



Sociedad Internacional de Derecho del Trabajo y de la Seguridad Social

XXIII Congreso Mundial

7 - 10 de Septiembre de 2021 - Lima, Perú

RETOS DE LOS SISTEMAS DE LEGISLACIÓN LABORAL Y SEGURIDAD SOCIAL

- Transformación del trabajo: desafíos para el Derecho del Trabajo
- Comercio internacional y trabajo
- Nuevos retos de la Seguridad Social
- Trabajadores migrantes
- Trabajadores atípicos e informales
- Igualdad en el trabajo
- El Estado y las nuevas formas de voz colectiva



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PATROCINADORES



AUSPICIADORES



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**TRANSFORMACIÓN DEL TRABAJO:
DESAFÍOS PARA EL DERECHO DEL TRABAJO**

**TRANSFORMATION OF WORK:
CHALLENGES TO LABOR LAW**

TRANSFORMATION OF WORK: CHALLENGES TO LABOUR LAW

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SUMMARY: 1. Introduction and Contextualization. 2. Disruptions in Labour Relations and the Transformation of Work in Multiple Dimensions. 3. The Emergence of Novel Forms of Labour and the Evolution (or Regression) of Employment. 4. New Technologies and Impacts on Labour Beyond Individual Contractual Relations. 5. Labour Law 4.0? Present-Day Challenges and Perspectives on the Future of Regulating Labour Relations. References

1. INTRODUCTION AND CONTEXTUALIZATION

Though change is inevitable in any human activity, and each and every single one of us deals with transformations from the instant we are born, it still is astonishing and downright mind-boggling the way our lives have gone through a metamorphosis in the last two decades.

Anyone over thirty still remembers writing letters with pen and paper, something Jurassic to the younger members of the Z Generation, who now even think of e-mails as something of the past, overridden by new forms of communication through short texts in what usually appears to be a strange language to any “real” adult, overlapped by intense videos on their modern apps and digital platforms. The members of the X and Y Generations, born before 1980 and 1995, respectfully, certainly still remember using a roll of film on a manual camera to take photos and, after watching a movie at home, rewinding the videotape before returning it to the rental store (now that probably sounds Triassic to our younger students of Law!). With everything now online and reachable with a few “clicks” or voice commands on a smartphone, it seems to be a world primed for the young.

In this modern-day context, it isn’t hard to feel simultaneously overwhelmed ... and with a dash of melancholy. Or even outright terrified with all of these mutations within our once “normal” lives.

And if we are overwhelmed at home, imagine in the workplace ...

The same disruption processes we have been facing in our private lives, we have been witnessing in all dimensions of labour relations. Few of us that

remain in the same profession can say that they carry out their jobs today in the very exact manner they executed their craft ten or twenty years ago. Be it the artistry of manual, technical or intellectual labour, there has been a significant change in what and how things are done. Constructing a house, caring for a garden, repairing a car, lecturing a class, writing a book. From the start of the preparation process to the end, going through all phases of the development of the respective project, the art of the worker has been altered in some way, as has the multiple relations that arise from his labour.

Most workers have been severely affected by the technological advances of the past few years, for better or for worse. Some took advantage of new opportunities, such as the creation of new jobs. Others were struck down by the so-called “evolution” of their trade, forced into unemployment and obliged to face a very, very cruel market, unappreciative of their skills now undervalued.

Before discussing the “adapt or die” mantra, it is important to pursue a scientific evaluation of the present status of the immediate and mediate impacts stemming from transformations within the multiple dimensions of labour relations and the challenge these changes represent to workers and employees, as well as to the realm of Labour Law.

The present report is the result of the scientific exploration and analysis of current literature and academic projects on this subject by the Research Group *TRANSFORMATION OF WORK: CHALLENGES TO LABOUR LAW*, constituted by the directors of the **International Society of Labour and Social Security Law – ISLSSL** for presentation the Lima World Congress 2021, in Peru.

The results of the study have been divided into four basic parts, starting with the disruptions and transformations that have occurred and continue to develop in all of the degrees of labour relations, passing through the appearance of new models of employment and the repercussions of new technologies throughout the workplace, concluding with a critical examination of the challenges these changes represent to Labour Law today and tomorrow.

How are these disruptive processes modifying the employee/employer relation? Should the introduction of technological innovations in the workplace be considered a threat to all workers? What are the inevitable confrontations that our society must face to adjust labour regulations to these new elements?

Is Labour Law itself facing a threatening crossroads? These are a few of the questions that this report will attempt to answer in light of the material that was available during the research.

A tough task. But those are also always the most rewarding.

On to the mission.

2. DISRUPTIONS IN LABOUR RELATIONS AND THE TRANSFORMATION OF WORK IN MULTIPLE DIMENSIONS

Even the most skilled artisan craftswoman or handicraftsman, from a nuclear engineer to a brain surgeon, though their professions require the utmost creativity and a special touch only (at least for the present time) a human being can offer, have felt the impacts of disruption processes in their line of work.

The world we live in is in constant motion. Not only because of the earth's incessant rotation on its axis due to the necessity to conserve its angular momentum, but also because of continuous human innovation that moves what and how we do whatever we do. The appearance of mobile phones and the world wide web is just the tip of the iceberg in terms of how all of us over the age of thirty have gone through such a whirlwind of changes in our daily routine, at home or work. The introduction and expansion of artificial intelligence – AI and other technical inventions such as global positioning systems (GPS), nanotechnology, fibertronics and robotics, have affected the countless lines of work and what each employee represents to their employer.

All of us have been affected to some extent, from young law students to elder lawyers and judges, as described by Georgenor de Sousa Franco Filho, former president of the Brazilian Academy of Labour Law. (FRANCO FILHO: 2021)

In October of 1996, when the first ripples of the upcoming tsunami of technological disruption were being felt, an article was published in the most traditional periodical in Labour Law in Brazil, the “Revista LTr”, examining the repercussions of technological innovations on the structural elements of the classic employment contract. Emphasizing the appearance of a new model of labour relation, the paper examined among other aspects how new technologies were transforming the employer's manner of exercising the directive powers and conducting the method of operations developed by the employee, the text shared a glimpse of what was to come. (TEIXEIRA: 1995)

But looking back through the past 25 years, it is fair to say the article was right on the point in terms of the transformation of structural elements such as the form of subordination that can be seen in the employee/employer relation, surging new patterns of servitude such as structural subjection and, more recently, algorithmic subordination. (CHAVES JÚNIOR, OLIVEIRA & OLIVEIRA NETO: 2021).

Though right on the mark in terms of its object, the article did not analyze impacts beyond the internal constitution of the classic contractual relation. And a quarter of a century after its publication, the academics of Labor Labour can easily point out that, beyond the link between employer and employee, there have been even greater impacts provoked by technical innovations on labour relations as a whole.

New technologies have changed our society, the economy and the manner through which labour is executed and valued. There is no ignoring the fact that Labour Law has been brought to face this new digital era, as claimed by Professor Nelson Mannrich, former president of the Brazilian Academy of Labour Law. (MANNRICH: 2021)

Breakthrough novelties not only generate new forms of production for business enterprises, firms and companies of all sorts, but also create pioneering paths through which traditional tasks are supplanted, rearranged, commuted or simply eliminated. If yesterday an assignment required a series of acts, with a novel formula of operation created today by groundbreaking exploration, the endeavour will most probably have to be reassessed and revalued. (GUI-MARÃES: 2021)

This review and reevaluation, however, should not in any sense lead to modifications that are prejudicial to the worker, instigating the regress of labour conditions and stimulating the emergence of indecent working conditions.

The Organization of the United Nations, through the resolution approved by the General Assembly on September 25, 2015, established the Project entitled **Transforming Our World: the 2030 Agenda for Sustainable Development** (<https://sdgs.un.org/2030agenda>). By establishing 17 development goals to stimulate areas of critical importance for humanity and the planet Earth, the organization vowed to take bold and transformative steps to end poverty, with the specific promise to leave no one behind. The 8th Goal is directed specifically to Decent Work and Economic Growth, having the following constitution:

Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.

- 8.1 Sustain per capita economic growth in accordance with national circumstances and, in particular, at least 7 per cent gross domestic product growth per annum in the least developed countries
- 8.2 Achieve higher levels of economic productivity through diversification, technological upgrading and innovation, including through a focus on high-value added and labour-intensive sectors
- 8.3 Promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage the formalization and growth of micro-, small- and medium-sized enterprises, including through access to financial services
- 8.4 Improve progressively, through 2030, global resource efficiency in consumption and production and endeavour to decouple economic growth from environmental degradation, in accordance with the 10-Year Framework of Programmes on Sustainable Consumption and Production, with developed countries taking the lead
- 8.5 By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value
- 8.6 By 2020, substantially reduce the proportion of youth not in employment, education or training A/RES/70/1 Transforming our world: the 2030 Agenda for Sustainable Development 20/35
- 8.7 Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms
- 8.8 Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment
- 8.9 By 2030, devise and implement policies to promote sustainable tourism that creates jobs and promotes local culture and products
- 8.10 Strengthen the capacity of domestic financial institutions to encourage and expand access to banking, insurance and financial services for all

At the same time, item 8.2 of the 8th Goal guarantees “economical productivity, through diversification, technological upgrading and innovation”, item 8.3 secures “decent job creation” and item 8.5 promises “full and productive employment and decent work for all women and men”. Besides assuring equal rights and incentives for young people and persons with disabilities, the protection of labour rights and the promotion of a safe and secure working environment for all workers is emphasized in item 8.8.

Joselita Nepomuceno Borba, in a paper presented in the VIII Iberoamerican and European Congress of Labour and Social Security Law, (BORBA: 2020), outlined the need to reconstruct Labour through the notion of decent work, emphasizing the terms of Recommendation 205 of the International Labor Organization, through which were established in 2017 the main directives for Employment and Decent Work for Peace and Resiliency. In another paper published a year later, Professor Borba, as a member of the Brazilian Academy of Labour Law, describes the perspectives of decent work in a Modern or Post-Social State in which the future debate will be about a universal basic income guaranteed to all of its citizens, where the most elevated values of solidarity, citizenship and ethics must prevail. (BORBA: 2021). Marco Antônio César Villatore, another member of the Brazilian Academy of Labour law, along with fellow researcher Dinaura Godinho Pimentel Gomes, also explores the topic with similar considerations about decent work as the mainframe in a democratic society. (VILLATORE & GOMES: 2019). In another interesting article, Professor Villatore defends, through the perspective of the Digital Revolution, the necessary rescue of our capacity of indignation in front of capitalism. (VILLATORE & DUTRA: 2020)

With these guidelines, it becomes clear that, as change is inevitable, it should be dealt with in a manner that does not implicate the regression of labour conditions. Decent work is a basic guarantee to all workers and an objective of society, and innovations should not be an excuse to worsen the working environment conditions. The 2030 Agenda defends exactly the contrary: new technologies should be implemented to improve labour conditions, promote decent work and bring benefits to everyone.

Utopia? Wishful thinking?

No, just a good plan for a good purpose. Time will tell if our society is up for the challenge.

3. THE EMERGENCE OF NOVEL FORMS OF LABOUR AND THE EVOLUTION (OR REGRESSION) OF EMPLOYMENT

The world is in the midst of a Digital Revolution or Revolution 4.0, as has been anointed this continuous series of disruption processes that are affecting so bluntly labour relations. (CARELLI, CAVALCANTI & MUNIZ: 2020) (MOREIRA: 2020)

And this technical insurgence has originated many new forms of activities for all sorts of work. From “riders” that deliver anything from lunch to groceries, to members of crowdsourcing that seem to weave together in casual fashion, the emergence of novel professions is an unequivocal fact. (CARELLI, OLIVEIRA & GRILLO: 2021) (AMADO & MOREIRA: 2021).

As certain as the fact that new jobs will appear from new technologies in the workplace, others will be abolished because of their obsolescence. And not all of the employees who lost their job because of these innovations are being absorbed by newly created posts in the office or the field. Many are being forced into involuntary unemployment and others will have no choice but to accept precarious positions with little or no protection in the light of labour regulations.

After losing their jobs, as shown by Professor André Jobim de Azevedo, another member of the Brazilian Academy of Labour Law, some workers have to face a series of new obstacles, which include discriminatory criteria when trying to get hired again, processed through the use of artificial intelligence and Big Data, instruments created during this Digital Revolution. Though intolerable, pre-contractual discrimination is a reality to many, considered dysfunctional and out-of-date because of technical innovations. (AZEVEDO: 2020)

From the rise of intermittent work and the prioritizing of outsourcing, it is clear that the major goal for most enterprises has been maintaining or improving levels of quality and profits through the decentralization of production processes with the reduction of full-scale employment and all of the legal responsibilities that stem from that form of labour. Even better, in that line of thinking, when the work can be done by people who have little or no legal ties to the company, individually or by collective formulas such as crowdsourcing.

Naturally, the decline of the number of full-time jobs in one enterprise is shadowed by the expansion of these precarious posts outside (or by the side) of the respective company. But is trading a full-timer and integrated member of staff for freelancers, part-time, temporary or casual workers, as you replace a screw or bolt in an engine, actually worth it for the business, the workers and society in general?

This quantitative decrease could be acceptable, if the new positions maintained the same level of quality and provided a decent labour environment, with full and complete dignity to the worker, including some sort of protection assured by labour regulations.

The problem is that in most places, from nation members of the “Big Eight” in economic production to underdeveloped countries worldwide, that sort of minimal protection is beyond utopia, if not a total myth. (MELO: 2020)

What the past few years have shown through crystal clear lenses, unfortunately, is that the transformation of work through technical innovations have provided better conditions for a reduced number of privileged individuals and a large number of enterprises, but has resulted in the increased precarious trends within working environments, generating the degradation of labour conditions in general and an intense state of susceptibility to workers who are not fortunate enough to secure full-time employment.

This situation has been even further impacted by the COVID19 Pandemic, as well described by such researchers as Carolina Tupinamba, professor at the State University of Rio de Janeiro and coordinator of a series of five publications with dozens of articles by various authors on novelties derived from da pandemic. (TUPINAMBÁ: 2020).

Maria Rosaria Barbato, an Italian Professor with wide contributions to the study of Labour Law in the Federal University of Minas Gerais (Brazil), has also undergone extensive research of the repercussions of the pandemic in Brazil, presenting important findings on how the crises further complicated those workers already affected by the Digital Revolution. (BARBATO: 2021)

Also contributing with an important article on the subject, Alexandre de Souza Agra Belmonte, present president of the Brazilian Academy of labour Law, along with Werner Keller. (BELMONTE & KELLER: 2020)

Through the eye of ILOSTAT (<https://ilostat.ilo.org/>), the database system of labour statistics organized by the International Labor Organization – ILO with more than 100 million data points, the deterioration can be easily visualized in multiple charts and graphs with information from countries members of the United Nations Organization. From wages to occupational safety, there is no way to fight the numbers when confronted by the confirmation that workers that, instead of being blessed with steady and staff integrated jobs, turn to casual and intermittent work without direct ties to those enterprises that benefit from their endeavour are most likely than not paid less and are more prone to suffer accidents in the working environment.

This debility can be seen not only in the analysis of the status quo of individual (ex)employees, but also manifests itself through the growing feebleness of collective action in labour relations. Decades ago, Amauri Mascaro Nascimento, one of the pioneers in the scientific analysis of labour relations in Brazil, was practically a modern-day Nostradamus when pointing out the future of collective bargaining in a high tech world. (NASCIMENTO: 2000).

Fernando Fita Ortega and José María Goerlich Peset, professors at the University of Valencia, in Spain, while examining the challenges of contemporary labour syndicates when facing the present-day economic crisis and the transformation of the production model through globalization, decentralization and digitalization, are blunt and direct when concluding that new forms of work in the so-called Gig Economy trend towards a disenchantment towards collective interests, naturally weakening the positions of labour unions. (ORTEGA & PESET, 2018)

Exactly in that direction, analyzing multiple dimensions of the precariousness within labour relations and the consequent exclusion of basic rights found in federal laws and regulations, Guilherme Guimarães Feliciano, Ana Paula Silva Campos Miskulin and Olívia de Quintana Figueiredo Pasqualeto, exhibit a series of texts produced by researchers affiliated to the Center of Extension and Research in Labour Law (Núcleo de Pesquisa e Extensão de Direito do Trabalho - NTADT) coordinated by Professor Feliciano at the traditional Law School of the University of São Paulo, in Brazil. (FELICIANO & MISKULIN, 2019) (FELICIANO & PASQUELATO, 2019).

In a similar view, arising from the city of Recife, Brazil, a research group lead by Everaldo Gaspar Lopes de Andrade, member of the Brazilian Academy of Labour Law, and Hugo Calvalcanti Melo Filho, current president of the Academy of Labour Law in Pernambuco, have produced publications on the deconstruction of labour legislation through the theory of encryption of Power. (MELO FILHO & ANDRADE: 2021)

The Digital Revolution, though undoubtedly positive and many aspects, also has a downside that must be recognized.

4. NEW TECHNOLOGIES AND IMPACTS ON LABOUR BEYOND INDIVIDUAL CONTRACTUAL RELATIONS

The transformation generated by ultra-modern and state-of-art innovation goes above and beyond the individual relations between an employer and an employee. The tasks an employee undertakes and the way the chain of subordination is manifested with the realm of the contract between both parties may certainly have been modified in face of cutting-edge technology. But the impacts of innovatory settings also moves us to unprecedented conditions which require the use of a moral compass to navigate through uncharted waters.

This Digital Revolution is definitely groundbreaking. Especially in the workplace, where it continuously stirs the pot and brings up ethical dilemmas for employers in general, considering the reduction and eventual elimination of work positions within the respective corporations. (KROST & GOLDSCHMIDT, 2021) (PAMPLINA FILHO & FERNANDEZ: 2018)

Is it scrupulous for employers to simply substitute employees by acquiring and implanting new technologies in the business place, going blameless as to whatever happens to the former worker? Is it irreproachable to barter traditional full-time positions for otherwise precarious posts with no direct legal ties to the company to provide a protective shield against labour laws? Production efficiency at all costs is righteous and respectable? Can the employer dodge the bullet and go unimpeachable in this equation?

The ethical implications are evident.

Studies such as the ones developed by young academics such as André Gonçalves Zipeperer and Francisco de Assis Barbosa Júnior, focusing on the many perspectives of the Gig Economy and Labour through Digital Platforms are essential to understanding the significance of these questions. (ZIPEPERER: 2019) (BARBOSA JUNIOR: 2019)

Carrying out any business generates responsibilities that transcend the structural lines of the enterprise and goes beyond common or statutory law. There is a social burden and a natural community obligation that is imperative to all. It is what makes our society. And that role cannot be ignored, be it a small start-up company or a mammoth Gig establishment.

The State also has a part in this context and must strive to guarantee the protection established in labour regulations. But intervening after damages are

materialized should not be the only path taken. Proactive measures are just as important. And one way to carry out public policies is to prepare workers for the challenges that they will face through development programs for technological literacy, encouraging education as a means to improve the capacity to adjust to the changes brought on by technical innovations.

Katia Magalhães Arruda and Mariana Ferrucci Bega, in an article entitled **Technological Literacy: challenges and democratization as a development mechanism** (ARRUDA & BEGA: 2020), correctly point out the problems with technological illiteracy and how profoundly it impacts freedom and human development, stating the need to provide this form of professional qualification in order to avoid even greater social setbacks.

The implications of that duty on labour regulations provoke workers, businesses, citizens and lawmakers alike. Because it represents a major challenge to Labour Law, the subject will be further examined in the last item of this Report.

5. LABOUR LAW 4.0? PRESENT-DAY CHALLENGES AND PERSPECTIVES ON THE FUTURE OF REGULATING LABOUR RELATIONS

The future is here. There is no waiting for tomorrow.

Ney Maranhão and Thiago Amaral Costa Savino present a very interesting perspective in an article entitled **Digitalization and the World of Work: report of the high-level expert group on the impact of the digital transformation on EU labour markets**, examining a report written up by the Group of High-Level Experts on the Impact of the Digital Transformation on European Union Labour Markets, identifying four basic trends (digitalisation, globalization, increase in diversity of labour models and ageing workforce) and three great challenges provoked by the Digital Revolution: a) the promotion of labour inclusion, as to not marginalize any workers; b) the creation of quality jobs and assurance of a healthy work environment; e c) the development of professional abilities through educational courses that will help guarantee employability. (MARANHÃO & SAVINO: 2019)

Inclusion through decent work and a healthy work environment is key. Understanding that the exclusion of basic labour rights to workers of new activities such as digital platform workers is going beyond discriminatory practices, but promoting labour segregation and regression, as has been pointed out in

articles written by Gabriela Neves Delgado, Bruna Vasconcelos de Carvalho, Guilherme Guimarães Feliciano, Olívia Quintana Pasqualato, Noemia Porto and Luciana Conforti, all in a very important research project promoted by the Brazilian Association of Labour Justice Judges, ANAMATRA, on the subject of labour through digital platforms. (DELGADO & CARVALHO: 2020) (FELICIANO & PASQUALATO: 2020) (PORTO: 2020) (CONFORTI: 2020)

These challenges, all in perfect synchrony with the 8th Goal of the 2030 Agenda of the United Nations Organization, do represent objectives that each society must face through its government branches and private members, both citizens and enterprises. But before these questions, other obstacles must be confronted and surpassed.

To be quite forthright and candid, we all have to face some uncomfortable truths and assume our values as members of our society. Citizens and lawmakers alike have to make a series of very, very difficult decisions.

Two new challenges stand out when examining the present-day situation, where we find Labour Law at a crossroads.

First, a choice has to be made between reducing the scope of Labour Law, limiting its reach solely to the formal employment relationship in the classic model, and thus excluding the greater part of the labour force from the protective norms rooted in statutory regulations, or, as a second option, expand to include, aiming to provide to all workers some level of protection, in an equivalent or a different degree in comparison to that classic contract that exists between an employee and an employer, serving as an umbrella to provide a safeguard for various forms of workers, including intermittent, part-time, casual, digital platform and other variations of labour relations where a human beings, individually or in a group, provides their endeavour in return for a wage.

It is a very objective choice between two options: exclude or include. Follow Labour Law's protective instinct to protect not only regular, full-time staff member employees, but also the new variants of workers, assuring them basic rights inherent to the idea of decent work and a healthy environment. Or simply cut off ties with non-employees and let their relations be disciplined by other means.

This first decision must be made in a specific and clear fashion, as to leave no doubt about the political position adopted. There is no middle ground here.

This is a crossroads: include or exclude, and deal with the consequences of your option in sequence. A call that will take courage to define, but cannot give in to hesitation.

The right choice, for those keen on social responsibility, solidarity and strong ethics on the promotion of dignity within the community, is quite obvious.

Inclusion. Decent Work. Safe and Healthy Work Environment.

Basic rights for all.

The choice will promote an unrelenting, emphatic resolute to the future of Labour Law. Either embrace all forms of workers (at least within the private sector, considering that many countries maintain institutional relations between government entities and public servants on staff), or take the path towards a more exclusive ramification of the Law, dedicated to what some specialists would call a privileged but “dying breed”, the classic employee.

A second decision, involving the challenge of defining what level of protection and through which type of regulation should be offered to the “non-employee” worker, is perhaps an even more complicated resolution to make. Though the first challenge stated, whether to include or exclude, is a more sensitive one in political terms, the settlement absorbing what dimension of safeguarding and shielding should be directed to each type of worker is a more strenuous and intricate task for the legislative branch and will most certainly have opinions varying according to characteristics of each culture. But because this Digital Revolution is sparking labour relations across seas and above mountains through the internet, some sort of basic guidelines should be sought out through international institutions such as the International Labour Organization.

Most will agree that the classic model of employee, as a permanent member of staff that is submitted to a legal subordination to the employer, should continue receiving the same basic security blanket that has been assured to that class of worker for decades in most countries, with the addition of new norms to assure protection from new conditions such as robotic automation and ever-present risks stemming from AI. But should that level of protection be extended to a casual or platform worker?

Here is the sensitive spot. Include ... but with all the benefits or just some specific forms of protection?

There should be no doubt then all workers, employees or not, deserve the utmost respect, conditions to fulfil their human dignity with decent work and a safe and secure work environment. As a natural consequence, they deserve protection through new structures of labour regulations that will promote some sort of equilibrium in an unbalanced relation in terms of power. (PORTO: 2021) (CONFORTI: 2021)

Though some make wave the flag against labour discrimination, most will agree that, in general, as long as decent work is assured to all, as long as there is a guaranteed safe and healthy work environment for everyone, then there is the possibility for different legal solutions for each of the many models of labour that exist today and that will arise tomorrow.

Antônio Carlos Aguiar, yet another member of the Brazilian Academy of Labour Law, has a very interesting article published on the Academy's website (www.andt.org.br) where these possible distinctions are pointed out in a very objective fashion. (AGUIAR: 2021)

Decent work for all. Safe and healthy work environment for everyone. And an inclusive format, even with eventual differences in legal safeguards in accordance to the peculiarities of each form of work. Those are the goals that society must aim for while deciding the fate of Labour Law.

As not every legislature may have the courage to define without dubiousness the adequate choice for its people, there could be a temporary, provisional path to follow in the meantime.

Silvio Meira, one of the bright minds behind the Brazilian Silicon Valley in Recife, centred in the Porto Digital and its hundreds of start-ups and well-established tech companies, has defended an alternate route, pointing out the advantages of attempting temporary regulations in order to deal with the difficulties of the rapid and incessant changes in the high tech field. According to the respective Professor of the Computer Science Department of the Federal University of Pernambuco, it isn't time yet to start writing up new labour legislation, but to test experimental norms to discipline contemporary labour situations that are not reached by present-day laws and then, in another five or

ten years, review those regulations and then edit definitive legislation on the topic. (MEIRA: 2021).

Could be an interesting detour if made with the consciousness of the temporality involved, enabling a more mature decision later on.

But, eventually, the paths will have to be chosen.

If it is to be decided country by country or in a more collective fashion, through a supranational order as suggested by Thereza Nahas, member of the Brazilian Academy of Labour Law with research projects in both Brazil and Spain, is something that remains to be seen. (NAHAS & ORTEGA: 2020).

But there is no way to bypass these very sensitive questions.

And when the choices in the crossroads will be made, that will be the defining moment for the future of Labour Law. May we have the courage and knowledge to make a wise decision every step of the way.

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