” have driven “new ways of making working relationships more flexible, including home office”. However, international experiences have

indicated that distance work has functioned as an alternative to reduce the risk of infection with the new coronavirus, causing more and more companies to resort to this modality (FADINGER; SCHYMIK, 2020).

After the arguments dealt with in the paragraphs above, we can now include that the results obtained from the research carried out in the SciELO database with the keywords *teletrabalho* (in Portuguese) and *teleworking* following the methodological criteria indicated above reveal that only 10 works meet this criterion. It is noteworthy the fact that in the last five years (2016-2020) four studies have been published, which may indicate a greater interest in this subject as a research theme in recent times.

In Brazil, a study by the Institute for Applied Economic Research (IPEA) revealed that:

22.7% of jobs in Brazil can be done entirely at home, with significant variations between the different Federation Units (UFs) and types of occupational activities, corresponding to approximately 20.8 million people (IPEA, 2020. P01).

In addition, the IPEA survey (2020, p.7) showed a “positive correlation between the percentage of home office and income per capita”, that is, as the average income is high, the percentage of professionals in home office also increases and found that “the percentage of people in teleworking has significant variations between the states of the Federation and the types of occupational activities”. Therefore, the inequalities observed in society are replicated in the context of teleworking.

In a study conducted in a public agency that implemented the home office, Filardi, Castro and Zanini (2020, p. 43-44) point out that teleworkers consider as the main advantages of this modality “the reduction in the cost of transportation and food, greater security, less exposure to violence and pollution, more privacy, greater interaction with the family and more quality of life, focusing strongly on their individuality”, and, in aspects related to professional activity, “autonomy, motivation, productivity, flexible hours, less interruptions and quality of work” were considered gains. Meanwhile, highlight as disadvantages:

technological infrastructure problems, especially the lack of specific training, failure to adapt to home office, loss of connection with the company, professional isolation, lack of immediate communication, loss of status, fear of poor evaluation and lack of recognition (FILARDI, CASTRO E ZANINI, 2020. P. 43-44).

These issues already present numerous difficulties and limitations, but also challenges with possibilities of gaining. The rules that normally contribute to health and safety at work in a traditional environment must be observed from the perspective of teleworking. Lima (2020) reinforces this idea when highlights the need for appropriate behaviors in the context of teleworking with the adoption of measures to preserve the work environment.

The efforts made to carry out actions to prevent work overload in companies appear to be a determining factor in the scenario of the Covid-19 pandemic. Initiatives such as those presented by the Laboratory of Organizational and Work Psychology at the University of São Paulo and published by Mishima-Santos, Sticca and Zerbini (2020, p. 9) can contribute to “avoid the appearance of stress and other negative health consequences for the worker”. Protective strategies include actions that (1) favor social interaction; (2) promote support for employees by managers; and (3) have technical and operational support from the organization.

Jackson Filho et al. (2020, p. 2) highlight that, to overcome the challenges of organizations in relation to working conditions in the pandemic, it is necessary to create public

health measures and actions “within the scope of each work activity and health praxis” able to secure the general interests of the nation.

Although there are some reservations in this regard, this attitude has been taken over by companies through home office. This corporate way of acting is not strange to the social environment, as highlighted by important scientific information, transparency and the integration of elements incorporated into the dimensions of work (JACKSON FILHO et al., 2020).

Although there are efforts on the part of companies, regarding new forms of hiring and more flexible work agreements, it seems that the path towards teleworking faces the challenges of job reconfigurations associated with non-precarious work.

4.2 Labor aspects arising from the Covid-19 pandemic

The multi-sided pandemic materialized by the SARS-Cov-2 virus significantly changed the story to be told in 2020. As the accelerated growth of Covid-19 demanded significant adjustments in the legal system, requiring that Rio Grande do Sul’ prison system suspended the arrest of criminals, due to the outbreak of the disease in the State’ largest penitentiary. A similar situation occurred with commercial and rental contracts for properties that postulated the suppression of readjustments foreseen in clauses written before the pandemic, demanded negotiations regarding the lack of earnings from its tenants (CALCINI, 2020).

The universe of Labor Law was severely impacted by the pandemic, requiring adaptations aimed at maintaining jobs and critical adjustments in the productive capacity of industries and the area of non-essential services (CARDOSO; LIMA, 2020).

Collective bargaining became even more important than that defined by the CLT review carried out in 2017, where it became possible to define emergency measures in the singular character of a specific segment that impacted the rules of operation, payment of wages and working hours during the Covid-19 period. However, it went further and the individual agreement and, was the main path adopted, strongly materialized through the relationship between employee and employer of administrative activities around the country.

The immediate manifestation of this statement began with the granting of collective vacations, not respecting tradition of the act, passing through the anticipation of future vacation periods not yet fully acquired, being quickly adopted, granting the immediate enjoyment of these periods, in addition the vacation additional payment was correspondent postponed, reflecting the immediate need for isolation of people from collective environments, however also triggering the economic difficulty of companies severely affected by the economic crisis that was developing in the country (CARDOSO ; LIMA, 2020; SOUZA JÚNIOR et al., 2020).

Under pressure, the federal government issued emergency interim measures aimed at relieving companies and maintaining jobs. Provisional measures 927 and 936, hastily edited and which generated numerous unprecedented effects in the legal system, had very different treatment in their formatting, with a revocation in less than 24 hours, through a social network, of a device that authorized the individual agreement to determine the suspension of the contract (SOUZA JÚNIOR, 2020).

The issue of these transitional provisions has brought an emergency to the

employment relationship and an unprecedented sense of urgency in labor law. The uncertainty on the part of employers, regarding the adoption of such measures and the risk of their revocation through informal ways like the one reported above, and also, at the same speed in which they were conceived, made many companies decide not to adopt such measures, generating a first wave of unemployment motivated by the pandemic (CALCINI, 2020; GRISOTTI, 2020).

However, legal uncertainty soon gave way to the need for survival for many companies, however, in this type of situation, since the beginning of the still epidemic, the sectors of automobile manufacturers, the tourism industry have stood out. Even so, few segments, until July 2020, were as impacted as commercial aviation, considering that there was a significant decrease in air traffic in the country, and that international flights were canceled in their entirety as soon as the pandemic was declared by WHO.

By itself, the segment was responsible for 40% of the collective workload and wage reduction agreements made during March and April 2020 and was the most affected market share when the issue was the dismissal of workers in June, with projections of difficulty in being able to resume its turnover in the short term, in view of the restrictions imposed by the leaders of the world community (SECRETARIA DO TRABALHO, 2020; CARDOSO; LIMA, 2020).

The FGTS, based on Provisional Measure 927, could be paid in installments, and was adopted by more than 900 thousand companies according to a survey carried out by Caixa Econômica Federal, which has the rights over the administration of the payments of these funds, which resulted in the delay in the monthly and habitual payment of these contributions (SOUZA JUNIOR et al., 2020).

Even though employees from the north to the south of Brazil have been impacted, by the most diverse modalities of emergency flexibility imposed by the provisional measures, it is clear that there were several situations in which jobs could be preserved. However, there is a huge precarious movement of labor relations in the country, and in many cases, occurring on the margin of representation of the worker's interests on the part of the respective union entity, triggering in some cases the abuse of the directive power of the employer.

If there are no environmental adjustments so that the work performed from the professionals' home, prioritizing the concepts of ergonomics, health and safety at work, teleworkers can develop chronic occupational diseases over time and which, depending on the judge in a demand forum may exempt the company from its strict liability (MARTINS; 2020).

When observing the labor market during the pandemic, the study carried out by Bridi (2020, p. 149) highlights that there was an increase in the number of people unemployed by more than "10,500 in relation to the first quarter of 2020, in addition to an increase in 5,238 thousand people in the potential workforce and 913,000 in the discouraged population". As the data shows, the impacts of the crisis caused by Covid-19 on the labor market are visible. The data reveal a worrying and challenging picture of handling labor issues not only during the pandemic but also in the post-pandemic.

The unstable and uncertain labor scenario generated by the pandemic affects collective labor negotiations, as can be seen from the growing number of collective instruments in the

Mediator - a module of the Integrated Labor Relations System of the Labor Secretariat for registering conventions and collective agreements through the internet (BRIDI, 2020).

Data from the Inter-Union Department of Statistics and Socioeconomic Studies - Dieese (2020) and in the study by Bridi (2020) reveal that the main issues regarding the deterioration of work refer to the:

removal of workers in the risk group, home office (whenever possible), provision of Personal Protective Equipment (PPE), hygiene, rapid tests to detect Covid-19, accommodation to avoid contagion of family members, adaptation of the journey to avoid agglomerations in the transportation and meal location, adequacy of work processes, conditions for execute work remotely (such as supply of equipment, allowance for payment of expenses as internet, telephone and electricity), and record of working hours (DIEESE, 2020).

Still, there is an urgent need to establish an interface between the subject in question and sustainable development, whose achievement is conditioned, among other premises, to the expansion of decent work, as advocated in the Sustainable Development Goal 8, of the 2030 Agenda, which seeks to “Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.” (UNITED NATIONS BRAZIL, 2015). In a situation marked by the profound socioeconomic crisis caused by the pandemic, it appears that Brazil will demand, more than ever, a reorientation in labor relations, in order to avoid setbacks and guarantee labor dignity.

5 CONCLUSION

As the pandemic is still without a horizon of closure of its effects imposed on the whole society, it is identified that the search for alternatives by companies in order to maintain their business activities, proved to be imperative.

Although many companies had a firm stance on the work performed by their employees on flexible working hours, executed remotely, the Covid-19 pandemic demanded a revision of this point of view to what is perceived by the threat of precarious work activity.

As a result of the pandemic, home office has become a mandatory format for many companies in Brazil and has become the reality of an expressive number of professionals across the national territory. The signs that the measures adopted in the present pandemic are working, some of them motivated by the extinct MP 927, are evidenced by the declaration of many companies that they will extend such initiatives until the end of the year 2021, or even, in some cases, they will make it a definitive modality.

In this way, important opportunities are perceived so that an emergency measure does not open the door to a series of behaviors aimed at precarious working relationships, as is the case of the reported absence of working hours, low attention to ergonomics or monitoring and assisted management of stress due to imposed lockdown. In future studies, it is essential to analyze, therefore, what are the strategies that companies can adopt to guarantee teleworking without disregarding measures that can reduce the negative impacts of home office on the physical and mental health of workers.

It is essential to understand that the fact that an atypical situation has been attributed, without the condition that the appropriate adaptation is generated by the workers, over 12 months since the first confirmed case of Covid-19 in Brazil, regulation of teleworking activities

is necessary, with formalization through a contractual amendment, as well as checking if there is any type of expenditure of extraordinary resources by employees to cover expenses outside the *status quo*.

MP 927, which introduced the possibility of establishment of teleworking in a major way before the CLT, has expired, it is necessary to assess whether arbitrariness is taking place in the establishment of the employment relationship in this new context.

It is worth mentioning that understanding as a whole whether the condition studied here should be part of the new way of working in the country, through a national survey on working conditions through home office, combined with the surveillance of union entities, as well as the competent supervisory bodies for labor activity is also relevant.

In addition, preliminary studies indicate that one of the limitations of home office in Brazil is directly related to socio-environmental factors, considering that the number of teleworkers per region increases in parallel with their respective average income. This adversity should be taken into account if the trend for distance work is maintained and expanded in the country in the future.

Therefore, combating job insecurity is a global agenda to which all world leaders must engage, proposing themes for raising awareness among employers, communication and instruction for employees, definition of limits for the performance of each agent of this dynamic and the establishment of safe environments to answer questions, promoting the necessary adaptations. These transformations become even more essential as decent working conditions begin to figure as a key element in achieving genuinely sustainable development.

References

ADERALDO, Igor Leal. et al. Aspectos críticos do teletrabalho em uma companhia multinacional. **Cad. EBAPE.BR**, v. 15, Edição Especial, Artigo 8, Rio de Janeiro, Set. 2017. Available in: <https://www.scielo.br/pdf/cebape/v15nspe/1679-3951-cebape-15-spe-00511.pdf>. Accessed in: 02 Aug. 2020.

APÓSTOLOS-PEREIRA, Samira Luiza et al. Management of central nervous system demyelinating diseases during the coronavirus disease 2019 pandemic: a practical approach. **Arq Neuropsiquiatr**:1-10, 2020. Available in: <https://www.scielo.br/pdf/anp/2020nahead/1678-4227-anp-0004-282x20200056>. Accessed in: 26 jul. 2020.

AZEVEDO NETO, Platon Teixeira de. **O trabalho decente um direito humano**. São Paulo: LTr, 2015.

AZOULAY, Pierre. JONES, Benjamin. Beat COVID-19 through innovation. **Science**, 10.1126/science.abc5792. Available in: <https://science.sciencemag.org/content/368/6491/553>. Accessed in: 28 jul. 2020.

BARROS, A. M.; SILVA, J. R. G. Percepções dos indivíduos sobre as consequências do teletrabalho na configuração home-office: estudo de caso na Shell Brasil. **Cadernos EBAPE.BR**, Rio de Janeiro, v. 8, n. 1, p. 71-91, Mar. 2010. <http://dx.doi.org/10.1590/S1679-39512010000100006>

BRASIL - **LEI Nº 13.467, DE 13 DE JULHO DE 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 nos 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. Brasília, 2017.

BRASIL - A. **Medida Provisória n.º 927 de 22 de março de 2020**. Dispõe sobre as medidas trabalhistas para enfrentamento do estado de calamidade pública reconhecido pelo Decreto Legislativo nº 6, de 20 de março de 2020, e da emergência de saúde pública de importância internacional decorrente do coronavírus (covid-19), e dá

outras providências. Brasília: Planalto, 2020 - A. Available in: http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2020/Mpv/mpv927.htm. Accessed in: 26 jul. 2020.

BRASIL - B. **Medida Provisória n.º 936 de 01 de abril de 2020**. Institui o Programa Emergencial de Manutenção do Emprego e da Renda e dispõe sobre medidas trabalhistas complementares para enfrentamento do estado de calamidade pública reconhecido pelo Decreto Legislativo nº 6, de 20 de março de 2020, e da emergência de saúde pública de importância internacional decorrente do coronavírus (covid-19), de que trata a Lei nº 13.979, de 6 de fevereiro de 2020, e dá outras providências. Available in: <https://www.in.gov.br/en/web/dou/-/medida-provisoria-n-936-de-1-de-abril-de-2020-250711934>. Accessed in: 26 jul. 2020.

BRASIL. **Decreto Legislativo nº 6 de 20 de março de 2020**, e da emergência de saúde pública de importância internacional decorrente do coronavírus (covid-19), de que trata a Lei nº 13.979, de 6 de fevereiro de 2020, e dá outras providências. Brasília: Planalto, 2020 - B. Available in: http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2020/Mpv/mpv936.htm. Accessed in: 26 jul. 2020.

BRIDI, M. A. **A pandemia Covid-19: crise e deterioração do mercado de trabalho no Brasil**. São Paulo: LTr, 2020.

BRITO FILHO, José Claudio Monteiro de. **Trabalho decente: análise jurídica da exploração do trabalho – trabalho escravo e outras formas de trabalho indigno**. São Paulo: LTr, 2018.

CAPONI, Sandra. Covid-19 no Brasil: entre o negacionismo e a razão neoliberal. **Estudos Avançados**, 34 (99), 2020. Available in: <https://www.scielo.br/pdf/ea/v34n99/1806-9592-ea-34-99-209>. Accessed in: 25 de jul. 2020.

CARDOSO, Ana Claudia Moreira. LIMA, Claudia Rejane de. A negociação coletiva e as possibilidades de intervenção nas situações de risco à saúde no trabalho. **Rev Bras Saude Ocup** 45:e2, 2020. Available in: <https://www.scielo.br/pdf/rbso/v45/2317-6369-rbso-45-e2.pdf>. Accessed in: 02 Aug. 2020.

COSTA, Isabel de Sá Affonso da. Teletrabalho: subjugação e construção de subjetividades. **RAP Rio de Janeiro** 41(1):105-24, Jan./Fev. 2007. Available in: <https://www.scielo.br/pdf/rap/v41n1/07.pdf>. Accessed in: 02 Aug. 2020.

COSTA, Isabel Sá Affonso da. Controle em novas formas de trabalho: teletrabalhadores e o discurso do empreendimento de si. **Cadernos Abape**, Vol. III, Número 01, Março, 2005. Available in: <https://www.scielo.br/pdf/cebape/v3n1/v3n1a09.pdf>. Accessed in: 02 Aug. 2020.

CRESWELL, J. W. W.. **Projeto de pesquisa: métodos qualitativo, quantitativo e misto**. 2. ed. Porto Alegre: Bookman, 2010.

DIAS, Érika. PINTO, Fátima Cunha Ferreira. A educação e a Covid-19. **Ensaio: aval. pol. públ. Educ.**, Rio de Janeiro, v. 28, n. 108, p. 545-554, jul./set. 2020. Available in: <https://www.scielo.br/pdf/ensaio/v28n108/1809-4465-ensaio-28-108-0545.pdf>. Accessed in: 27 jul. 2020.

DIEESE. Acordos negociados pelas entidades sindicais para enfrentar a pandemia do coronavírus - Covid 19. **Estudos e Pesquisas**. Available in: <https://www.dieese.org.br/estudosepesquisas/2020/estPesq92AcordosCovidAtualizacao.pdf>. Accessed in: 17 mar. 2021.

DINGEL, J. I.; NEIMAN, B. How many jobs can be done at home? **Cambridge**, United States: NBER, 2020. (Working Paper, n. 26948).

FADINGER, H.; SCHYMIK, J. The costs and benefits of home office during the Covid-19 pandemic: Evidence from infections and an input-output model for Germany. **Covid Economics**, v. 9, n. 24, abr. 2020, p. 107-134. Available in: http://fadinger.vwl.uni-mannheim.de/Research_files/CovidEconomics9.pdf#page=112. Accessed in: 12 Aug. 2020.

FARIAS, James Magno Araujo. et al. **Trabalho decente**. São Paulo: LTr, 2017.

FILARDI, Fernando et al. Vantagens e desvantagens do teletrabalho na administração pública: análise das experiências do Serpro e da Receita Federal. **Cad. EBAPE.BR**, v. 18, no 1, Rio de Janeiro, Jan./Mar. 2020. Available in: <https://www.scielo.br/pdf/cebape/v18n1/1679-3951-cebape-18-01-28.pdf>. Accessed in: 02 de Aug. 2020.

FILHO, J. M. J.; ASSUNÇÃO, A. A.; ALGRANTI, E.; GARCIA, G. E.; SAITO, C. A.; MAENO, M. A saúde do trabalhador e o enfrentamento da COVID-19. **Rev. bras. saúde ocup.**, São Paulo, v. 45, e. 14, 2020. <https://doi.org/10.1590/2317-6369ed0000120>.

GARCIA, Gustavo Filipe Barbosa. **Curso de direito do trabalho**. Rio de Janeiro: Forense, 2015.

GARCIA-SALIRROSAS, Elizabeth Emperatriz. SÁNCHEZ-POMA, Raquel Amelia. Prevalencia de los trastornos musculoesquelético en docentes universitarios que realizan teletrabajo en tiempos de covid-19. Preprint has been submitted for publication in journal. **Base Scielo**, 2020. Available in: <https://preprints.scielo.org/index.php/scielo/preprint/view/1014/1449>. Accessed in: 02 Aug. de 2020.

GIRALDO, Faber D. VILLEGAS, Monica M. Propuesta de mejora de procesos software basada en PSP para contextos de teletrabajo. **Revista Ingenierías Universidad de Medellín**, 18 (34) • Enero-Junio, pp. 83-10, 2019. Available in: <http://www.scielo.org.co/pdf/rium/v18n34/1692-3324-rium-18-34-83.pdf>. Accessed in: 02 de Aug. 2020.

GRISOTTI, Marcia. Pandemia de Covid-19: agenda de pesquisas em contextos de incertezas e contribuições das ciências sociais. **Revista de Saúde Coletiva**, Rio de Janeiro, v. 30(2), e300202, 2020. Available in: <https://www.scielo.br/pdf/physis/v30n2/0103-7331-physis-30-02-e300202.pdf>. Accessed in: 25 jul. de 2020.

GUIMARÃES, Raul Borges. et al. O raciocínio geográfico e as chaves de leitura da Covid-19 no território brasileiro. **Estudos Avançados**, 34 (99), 2020. Available in: <https://www.scielo.br/pdf/ea/v34n99/1806-9592-ea-34-99-119.pdf>. Accessed in: 25 de jul.2020.

HENRIQUES, C. M. P.; VASCONCELOS, W. Crise dentro da crise: respostas, incertezas e desencontros no combate à pandemia da Covid-19 no Brasil. **Estudos Avançados**, v. 34, n. 99, 2020. Available in: <https://www.scielo.br/pdf/ea/v34n99/1806-9592-ea-34-99-25.pdf>. Accessed in: 23 jul. de 2020.

IBGE. **INDICADORES CONJUNTURAIS – COVID-19. PRODUTOS ADICIONAIS PARA APOIAR OS ESFORÇOS NO COMBATE À COVID-19**. Available in: https://agenciadenoticias.ibge.gov.br/media/com_media/ibge/arquivos/548281f191c80ecbbb69846b0d745eb5.pdf. Accessed in: 12 Aug. 2020.

IPEA. NOTA TÉCNICA. Potencial de teletrabalho na pandemia: um retrato no Brasil e no mundo. **Carta de Conjuntura**, n. 47, 2º trimestre de 2020. Available in: https://www.ipea.gov.br/portal/images/stories/PDFs/conjuntura/200608_nt_cc47_teletrabalho.PDF. Accessed in: 12 ago. 2020.

JACKSON FILHO, M. J.; ASSUNÇÃO, A. A.; ALGRANTI, E.; GARCIA, G. E.; SAITO, C. A.; MAENO, M. A saúde do trabalhador e o enfrentamento da COVID-19. **Rev. bras. saúde ocup.**, São Paulo, v. 45, e. 14, 2020. <https://doi.org/10.1590/2317-6369ed0000120>.

LIMA, A. R. de.. **Covid-19 e as empresas**. In: CALCINI, R. (Org.). **Coronavírus e os Impactos Trabalhistas: Direitos e Obrigações dos trabalhadores e das empresas - perguntas e respostas**. São Paulo: JH-Mizuno, 2020.

MARTINS, Sergio Pinto. **Direito do trabalho**. São Paulo: Saraiva Educação, 2020.

MATTEDI, Marcos A. et al, Epidemia e contenção: cenários emergentes do pós-Covid-19. **Estudos Avançados**, 34 (99), 2020. Available in: <https://www.scielo.br/pdf/ea/v34n99/1806-9592-ea-34-99-283.pdf>. Accessed in: 24 jul. de 2020.

MINISTÉRIO DA SAÚDE. **Brasil confirma primeiro caso da doença**. Brasília, 26 de fevereiro de 2020. Última atualização 27 de fevereiro de 2020. Available in: <https://www.saude.gov.br/noticias/agencia-saude/46435-brasil-confirma-primeiro-caso-de-novo-coronavirus>. Accessed in: 28 jul. 2020.

MISHIMA-SANTOS, V.; STICCA, M. G.; ZERBINI, T. **Teletrabalho e a Pandemia da Covid-19: Um Guia para Organizações e Profissionais**. Universidade de São Paulo - Ribeirão Preto, 2020. Available in: https://www.ffclrp.usp.br/imagens_noticias/15_04_2020__18_23_45__108.pdf. Acesso em: 13 Aug. 2020.

NAÇÕES UNIDAS BRASIL. **Transformando Nosso Mundo: A Agenda 2030 para o Desenvolvimento Sustentável**. 2015. Disponível em: <https://nacoesunidas.org/pos2015/agenda2030/>. Accessed in: 20 mar. 2021.

OLIVEIRA, Hudson Carmo de. et al. Equipamento de Proteção Individual na pandemia por coronavírus: treinamento com Prática Deliberada em Ciclos Rápidos. **Rev. Bras. Enferm.** 2020;73 (Suppl 2):e20200303. Available in: https://www.scielo.br/pdf/reben/v73s2/pt_0034-7167-reben-73-s2-e20200303.pdf. Accessed in: 25 jul. de 2020.

OLIVEIRA, João Batista Araujo e. et al. A Covid-19 e a volta às aulas: ouvindo as evidências. **Ensaio: aval. pol. públ. Educ.**, Rio de Janeiro, v.28, n.108, p. 555-578, jul./set. 2020. Available in: <https://www.scielo.br/pdf/ensaio/v28n108/1809-4465-ensaio-28-108-0555.pdf>. Accessed in: 28 jul. 2020.

ORDOÑES, Diana Bustos. Sobre subjetividad y (tele)trabajo. Una revisión crítica. **rev.estud.soc.** Bogotá, diciembre de 2012. Available in: <http://www.scielo.org.co/pdf/res/n44/n44a17.pdf>. Accessed in: 02 de agosto de 2020.

RICHARDSON, R. J.. *Pesquisa Social: métodos e técnicas*. São Paulo: Atlas, 2007.

ROCHA, Cháris Telles Martins da. AMADOR, Fernanda Spanier. O teletrabalho: conceituação e questões para análise. **Cad. EBAPE.BR**, v. 16, no 1, Rio de Janeiro, Jan./Mar. 2018. Available in: <https://www.scielo.br/pdf/cebape/v16n1/1679-3951-cebape-16-01-152.pdf>. Accessed in: 02 ago. de 2020.

ROSENFELD, Cinara L. ALVES, Daniela Alves de. Autonomia e Trabalho Informacional: O Teletrabalho. **Revista de Ciências Sociais**, Rio de Janeiro, vol. 54, no 1, 2011. Available in: <https://www.scielo.br/pdf/dados/v54n1/06.pdf>. Accessed in: 02 ago. de 2020.

SAFADI, Marco Aurélio Palazzi. The intriguing features of COVID-19 in children and its impact on pandemic. **J Pediatr (Rio j)**, 2020; 96:265-8. Available in: <https://jped.elsevier.es/pt-the-intriguing-features-covid19-in-articulo-S225553620300409>. Accessed in: 23 jul. de 2020.

SAKUDA, Luiz Ojima. VASCONCELOS, Flavio de Carvalho. Teletrabalho: Desafios e Perspectivas. **O&S - v.12 - n.33 - Abril/Junho** – 2005. Available in: <https://www.scielo.br/pdf/osoc/v12n33/a02v12n33.pdf>. Accessed in: 02 ago. de 2020.

SANTANA, Silivina. ROCHA, Nelson P. Teletrabalho: Que oportunidade de trabalho para o cidadão incapacitado? **Análise Psicológica** (2002), 3 (XX): 419-431, 2002. Available in: <http://www.scielo.mec.pt/pdf/aps/v20n3/v20n3a16.pdf>. Accessed in: 02 ago. de 2020.

SANTOS, Márcia Pereira Alves dos. et al. População negra e Covid-19: reflexões sobre racismo e saúde. **Estud. av.** vol. 34 n.99 São Paulo May/Aug. 2020 Epub July 10, 2020. Available in: <https://www.scielo.br/pdf/ea/v34n99/1806-9592-ea-34-99-225.pdf>. Accessed in: 27 jul. 2020.

SECRETARIA DO TRABALHO. **Sistema mediador. Secretaria do Trabalho e Secretaria Especial da Previdência Social**. Brasília, 2020. Available in: <https://www.gov.br/trabalho/pt-br>. Accessed in: 13 ago. de 2020.

SEGATA, Jean. Covid-19, biossegurança e antropologia. **Horiz. Antropol.**, Porto Alegre, ano 26, n. 57, p. 275-313, maio/ago. 2020. Available in: <https://www.scielo.br/pdf/ha/v26n57/1806-9983-ha-26-57-275>. Accessed in: 22 jul. de 2020.

SOUZA JÚNIOR, Antonio Umberto de. et al. **Direito do Trabalho de emergência: impactos da Covid-19 no direito do trabalho**. São Paulo: Thomson Reuters Brasil, 2020.

SOUZA, Claudia Teresa Vieira de. et al. Cuidar em tempos da COVID-19: lições aprendidas entre a ciência e a sociedade. **Cad. Saúde Pública**, 2020. 36(6):e00115020. Available in: <http://cadernos.enp.fiocruz.br/csp/artigo/1095/cuidar-em-tempos-da-covid-19-licoes-aprendidas-entre-a-ciencia-e-a-sociedade>. Accessed in: 26 jul. de 2020.

TREMBLAY, Diane-Gabrielle. Organização e satisfação no contexto do teletrabalho. **RAE - Revista de Administração de Empresas**, Jul./Set. 2002. Available in: <https://www.scielo.br/pdf/rae/v42n3/v42n3a05.pdf>. Accessed in: 02 ago. de 2020.

WHO. WHO Coronavirus disease (COVID-19) Dashboard. **Endereço eletrônico institucional.** Available in: <https://covid19.who.int>. Accessed in: 09 ago. de 2020.