

COVID-19 AND THE DEREGULATION OF THE SUBTRACTION LIMITS OF THE BRAZILIAN WORKERS TIME

COVID-19 E A DESREGULAMENTAÇÃO DOS LIMITES DE SUBTRAÇÃO DO TEMPO DOS TRABALHADORES BRASILEIROS

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ABSTRACT: This study aims, in the light of the global context and comparative international experiences, to describe and critically examine recent changes in the regulation of the working time in Brazil and its current trends. It is concluded that the deregulation of the limits of the working time had already been rapidly implemented in the world and that, within the context of neoliberalism and technological revolution and, from the point of view of what happened in Brazil, such deregulation was opportunistically deepened with respect to the Covid-19 pandemic. The dialectical materialistic approach method was used for the research, carried out by an eminently bibliographic and statistical procedural methodology.

Keywords: Pandemic. Covid-19. Working day. Intensification. Deregulation.

RESUMO: O presente estudo pretende, à luz do contexto global e de experiências internacionais comparadas, descrever e examinar, criticamente, os caminhos recentes das alterações da regulação da jornada de trabalho no Brasil e suas atuais tendências. Conclui-se que a desregulamentação dos limites da jornada de trabalho já vinha apresentando veloz implementação no mundo, no contexto do neoliberalismo e da novel revolução tecnológica e, sob a ótica do ocorrido no Brasil, tal desregulamentação foi, oportunisticamente, aprofundada, a propósito da pandemia de Covid-19.

Foram empregados para a pesquisa o método de abordagem materialista dialético, levado a efeito por uma metodologia procedimental eminentemente bibliográfica e estatística.

Palavras-chave: Pandemia. Covid-19. Jornada de Trabalho. Intensificação. Desregulamentação.

SUMMARY: Introduction. 1 The centrality of time for capitalist production. 2 The worldwide trend towards legal flexibilization of working time management. 3 Latin american trends and the brazilian case of reformism accentuated by the covid-19 pandemic. 4 The covid-19 pandemic and the escalating of reformist impetus. 5 Working time in the digital age and its facet in the exceptional pandemic. Final considerations. Bibliographic References.

INTRODUCTION

Time, from the beginning, has consolidated itself as a criterion for the organization of human existence, affirming itself as a parameter for the achievement of the reproduction of life, with regard to organic needs and intimate, interpersonal or social relationships. However, it is in Modernity, with the establishment of capitalism as a societal model, in the nineteenth century, that time consolidates itself as significant of the dynamics of accumulation, parameterizing the routine of human existence and the conditions of hiring and remuneration of labor, based on the duality between the period relative to paid labor and the interregnum dedicated, effectively, to the reproduction of life.

The first two decades of the 21st century, already marked by the expansion of neoliberal reason, processually built over the previous century, (DARDOT; LAVAL, 2016), have deepened the confusion between time for work and that for the reproduction of life, fluidifying, in praxis, such distinction and, as such, intensifying the disputes over the working day, with vivid influences in the field of legal regulation, as could not be otherwise.

The situation worsens at a historical moment in which economic crises, asserting themselves and repeating themselves, as cycles inherent to the capitalist dynamic, are established with a globally systemic character, since they have taken place in a globalized world and taken over by transnational financial capital. The fact is that the overcoming of these crises, due to the very structure they are about, could not be thought of and pursued without the approach of human life time dedicated to work, given its economic centrality.

As if the 2008 global economic crisis were no longer enough - whose overcoming, for some scholars, did not even happen - the year 2020 faces the productive paralysis resulting from methods of fighting the pandemic of a hitherto unknown disease, the Covid-19, caused by a highly contagious pathogen, which, until a cure treatment or vaccine comes along, can only be confronted with a etiquette of personal hygiene, wearing masks and social distancing. Consequently, new configurations regarding the disposition of time dedicated to work are imposed, in the spectrum of capitalist rationality.

On one hand, the bourgeois response to the economic crisis pressures for an increase and intensification in the consumption of human labor, given the demand for the expansion of productive capacity and productivity. Allied to this, its dominion over the new technological revolution is a primordial factor to understand the designs of social time in the most current crisis of capitalism.

On the other hand, the confrontation of the health crisis presses for the imposition of measures limiting face-to-face work, while new technologies condition workers to new forms of collective organization and regulation of individual work. The balance of this situation is reflected in the eternal dispute over the State, which has seen the tensions provoked by class interests worsen and force its position in support of one side or the other.

Within this context, Brazil, which had just implemented substantial reforms regarding the regulation of the working day, is in the throes of imposing measures supposedly aimed at mitigating the profound economic effects of the established health crisis.

This study aims, in the light of the global context and comparative international experiences, to describe and critically examine recent changes in the regulation of working hours in Brazil and its current trends, now marked by the Covid-19 pandemic. For this purpose, the approach employed will be the dialectical materialist - for considering contradictions involving the capitalist system and the way it is structured since the extraction of surplus value - carried out by an eminently bibliographic and statistical procedural methodology, using research on the labor market to support its analyses.

Our hypothesis is that, since the hegemony of neoliberalism represents the supremacy of the interests of large private capitals over the mass of workers and the erosion of class conciliation, the political and scientific productions that manifest themselves under this umbrella will naturally follow from the common thread of surplus value accumulation. In other words, we discredit the possibility of the State, or of technological production, serving as an instrument of social emancipation and eliding the cooptation of workers' time, even under the threat of extinction by the COVID-19 virus. On the contrary, our hypothesis is that law and innovation, in this period, contributed greatly to the theft of time for the reproduction of life, in a process of recuperation of the rights painfully conquered by the working class throughout the last century, as a form of compensation for the drop in profit margins resulting from the pandemic.

1 THE CENTRALITY OF TIME FOR CAPITALIST PRODUCTION

For the one who effectively provides the human labor force in exchange for remuneration, the duration of the working day conditions all the nuances of life, insofar as it is the determination of the working time that delimits, residually, the time available for all the other activities of daily life, which integrates time of reproduction of life. The goal of this chapter is to briefly address the question of why time plays such a central role in capitalist society, as a unit of measurement of value-forming social labor in Marxist conception, and residual potential for contemplation, consumption, enhancement, and reproduction of human life.

José Antônio Ribeiro de Oliveira Silva (2013) explains that the working day delimits the time of the "active life" of the worker, as opposed to the "contemplative life," which is no less vital for the sustenance of human existence than that. This is because it is during the contemplative life that people carry out activities fundamental to human development, such as strengthening family and social bonds, improving their political and community sense, and qualifying themselves culturally and professionally through study. The author also states that the delimitation of the working day fulfills a second, no less noble function, which is to guarantee sufficient rest period for the worker to execute the next day, without risking two other fundamental goods, health and safety.

The International Labour Organization (ILO, 2016), in a dossier drawn up in 2016, has listed four pernicious vicissitudes arising from poor management of working time: hours that are insufficient or unpredictable can lead to problems of insufficient income; hours that are excessive create risks for the safety and health of the worker and can lead to conflicts of balance between work and personal life; hours that are unpredictable, especially if workers cannot influence their programming, can also lead to conflict between work and personal life, as well as generating financial insecurity; and certain patterns of working hours can be an obstacle in the interaction between unions and workers, making it difficult to represent the worker.

Finally, in addition to the delimitation of the working day serving the personal interests of each worker, it also protects the common interest, since it promotes the redistribution of the total

hours of work of a society by a larger number of workers, thus fighting structural unemployment through the process of working share. (BORSARI, 2016).

Marx (2013) diagnosed that the labor force, within a labor contract, is a commodity submitted to a purchase and sale process, which operates the purchase by the employer of the right to dispose of that force, for an agreed period of the employee's life ("working day") in exchange for a remuneration, however, it is a differentiated commodity, since its value varies within the limits of the productive capacity, physical and intellectual, of its original owner. Thus, the more available to the buyer, the more valuable such merchandise is. Moreover, the exchange value of all and any merchandise may be translated into its correspondent as a measure of work socially necessary for its production, measured quantitatively, that is, by the duration of the work spent for its confection. In this line, the fact is that the employer does not hire the labor force for its real production value, since it will always pay a value lower than the production capacity contracted and delivered. Otherwise, there would be no profit.

Marx also understood that the working day is divided into two parts. The first comprises the time the employee works for himself, that is, the time necessary to produce the value corresponding to the remuneration necessary for his subsistence, thus an interregnum that serves the reproduction of life. The second part corresponds to the time of most work, in which all value produced will be appropriated by the capitalist. (BASSO, 2018).

Thus, in order to increase its profitability, the most interesting thing, from the point of view of the capital, is to shorten as much as possible the first part of the journey - that is, to make the worker deliver more value-added time - and to increase the amount of value-added extracted in the shortest time possible. To do so, it is necessary to increase productivity, whether through efficiency or labor intensity. While the employer must extend the "more work" time, extending the duration of the day as much as possible, which will be measured through the physical limits of the worker, since he cannot be disabled for the next day's work, under penalty of economic loss. In this framework, the capital is dead work, whose only vital impulse is to value itself, sucking as much as possible of the living work. (MARX, 2013).

It is necessary to understand that Marx writes his studies by observing the working conditions in English factories in the middle of the 19th century, where workers worked up to 16 hours a day, including children. Today's existence of legislation that abhors this kind of work means that the state was driven by social struggles. Basso (2018) shows that Marx's hypothesis that both parts of the working day (the amount of time paid and unpaid) represented equal proportions is not sustained today, due to the pace of work dictated by the machines, which makes the time of more work immensely superior to that paid, even though the total day may be, quantitatively, smaller.

In seeking to draw an ontology of labor relations in capitalism, Marx (2013) recognizes in the boss and the employee parts that bargain for legally legitimate and antagonistic interests, since they are the purchase and sale of a commodity (the labor force). Therefore, in a dispute within the scope of the law of exchange on the market, the decisive factor is force and thus the dispute over working time.¹

Along the same lines, Basso (2018) attests that the capitalist impulse towards the extraction of surplus labor time is not free, because it is driven by an impersonal force of the market, succumbing to the only possible yearning in capitalism: the capital's self-worth.

¹ "Notice, both workers and capitalists take their positions according to the laws of exchange. Marx is not, as you might expect from a revolutionary thinker, advocating abolition of the wages system, but has both the workers and the capitalists agree to abide by the laws of market exchange, equivalent for equivalent [...] Issues of this kind can be resolved only through class struggle, in which 'force' decides between 'equal rights':. [...] 'Force', in this context, doesn't necessarily mean physical force (though there have clearly been instances when this has been crucial). The main thrust of this chapter concerns political force, the capacity to mobilize and to build political alliances and institutions (such as trade unions) to influence a state apparatus that has the power to legislate a 'normal' working day". (Harvey, 2013, 137-138).

Having capitalism, since the 19th century, established a process of overflowing its commercial contours towards the establishment of a societal model, time and its control, from being central to the capitalist dynamics of production to accumulation, become the protagonism in defining the social position of the individual in the society of capital, explaining the incessant historical disputes around the subject and its limitation by law, which, once implemented, does not necessarily reveal the triumph of those who live from the sale of the labor force over the employers. On the contrary.²

2 THE WORLDWIDE TREND TOWARDS LEGAL FLEXIBILIZATION OF WORKING TIME MANAGEMENT

Now we fully comprehend the centrality of the delimitation of working time, it is important to observe in the following chapter how its regulatory policies are being handled by the States, with the purpose of gauging which interests in the dispute over time today's governments dedicate their mandates to privilege, especially through the movement known as labor flexibilization.

In this regard, Proni (2017), with a surplus in the data collection surveys of the Brazilian Institute of Geography and Statistics (IBGE), National Household Sample Survey (PNAD), International Labour Organization (ILO) and Gini Index, among others, which, after the interstice between 2003 and 2014 - marked by a greater distribution of wealth and income in Brazil, by reducing hunger, improving infrastructure and housing conditions, educational and health conditions of the population and decreasing formal unemployment - there was a period of elevation of what is called "multidimensional poverty", driven by the worsening of the world economic crisis of 2008, with the retreat of those indexes measuring social vulnerability.

Since then and mainly with the enactment of Law no. 13,429 (Outsourcing Law) and Law no. 13,467 (Labor Reform Law - LRT), both from 2017, Brazil has followed the course of a process of flexibilization of labor standards, in several countries, with declared purpose of fostering job creation and the social and economic development.³

The process of flexibilization of labor laws began more intensely in Anglo-Saxon countries of origin (USA, Australia, Canada, Germany), in a context of austerity as a new motto of Western governments, while in most countries of continental Europe, Japan and Nordic countries, the adoption of flexible characteristics did not have the condition to abandon legislative rigidity. The result was low or negative wage growth for the first group, while in the others there was a concomitant increase in productivity and wages, but an increase in the unemployment rate, which

² “[...] This is so because value is socially necessary labor-time, which means that time is of the essence within capitalism [...] But they [capitalists] also discovered that a healthy and efficient labor force, on a shorter working day, could be more productive than an unhealthy, inefficient, falling-apart, constantly turning-over and dying-off labor force of the sort that it had utilized during the 1830s and 1840s. The capitalists could then trumpet this discovery and their benevolence and sometimes overtly support a certain level of collective regulation and state interference to limit the effects of the coercive laws of competition. If, from the standpoint of the capitalist class as a whole, curbing the length of the working day turned out to be a good idea, then what does this say about the struggle by workers and their allies to limit it? It says that workers may well be doing capital a favor. Capitalists get pushed into a reform which is not necessarily against their class interest. In other words, the dynamics of class struggle can just as easily help equilibrate the system as disrupt it. Marx in effect concedes here that capitalists, when they finally succumbed after fifty years of struggle to the idea of regulating the working day, found it worked for them just as well as it did for the workers.” (Harvey, 2013, 139 and 155).

³ The term "flexibilization" is polysemic and imprecise. However, if there is no conceptual consensus, it can be said that there is a certain communion as to the purposes involved, given that the movement to make labor legislation more flexible claims to promote the "free" encounter of individual wills and negotiation between employers and employees, in order, as said, to enhance employment and production by ensuring legal security to these negotiations of limited nature and extent, thus preventing what is understood as excessive judicialization of conflicts that keep investors away (Biavaschi, et al., 2018).

was only recovered in the following years (BARBARUSSA, 2016). The results of these contingent reforms, which dismantled the European welfare state, were not, in fact, what was expected by the countries that implemented them, on the contrary, were disastrous. There was no increase in the competitiveness of companies, neither the creation of new and formal jobs (LEDESMA, 2017).

In fact, in the "Employment Guidelines of the European Council" of 2008, countries committed themselves to follow the "flexicurity" model adopted by the Nordic countries, which combines, in theory, protection with flexibility (BARBARRUSA, 2016). However, what was seen was a global financial crisis caused by the deregulation of the economy and the lack of job protection by the state, opportunizing a failure of global proportions in the free market system. In this regard, despite the recommendations of the ILO, the International Monetary Fund (IMF), the European Commission and the World Bank have conditioned the financial bailout of economically collapsing states - such as Spain, Italy, Greece and Portugal - to a cut in the cost of promoting social rights (LEDESMA, 2017). This is the triumph of the panacea of neoliberal austerity, which claims to preserve the ideal of market freedom as the (pseudo)foundation for civil liberties, but in fact insists that the State be absentee in the regulation, guarantee and implementation of social rights, with consequent containment of social movements claiming (MARCOSIN et al, 2012), especially through a process of emptying the plural deliberative spaces, called by Dardot and Laval (2016) "de-democratization".⁴

In Spain, Law 35 of 2010 and Law 3 of 2012, among other flexible measures, reduced the compensation for dismissal for just cause, made the procedure for collective dismissal more flexible, authorized the alteration of the working hours at the initiative of the employer, previously established in a collective agreement, and strengthened the employer's power to change working conditions, suspend contracts and reduce working hours (LEDESMA, 2017).

In Greece, Laws 3,863 and 3,899, both of 2010, and Law 4,046 of 2012 eliminated financial compensation for unilateral termination of employment contracts for workers with less than one year of contract, abolished the requirement to justify dismissal, and reduced the employer's notice period for termination. (LEDESMA, 2017).

In Portugal, Law no. 23 of 2012 sought to promote job creation and increase business productivity. To this end, it focused on the pillars of reducing business costs and expanding the employer's powers to manage the workforce (AMADO, 2017). In this case, the issue of working time was completely questioned, with the extension of the time bank⁵ through the creation of the "individual time bank", provided for in article 208-A, and the "group time bank", provided for in article 208-B, both of the Portuguese Labour Code. The right to compensatory rest arising from overtime has been spouted and the additional wage increases (overtime) have been reduced by half. Holidays were abolished, the days of amendment without work chosen by the employer were deducted from the employee's holidays and the maximum holiday period was substantially reduced (AMADO, 2017).

It is important to note that all these reforms have been endorsed by the IMF as essential to the economic salvation of those countries and to the growth of job supply. In 2012, after technical missions to Spain, the same IMF gave a very good assessment of the reforms mentioned and reinforced the need to strengthen them (LEDESMA, 2017). Furthermore, in the report "Ejemplos Destacados de Problemas del Mercado Laboral Nacional", of 2014, the international financial

⁴ Despite the neoliberal discourse of the free market, Huws draws attention, in the context already before 2008, that there are not even neoliberal traces of the promised free movement of goods and capital, because the market, and therefore the levels of employability, are dominated by large transnational companies, with actions also supported by the dynamics of the World Trade Organization (WTO) (Huws, 2003).

⁵ "Hour bank" or "bank of hours" is a legal instrument that guarantees the employer the prerogative to require his employee to work overtime, without creating the need for additional payment, provided that the period of overwork is compensated with rest within a certain period of time.

entity advised the governments of Greece and Portugal to promote flexible legislative changes (IMF, 2014).

Nevertheless, Spain and Italy, which have promoted similar reforms, have been denounced before the Committee on the Application of Standards of the 104th ILO Conference (2015, p. 127), accused of violating International Convention No. 122 on Employment Policy (1964), due to the serious situation of unemployment and the increase in precariousness and poverty. In Spain, more than 5.5 million unemployed people (24% of the population) have been created, of whom 782,000 are under 25 years of age. While in Greece the unemployment rate reached 27.2% in January 2013, an increase of 26.3% in just one year (LEDESMA, 2017). In Portugal, finally, studies by the European Commission have shown that austerity measures have involved greater effort on the part of the poorest section of the population, compared to the wealthiest. According to the analysis, the poorest 20% lost between 4.5% and 6.0% of their income, while the richest 20% lost only 3% (CALLAN, 2011).

The political conjuncture of European states afflicted by the austerity and flexible labour rights measures has transformed them into a universal insurance for big investors (FERREIRA, 2011), who share or even support the losses of the 2008 global financial crisis ultimately borne by society, imposing financial efforts on all social classes, especially those most in need.

It is essential to emphasize that not only the employability is affected by these reforms, but also the quality of the conditions for the performance of work activities. The data cited show that the jobs "created" after those European reforms are mostly precarious, thus classified also because of the loosening of the legal limits of the working day, with the consequent suppression of the little that was left to the workers about their time out of production and, therefore, about the organization of life itself.

Barbarrusa surveys (2016), combining data obtained by Eurostat (the European Commission's statistical organisation), indicate an increase in job insecurity in almost all European countries that have carried out austerity reforms, especially in Spain, Greece and Portugal, where flexibilisation has been most widespread. Moreover, the "austere" legislative changes have not guaranteed productivity growth or the percentage of wages in the country's GDP, thus failing to fulfil the promise of stable productive and commercial competitive advantages and implying inefficiency costs that can multiply in a cycle of causality.

3 LATIN AMERICAN TRENDS AND THE BRAZILIAN CASE OF REFORMISM ACCENTUATED BY THE COVID-19 PANDEMIC

The consolidation of neoliberal policy in most Latin American countries and the destabilization of governments misaligned with American interests (e.g. Cuba and Venezuela) have caused the IMF and the World Bank to turn their eyes to this continental region, despite the results in Europe on board with the Washington Consensus. More recently, the return of conservative governments in Argentina and Brazil has pushed the agenda of deregulation of work already underway. In that campaign, starting in 2016, the IMF undertook technical missions in Panama, El Salvador, Peru, Argentina (after the election of President Mauricio Macri) and Brazil, two months after the ousting of former President Dilma Rousseff's government (LEDESMA, 2017).

The purpose of this chapter is to investigate the intensity of the flexibilization promoted in the peripheral countries, given that, in the context of neoliberalism, Washington's prescriptions are aimed more at developing countries than at developed ones, which, in turn, elaborated such a textbook influenced by the sociability of imperialism that dictates the political diplomacy between the two groups of nations.

By 2012, Mexico had already promoted a reform of labor legislation that expanded outsourcing and reduced several workers' rights. The consequence was to maintain the employment deficit, with a drop in the pace of creation of protected jobs, to the detriment of the increase in

short-term work and in microunits, understood as those with less than 05 employees (TEIXEIRA, 2018).

In Argentina, Mauricio Macri's government, elected in 2015, has taken a series of austerity measures, requiring the effort of the population to balance public accounts. Ironically, the Argentine government also paid a fee of 400 million dollars to the IMF to submit to the entity's supervision and audit mechanism (LEDESMA, 2017). Having visited the country, the IMF executive board praised the measures, describing them as ambitious and necessary to promote a more stable and sustainable economic policy framework (IMF, 2016). Nevertheless, in the second half of 2017, Argentina reached a percentage of 25.7% below the poverty line and, in 2018, unemployment reached 9.1% and annual inflation reached 26% (TEIXEIRA, 2018). In 2019, the last year of the Macri government, unemployment reached 10.6%, closing at 8.9% (INDEC, 2020a), GDP was about 1% lower than the previous year (INDEC, 2020b) and the percentage of people below the poverty line reached 35.5%, corresponding to 25.9% of Argentine households, including 8% of the population below the indigence line (INDEC, 2020c).

In Brazil, the process of flexibilization is beginning to gain force already in the 1990s, going against the implementation of social rights contemplated by the 1988 Federal Constitution, in an offensive by capitalists and employers' unions (MARCOSIN et al., 2012).

In this trail, it is possible to observe a series of normative changes in this direction, initiated in the Sarney government and reaching the Lula government - the latter marked by an ambivalent conduct of commitment to financial capital, maintenance of the primary surplus and an attempt to placate labor and union reforms *pari passu* with assistance programs, access to credit and the extension of the democratization of deliberative spaces, thus seeking a policy of full employment, but without zeal for its quality, thus giving rise to the advance of labor precariousness (ANTUNES, 2018). However, the significant improvement in formal employment indicators in the first decade of the current century, achieved under the aegis of the same state regulation of the employment contract - thus denoting that employment legislation does not influence, in the main, employability (FERREIRA, 2011; CARVALHO, 2018) -, was not able to hinder the reform of the employment legislation of 2017, based on the discourse of job creation. The post-reform statistics prove this dissociation between labour rights and job creation.

From 2017 to 2020, the rate of unemployment in Brazil remained stable, supporting successive rises and falls, indicating that the changes were innocuous to the promotion of employability, since the number of unemployed remained around 13 million, ranging between 13% and 11% of the workforce (IBGE, 2020a). Even so, such estimates could lead us to believe that the measures would not have been so harmful if we focused on periods of slight growth, were it not for the indications of the other indexes that make up the labor statistics.

According to IBGE, the underutilization rate of work was a record since 2012, reaching 28.5 million people in the first quarter of 2019, reaching a quarter of the Brazilian population (IBGE, 2019b). In the first quarter of 2020, there are still 27.6 million people in this condition, or 24.4% (IBGE, 2020b). In addition, the number of people in "discouragement", i.e., who have given up looking for work, also rises uninterrupted, reaching 4.8 million people in the first quarter of 2020 (IBGE, 2020c). If this were not enough, the self-employment data released by PNAD Continuous indicated the break of another record in the historical series, since 2012, in the last quarter of 2019, with a slight fall to 24.2 million people in the first quarter of 2020 (IBGE, 2020b), corroborating the hindering of formal, protected and stable employment. In short, the total number of people outside the workforce is 67.3 million in the 1st quarter of 2020, the highest number since 2012 (IBGE, 2020c).

The Brazilian labor reform reached several points of the CLT, reconfiguring the entire national labor legal framework, especially regarding the workday. In this regard, the first change to be highlighted concerns the expansion of the compensation mechanism for working hours. Compensation was instituted within six months, by written individual agreement, and monthly

compensation by tacit or written agreement, bypassing trade union participation in negotiations on such a sensitive issue. Also, with the insertion of art. 59-B in the CLT, the understanding of item IV, of Precedent 85, of the TST, according to which the provision of usual overtime does not characterize the systems of compensation of hours, paving the way for the disuse of the classic journey of eight hours daily and the option for strenuous journeys, was removed.

Likewise, art. 59-A and single paragraph of the CLT allow that, by individual written agreement (and not only collective norm, as previously authorized by the case law), the 12x36 working day have breaks granted or indemnified, allowing the employer to submit the employee to a 12-hour uninterrupted working day, considering holidays and extensions in night work as compensated and stipulating that the monthly remuneration covers the weekly paid rest and the rest in holidays.

The breaks, in addition to having the payment of 50% when not fulfilled, only relate to the period forgotten (no longer the full period), can now be the subject of negotiation between employer and employee.

The legislative reform also promoted the extinction of "in itinere" hours, which compelled the employer to pay the worker for the period of travel in transport provided by the company itself, when located in a place of difficult access and inaccessible by public transport. As a result, an important indirect mechanism for the delimitation of working hours was extinguished through economic disincentives derived from the consideration of paid working time as a period without applying the workforce to the production process (PRONI, 2018).

Another very relevant reformist movement was the relaxation of the rules regarding atypical forms of hiring already contemplated in the Brazilian legal system and the provision of others not admitted until then. A common feature of all these cases is the excessive expansion of the capitalist's disposition on the worker's time.

Part-time work, which was previously limited to 25 hours a week, has been extended to the limit of 30 hours a week. Moreover, with the revocation of § 4, art. 59 of the CLT, it was admitted the compensation of working hours in that type of contract, provided it was agreed to twenty-six hours per week, with limitation in six extra hours per week, which may total thirty-two hours per week. The extension of this type of work and the possibility of its performance in overtime makes it more attractive to employer adoption, since the restrictions of rights inherent to that specific contractual modality are maintained.

The "intermittent employment contract", for which the employee only receives for the hours actually worked, with no minimum limit for hiring, is now admitted. This type of service provision causes instability in the life of the worker, completely relegating the disposition of all his time of reproduction of life and production alienated to the discretion of the employer, with submission of routines that can vary between strenuous days and periods without work (and therefore without remuneration), resulting in an increase in the degree of competition among those who live from the sale of the workforce, extinguishing possible solidarity relations (Teixeira, 2018). This situation is also applicable to the so-called "autonomous contract with exclusivity", another novelty brought about by the reform and, in this case, with an even more precarious potential, given the inexistence of an employment bond and, consequently, the insertion of the individual in the scope of the ownership of labor rights.⁶

The inclusion of article 611-A in the CLT is an eloquent expression of the fact that the working day is given to the employer's disposal by the Brazilian reformed legislation, stating the absolute prevalence of the negotiated over the legislature in relation to several subjects alluding to the working day, such as the annual bank of hours, the daily break (with possible indiscriminate reduction now admitted to thirty minutes), teleworking, overtime, intermittent work, the modality

⁶ Similar experiences of atypical hiring in Europe have shown that German mini-jobs and British zero hour contracts are likely to be directly related to increasing poverty in these countries (Barbarrusa, 2016).

of registration of the work contract, exchange of holidays and extension of the working day in unhealthy environments.

Even with all these changes analysed, hiring in the post-reform period on the basis of income, the only statement that shows a positive balance of hiring is that of workers who earn up to a minimum wage. It is therefore reasonable to envisage the replacement of more qualified jobs by more precarious and poorly paid jobs as a result of the legislative changes adopted, contrary to the discourse that justified their adoption (TROVÃO; ARAÚJO; 2018).⁷

4 THE COVID-19 PANDEMIC AND THE ESCALATING OF REFORMIST IMPETUS

The emergence of the Covid-19 pandemic hit the heart of the capitalist socio-economic dynamic: the intensity of the employment of working time in production. The lack of a cure for the disease and of a vaccine for its prevention made the use of masks, the personal hygiene etiquette and the social distancing present themselves as the only effective methods of controlling the spread of the pathogen causing the novel disease and, consequently, in many cases, as a brake on the pace of production, sales, service provision and, finally, the employment of the labor force, in all these stages of the cycle that maintains the accumulation. Thus, this chapter aims to elucidate the limits imposed by the pandemic on conventional labor and the measures taken by the Brazilian authorities to deal with it, compared to the legal treatment given to the working day until then.

On April 29, 2020, the ILO estimated a 4.5% drop in total hours worked in the world in the first four months of 2020 compared to the last four months of 2019, which would represent, in absolute numbers, the suppression of around 130 million hours worked in full-time jobs (ILO, 2020a). Two months later, the international organization found an even worse scenario than the one predicted for the comparison of the same four quarters: 5.4% reduction in hours worked in the planet, equivalent to 155 million hours worked in full-time contracts. In view of this, the ILO estimates for the second four months of 2020, compared to its correspondent in the previous year, a 14% drop in the world total of hours worked or 400 million hours, 18% of which lost in the American continent, where Covid-19 has found vast and little resistant ground for advancement (ILO, 2020b).

The world quickly found itself immersed in a possibly unprecedented economic crisis, with a violent decrease in working hours, putting itself to combat it with the known weapons of the post-World War II era, aimed at maintaining the circulation of goods: massive state intervention in the granting of credit to companies, provision of emergency income to the underprivileged, and robust relief from production costs, including labor. These latter measures set the tone for the changes promoted by the Brazilian ultraliberal government and corroborated by the National Congress and the Judiciary on the pretext of maintaining jobs in times of pandemic. These changes exacerbated the 2017 reformist march to the extreme, with respect to the transfer of the worker's time arrangement to the employer. Two rules edited by the Federal Executive Branch paved this path, namely Provisional Measure No. 927 of March 22, 2020 (MP 927/2020) and Provisional Measure No. 936 of April 1 of the same year (MP 936/2020), already converted by Congress into Law No. 14,020 of July 6, 2020.⁸

Despite the declared motivation to preserve jobs, MP 927/2020 defined the determination of public calamity due to the pandemic by the Federal Government as justification for the operation of termination of employment contracts due to force majeure, under art. 501 of the CLT, thus

⁷ More specifically on the relation between working hours and production costs as an employment factor, Soares (2013) had already pointed out that, in Brazil, from 1988 to 2008, when the last reduction in the legal working hours limit occurred, the companies' productivity grew by 84%, a gain that was not distributed in salaries; moreover, he added that, according to data from the National Confederation of Industries, the weight of wages in production costs is around 22%. With these elements, Soares calculates that a reduction of 9.9% of the day, from 44 hours to 40 hours per week, would increase the total cost of production by only 1.99%.

⁸ A provisional measure is a Brazilian legal tool by which the President of the Republic can enact rules that, only later, will be submitted to the scrutiny of Congress, which may or may not convert it into law.

instrumentalizing dismissals with the payment of half of the amounts due to those dismissed. A list of eight measures was presented to face the economic effects, five of which impacting on the management of working time: teleworking, anticipation of individual vacations, granting of collective vacations, use and anticipation of holidays and bank of hours.

As for such measures, the possibilities alluding to teleworking, individual and collective vacations and holidays were relegated to the exclusive decision of the employer, while the establishment of alternative time bank systems, with compensations for periods of up to eighteen months, were assigned to individual agreements between employers and employees, removing the rule already reformed in 2017, which had maintained the collective norm negotiated with the professional union for this and compensation in up to one year of overworked hours, accepting the individual agreement in case of compensation period of up to six months (art. 69, §§ 2 and 5 of the CLT).

Now justified by the urgency of the fight against the pandemic, a significant deepening of the employer's disposition of employees' working time was imposed by art. 26 of MP 927/2020, which admitted the possibility of exceptional and unlimited extension of the working hours of health professionals (even if submitted to the system of 12 hours worked per 36 hours of rest), by application of art. 61, of CLT, that provision of such extension for cases of "imperative necessity" of service or force majeure; and the authorization of the adoption by health establishments, by means of individual written agreements, of supplementary work schedules, between the thirteenth and twenty-fourth hour, without the risk of application of an administrative penalty, provided that the remunerated weekly rest is guaranteed. In spite of the emergency and the need for the valuable and indispensable work of health professionals in confronting the pandemic, the legislative option was to legalize the maximum arbitrary extraction from the workforce, extending the risks to the physical and mental health of these professionals far beyond exposure to contamination by the new Coronavirus.

The MP 936/2020, for its part, allowed the proportional reduction of working hours and, consequently, of salaries, for up to ninety days, either by individual agreement - in which case the reduction proportions are pre-established at 25%, 50% or 70% - or by collective norm (differentiated proportions allowed), always with preservation of the "hourly wage" of work, guarantee of employment for the same period of the reduction, after its termination, and the payment of a supplement to the income by the Federal Government, calculated in the amount of the elected proportion applied to the monthly value of the unemployment insurance to which the employee would be entitled, should he be dismissed. The same Provisional Measure also provided for the possibility of suspension of the employment contract for up to sixty days, with the guarantee of employment for an equal period of time after the termination of the suspension and the maintenance of benefits hitherto insured by the employer or by collective bargaining agreement or convention. It is important to note that there was no provision in the aforementioned MP requiring the employer to demonstrate, in a transparent manner, the economic urgency that requires the implementation of the reduction or suspension of wages, making such arrangements liable to general application, regardless of the economic size of the employer. Law no. 14,020/2020, with occasional amendments, maintained the essence of the rules for reduction of working hours and salary and interruption of employment contracts in MP 936, admitting that an act of the Executive Branch may extend the terms relating to the effects of reduction or interruption agreements.

It is, therefore, in the exceptionality that drives the confrontation of a possibly unprecedented global economic crisis, at least in the last century, that one can perceive the full fundamentality of the expropriation of working time for the capitalist machinery, becoming a protagonist of the emergency legislative measures adopted to rescue the market. For no other reason, the option was for the institution of the maximum patronal arbitrariness regarding the determination of the working day, not denied even by the situations attached to individual agreements between employees and employers, in which the possibility of any margin of free

negotiation is not considered, even more so in a context of structural unemployment enormously aggravated by the pandemic.

Despite all the measures adopted, the month of April 2020, in which the measures admitted by MPs 927 and 936 were implemented, according to the Ministry of the Economy (BRAZIL, 2020a), verified 598,596 admissions and 1,459,099 dismissals, generating a negative result of 860,503 jobs (deficit of 56.5% compared to April 2019), of which 362,378 are jobs in the services sector, 230,209 in commerce and 195,968 in industry. In addition, 8,154,997 employment contracts were suspended or experienced a reduction in hours and wages, of which more than half (4,440,160) were suspended. In terms of the economic capacity of the employer, 4,207,508 who took advantage of the emergency workday were employers with annual revenues below 4.8 million and 3,615,010 above this level, indicating that not only microenterprises or small companies adopted those legal arrangements. According to data from the IBGE (2020d), extracted from the *Cadastro Geral de Empregados e Desempregados (CAGED)*, during the pandemic, there was a drop in the number of hours worked by employed and active people, of which 27.9% worked fewer hours than usual (18.3 million people) - from 39.6 usual hours per week to 27.4 hours; and 3.6 of which experienced an increase in hours worked (2.4 million workers).

Faced with this extraordinary scenario, of still uncertain conformation and duration, the challenge to economic rationality is, on the one hand, to maintain the indispensable extraction of surplus value in times of shrinking demand and social distance and, on the other, to take advantage of the new market opportunities offered by a consumer society, which has the circulation of its members absolutely damaged and is in the process of revision for the near future. Digital technology then comes on the scene.

5 WORKING TIME IN THE DIGITAL AGE AND ITS FACET IN THE EXCEPTIONAL PANDEMIC

The computerization of the world of work is not a recent trend, but a social phenomenon of a historical-procedural nature that, at present, has its own contours, which allow peculiar designations, e.g. "Fourth Industrial Revolution", "Industry 4.0" or "Gig Economy". Therefore, the idea of this section is precisely to ponder the role of productive innovations in the context of the current crisis of capitalism.

The advancement of the technique has already been the reason for the prediction of the reduction of the workday by relevant thinkers of the economy, such as Keynes (BASSO, 2018). Others, like Habermas, were led to believe that scientific progress would lead to an independent source of added value, making human work expendable (SOARES, 2013). The reason, however, seems to be with Braverman, who already in the 1970s, revisiting the capitalist expansion of the 19th century, examined the revolutionary changes in the organization of labor brought about by the scientific management associated with machinery and technological advances, and uncovered the expropriation effects of the labor force resulting from the separation between the conception and execution of productive activities, warning that, despite the technical-scientific revolution and its historical stages, there is nothing new in the mechanism of labour exploitation, but in its organization, in order to reproduce the processes of work "thousands of times faster, more voluminously and more widely" (BRAVERMAN, 2015).

The current challenges of digital labor computerization have already won the international instances of mediation of capital versus labor tension. The Organization for Economic Cooperation and Development (OECD) estimates that 9% of the jobs studied in 21 countries of the organization are already threatened by the high risk of automation (ARNTZ et al., 2016). The United Nations Development Programme (UNDP) refers to the "technological revolution" as a factor that alters not only the morphology of human labor, but also the requirements for the entry and maintenance of individuals employed, to the point of favoring a smaller contingent of highly qualified people in

certain areas, at a time when it harms a multitude of unqualified or qualified people for activities taken by technology (UNDP, 2015).

Huws identifies two key features of capitalist restructuring with post-crisis technological support in the 1970s. The first is the precarious reorganization of existing labor by a technology that simplifies tasks, weakens skilled labor unions, replaced by technology and by the expansion of the use of unprotected labor from the Global South's reserve army. The second is the commercialization of aspects of life not previously brought to market, such as domestic activities and the attributions of various shades of the public sector led to outsourcing (HUWS, 2017). The author also states that, even in conventional (not typically technological) work, today's workers mix their own wisdom and computer knowledge, making commonplace the performance of various functions related to different areas of the production process, resulting in the ease of replacement of employees, with the deepening of market exclusion and loss of class identity (HUWS, 2017).

In this path, a sign of the turnaround in the way work is performed, we highlight the workers inserted in the context of the Central Telecommunications and Service (CTA - the acronym in Portuguese), as well as those who work in telework, for being at the forefront of information control on typical work.

In the first case, Braga (2006) believes that teleoperators represent the new working class framework, which is progressively computerized and collectively fragmented, inserted in a context of precarious working conditions, with the intensification of work rhythm and stress and wage compression. In this path, the technology employed in the activity is the protagonist in marking the rhythm imposed on the day, with the purpose of maintaining the permanent mobilization of the workforce, establishing subsequent goals that demand a large amount of labor effort, in a short period of time. As a result, replacing the wage struggle, the new dispute in the current arrangement of work is for human dignity, embodied, for example, in the direct interruption of the day to go to the bathroom, among other breaks classified by employers as privileges. This dynamic has not changed in the pandemic, since the activities could be adapted to the workers' residential environment.

Broadening the range of observation, the case of the U.S. delivery company Amazon is of interest, which has adopted physically strenuous journeys, in which employees are given timed commands (in seconds, sometimes) to travel through a warehouse the size of a football field and place on the conveyor belt a certain product for shipment, which is done repeatedly, in journeys of 10 hours a day, equivalent, throughout the day, to marathon courses (BBC, 2019). To ensure performance, workers are tracked by software, which calculates and classifies performances, and it has become public knowledge that the company fires 10% of its worst ranked employees every year (LECHER, 2019).

The working time situation of Amazon's most qualified workers is also dramatic. Through messages and teleconferences, it is common for high ranking professionals to activate themselves after midnight and demand immediate responses from their colleagues. Unceasing work is part of the company's philosophy, proclaimed by one of its leaders as "purposeful Darwinism". With routines that reach 85 hours of work a week, without vacations or weekends controlled by digital media, former employees have admitted that it is common to see people crying during the workday because of excessive pressure, which leads the company to keep only 15% of its employees for more than 05 years (KANTOR; STREITFELD, 2015).

At this unbridled pace, officials are encouraged to evaluate and denounce each other to their superiors through internal social networks. An employee who had thyroid cancer was poorly rated by her colleagues and reprimanded by her superiors after returning from treatment, because her colleagues would have "accomplished a lot" during her absence. Another woman had to go on a business trip the next day when she miscarried twin children. While in a unit in Minnesota, African immigrant workers protested about the absence of breaks, including to pray (KANTOR; STREITFELD, 2015).

In view of the economic opportunities brought by the exceptional situation, Covid-19 came to accelerate Amazon's gains, whose owner is treated by the British newspaper *The Guardian* as "the big winner" of the pandemic, due to the intense increase caused by the demand for major products (e-commerce, streaming and delivery services). On the other hand, the company has been the target of protests from its employees, who complain about unsafe working conditions (WALKER, 2020).

Another symptom that the digital computerization of work has come to capture the greatest amount of live work possible is the new regulation of the telework system in Brazil, which occurred with the 2017 labor reform, which, according to art. 62, III, of the CLT, made this modality incompatible with overtime pay, regardless of the effective duration of the day, despite the digital control means available, subjecting the worker to the risk of hyperconnection and compliance with an expedient with no time to finish (FINCATO; LEMONJE, 2019).

Research in the European Union has shown an exponential rise in work intensity since 1980, with 62% of workers reporting that they work under tight deadlines and 59% working at high speed. The greatest physical risk remains exposure to repetitive hand or arm movements, with 88% of workers reporting doing so for at least a quarter of their working time (Parent-Thirion, 2012). This physical risk has been highlighted in the last five editions of the study, and is therefore a structuring factor for work in Europe (DAL ROSSO; CARDOSO, 2015).

Paradoxes in the new morphology of work are gauged from this scenario, in the context of which digital computerization has triggered a historical moment in which the right not to work of the hyperconnected must be defended as eagerly as that of the unemployed. Therefore, technology devours jobs while enslaving workers. Information by technological means is so accessible and, therefore, potentially useful for the reproduction of human life, even though it is also so crucial for professional routine, to the point that hours of personal life supposedly outside production should be dedicated to the consumption of news as a requirement for competitiveness and maintenance in the workplace, extending unpaid overtime (Souto Maior, 2003).

However, it is not only through changes in traditional forms of employment that the phenomenon of digital computerization operates profound changes, which resignify work in the 21st century. After all, with the success of smartphones, the provision of services intermediated by apps has erupted, raising the level of precariousness of paid work to another level⁹. In Brazil, from 2012 to 2018, the types of occupation that presented the greatest positive variations were those who drive vehicles and those who work in a place designated by the employer, or client. "The recent ups may be related to the growth of passenger transportation services and deliveries by mobile phone applications, reflecting the changes in the current economy" (IBGE, 2019a).

In this trail, as occurs all over the world, it is still the object of judicial dispute, including in Brazil, the existence of employment bond between these companies and the millions of workers who enter the platform under the scenario of structural unemployment and without any labor and social security protection, despite the essence of the capitalist exploratory dynamic being configured to the scars, from the alienation and surplus value extracted by the platforms together with drivers, delivery workers and various liberal professionals (e.g. from the aesthetic and food sectors). This dispute emerges from the allegation of digital platforms, according to which, they only provide the communication service between service providers and final consumers.

The legal debate, consequently, has been revolving around the issue of the subordination (power of control) of platforms over the work of others (Brazil, 2018; 2019; 2020b), which, in fact, in the perception of Filgueiras and Antunes (2020) occurs by means of at least 11 explicit control measures, among which, more directly related to the working day, are the determination of the type of service to be provided, the prohibition of the choice of the client to be served, the stipulation of

⁹ Combining flexibility with computerization "the new platform being proposed for the UK's National Health Service that would have nurses bid for shifts under the guise of offering flexibility rather than being provided with more stable contracts." (Graham; Woodcock, 2018, 243)

the period in which the service must be provided, the remuneration per task (variable at the platform's discretion), the threat of cutting the worker in case of non-attendance and, therefore, the pressure for more time at disposal¹⁰.

On this perspective, it is interesting to note, again with Filgueiras and Antunes (2020), that, if on one hand, it has never been so easy, from a technical point of view, to intensify employer control over labor and demonstrate it, on the other hand, the neoliberal historical period of a global financial capitalism imposes obstacles that are difficult to transpose into the application of protective labor standards to this exponentially growing group of workers, giving rise to the recognition of the conformation of a cyberproletariado (HUWS, 2017), infoproletariado (ANTUNES, 2018) or worker just-in-time, with a marked worsening of the sexual division of labour (ABÍLIO, 2020).

Nevertheless, the advent of COVID-19 put in question the alleged ontology of the business provided by Uber. If, on one hand, Uber is part of the whole social fabric, transporting consumers and sustaining workers by the thousands, every day, participating intensely in their lives. At the same time, the platform has the prerogative of draining itself from following the local laws and contributing tributarially to the same extent as other companies. "By disregarding local employment regulations, Uber treats its driver's labour power like any other tradeable factor of production rather than a human quality" (KATTA et al., 2020).¹¹

However, with the prominence of social distancing and the paralysis of commercial and industrial activities, the drivers' earnings ceased and the company was compelled by the harsh criticism and eminent uprising of social movements and strikes to provide health tools for work and, at least in the USA, financial aid to drivers diagnosed with the disease or with pre-existing risk conditions. On this path, such conducts represent a great step towards the re-humanization of drivers and a strong factor of opposition to the supposed lack of responsibility of the company for gig workers, especially considering that the virus situation will eventually pass, but the financial insecurity of this proletarian class will last forever until this new business model is rethought (KATTA et al., 2020).

As if this were not enough, the technology applied to the production process, in some sectors, relies on the consumer's own workforce, thus replacing employees, of which online purchases are clear examples, in which the client is responsible for recording all information, together with documents, route schedule, payment, etc., as occurs with airline tickets or rental homes per season (HUWS, 2019).

Worse, the social and individual pressure for maximum exploitation of working time has been copiously aggregated by the cheapening of human labor provided by new technologies, which has directly affected segments of the most vulnerable classes in the labor market. Basically, a chain of exploitation of the time of others has been erected, and at the base of it are primarily women and racial minorities brutally compressed between domestic work and the sale of the labour force for the gig economy (HUWS, 2019).¹²

¹⁰ In the course of this legal dispute, precedent jurisprudence recognizing the existence of an employment contract between workers and companies that manage digital service platforms can already be found in Brazil, the UK, Argentina, Spain and the USA. (Antunes; Filgueiras, 2020).

¹¹ A study promoted in Germany, by Oxford university, classified digital platforms on the question of fair work, defining objective criteria such as remuneration, representativity, etc. In the last position, as the most unfair platform to its workers, was Uber. Ironically, the first place was occupied by the CleverShuttle platform, which offers the same passenger transport services, but qualifies its drivers as employees, committing itself, for example, to minimum hourly wages. (Fairwork, 2020)

¹² "A pattern seems to be emerging whereby the needs of time-poor households are met through the labour of the money-poor. The intensification of work and poor work-life balance that leads working women to depend increasingly on the market for their social reproduction directly feeds the development of a form of labour that is characterised by even poorer working conditions. The workers who rely on online platforms for most of their income, many of whom are from racialised minorities, are among the most precarious, working long and unpredictable hours interspersed with

Nevertheless, it is the psychological consequences of this new pace of exploitation that most threaten the health of the worker. Neurological disorders, headed by depression and anxiety, are the biggest diseases of the century, raising the mortality rate by 40% to 60% and being the biggest causes of incapacity for work (World Health Organization, 2020). In the meantime, it was observed in sugarcane cutters who died from overwork that the impetus to stand out for productivity ("the ethics of being the best") was determinant for "the fatal outcome" (DAL ROSSO; CARDOSO, 2015).

On the hegemony of this new immunological paradigm, Byung-chul Han (2015) unveils a society of fatigue, consecrated by the performance society, that acquiesces with the dogma of the prevalence of stimulus over control and prohibition, for the purpose of encouraging production. Thus, the individuals are, today, conditioned to think of themselves as entrepreneurs, eliminating the need for external imposition. Freedom and coercion and master and slave are confused, through the cult of power and victory, internalized and perpetuated in self-control. "Doping exists in a society of fatigue, because even performance, something complex, has been reduced to a vital function to be conditioned" (HAN, 2015). When this performance is not achieved, man is confronted with powerlessness, in a society where current discourse preaches that anything can be done, then incurring in guilt, anxiety and depression. This weariness is separatist and individualizing, implying distance and non-recognition among people (HAN, 2015).

Today's life lacks pauses and intermission, as it vibrates at the rhythm of mechanical continuity. It strives for the restoration of the contemplative life, replaced by the regression of the multitasking man, who does everything, but in a shallow way, who does not even take advantage of coitus or food and scatters the focus easily, not enduring creative boredom, reproducing quickly, without innovating, and incapable of reflecting enough to take a negative stand before life, to feel anger and mourning, each with its own importance (HAN, 2015).

However, as Basso points out (2018), science and technology have intensified the co-optation of workers' time by the capitalists, in a manner servile to the feeding of unproductive consumption and to the empty idleness of the rentiers, a reality that is deeper and more clearly evidenced in times of pandemics, in which is visible, through the imposition of a virus, entire productive processes adapted to reach residential environments (home office or telework) or partially assumed by artificial intelligence, intensification of the control of the productive time of the worker by electronic means and expansion of the demand for services provided through digital platforms. And all this accompanied by the absolute relaxation of the regulatory legal limits imposed on the working day of formal workers, bringing them closer to the excluding and non-citizen reality of informal workers who, despite their condition, are protagonists of the perfect paradox of advanced technology, by placing itself as an alternative to absolute poverty, it provides low income in unprotected conditions of maximum exploitation, making a fortune by giving the underprivileged the privilege of servitude, whose only tangible combat will be the challenge of emancipation (ANTUNES, 2018).

In this regard, for developing countries, the pandemic and actions to deregulate formal labour and intensify informal and unprotected labour embody, in the dimensions of loss of income and exposure of life to contamination, the "perfect storm" for a rapid expansion of social inequalities, as the United Nations Economic Commission for Latin America and the Caribbean (UNECLAC, 2020) has already warned.

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periods of enforced worklessness (and extreme poverty). Their own work-life balance is likely to be even worse than that of the customers they serve, increasing their own dependence on the market and tightening still further the knots that tie them into the global digital capitalist economy." (Huws, 2019, 21).

The centrality of time for the reproduction of life and the centrality of time for the reproduction of capital, although they may seem to be designative of the same phenomenon, are not, because in spite of the object (time) being the same, the phenomena differ in the dimension in which, when it becomes a measure of the pricing of the commodity labor force, the time applied to remunerated labor is alienated, that is, it escapes the control of its natural administrator.

It is precisely this centrality that makes the limitation of the work day by law, in all its manifestations (daily work, weekly work, breaks, weekly rest, vacations, rests, etc.) a target of uninterrupted historical dispute, but which, in the 20th century, experienced some stabilization, resulting from the compromises between capital, State and civil society, which occurred at the expense of many clashes and socioeconomic fractures perpetrated by the World Wars.

The end of the twentieth century bears witness to the deconstruction of the foundations of this tenuous commitment, on the one hand, by the capitalist instrumentalization of the expressive technological advance experienced with the Internet and the digital era and, on the other, by the globalized neoliberal impetus associated with globalized financial capital, both of which associate and promote a new reconfiguration of the morphology of labor and, of course, of the use of human time in production and the corresponding regulation.

The digital conquests, while welcome, in the perspective of the undeniable improvements that they provide to the human condition, also intensify the co-optation of the individual's time to work, either by the imposition of explicit control, or by the diffusion of a successful contemporary capitalist ethics in the psychic naturalization of a kind of "self-exploitation", in order to productivity, or, still, by the urgency of the undervalued who, through digital platforms, perform informal, insecure and badly paid work.

The neoliberal restructuring movement has been taking shape in Brazil since the 1990s, achieving specific legal changes that would no longer be specific with the 2017 labor reform law, approved without the necessary social dialogue and that subverted the heteronomous pillars of the Brazilian labor legislation, having, exactly, in the loosening of the limits of the working day its tonic.

Thanks to government speeches aligned with the interests of large economic conglomerates, Brazil enters 2020 under cynical rumors that the deregulation imposed would not yet have been enough for the intended economic growth and that, well, it should be expanded. However, the advent of the Covid-19 pandemic is abrupt, and what we see is the immediate contemplation of that claim, to such an extent that it authorizes us to affirm that there has been an almost complete transfer of the disposition of the worker's time to the employer, going back to previous periods of unequal and deadly labor law, of free contracting of services.

It is possible to see from the historical context reproduced that, in the world, the intensification of the extraction of surplus value and the deregulation of the limits of the working day were already presenting a pandemic rhythm of dissemination and that, in view of what happened in Brazil, the deregulation was opportunistically deepened, regarding Covid-19.

Just as it is not known for how long and in what way the new coronavirus will continue to impact the world society and, more specifically, Brazil - in the face of its tragically inept way of facing it -, it is also not possible to affirm, in spite of the temporary limitations in principle of the measures adopted, whether the changes regarding the regulation of the working day will be perpetuated under the blessings of the State, with or without the maintenance of the undesired pathogen circulation.

At the end of the day, the typically capitalist dispute over workers' time is repeated, and the pandemic only aggravates this phenomenon, which, in the face of the history of the societal model of accumulation, will continue to be mediated by the tension of forces and, well for this reason, the workers will only be able to rediscover forms of resistance by mobilization. If, for some months now, the whole of society has been fighting against a virus for the right to more life, the workers' struggle against an unequal regime of production for more life outside an alienated work

goes back more than two centuries. It is a time of social distancing, but for those who live off the sale of the labour force, all that is left is the enlightened agglomeration of purposes.

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