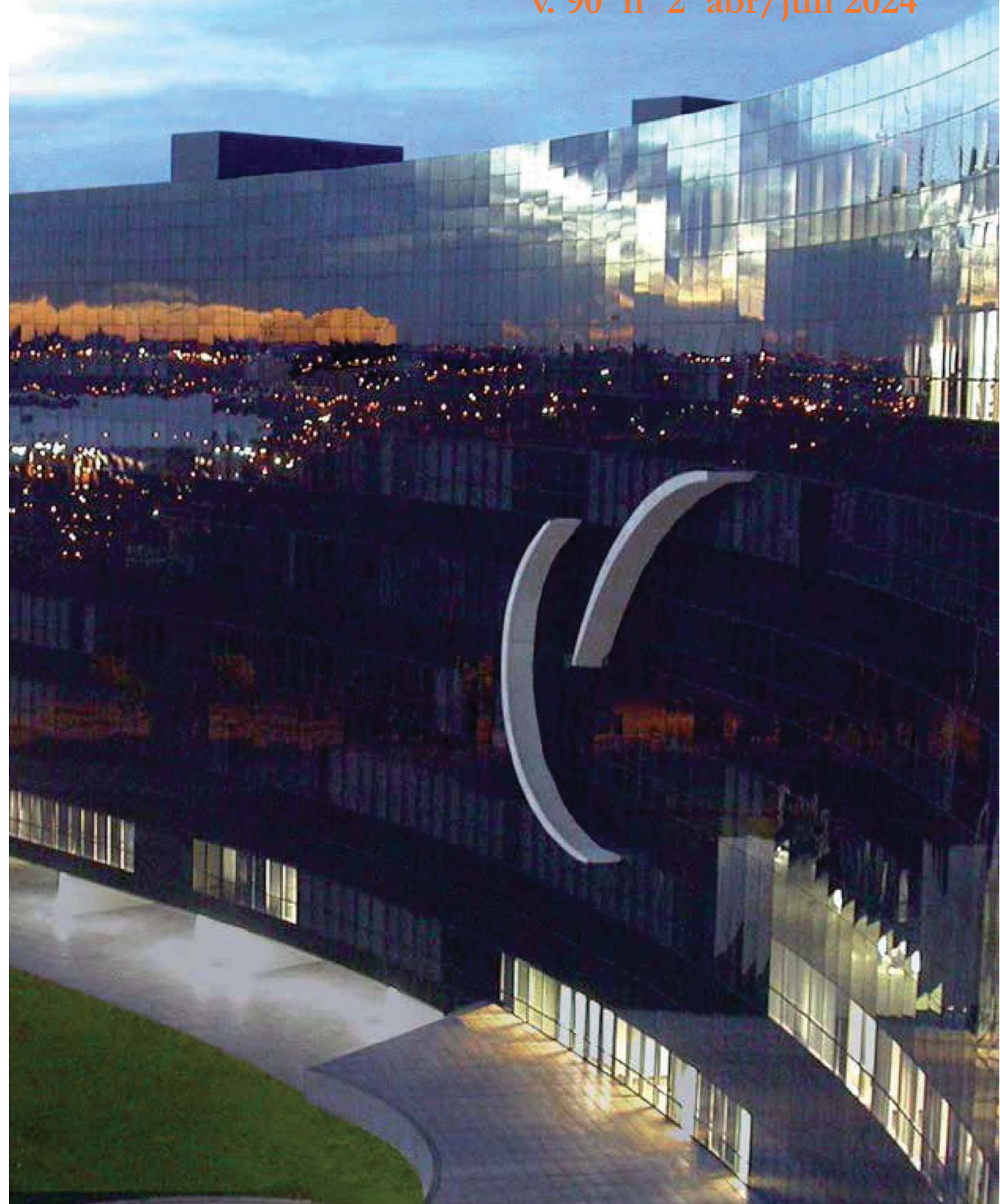


# Revista do Tribunal Superior do Trabalho

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## Presentation

We present to the public the volume 90, number 2, relating to the quarter from April to June 2024, of the *Revista do Tribunal Superior do Trabalho*. The edition is made up of papers submitted through a broad public call, with evaluation by our Board of Reviewers, to whom we thank the invaluable intellectual contribution to the excellence of the publication.

This edition opens with a study by Sergio Pinto Martins, minister of the Superior Labor Court and professor at the University of São Paulo Law School, in which the distinguished minister and professor deals, in a didactic manner, with the appropriateness of arbitration to settle labor disputes. The author points out that, given the delay in resolving labor disputes, “it is imperative that conflicts be resolved by arbitration, which is much faster”.

In a paper entitled “The criminal sentence as a judicial enforcement order in the labor court”, Júlio César Bebber explores the contact between civil and criminal jurisdictions and responsibilities, discusses the effects of the criminal decision in the civil sphere and justifies the understanding that a final and unappealable criminal sentence for a crime committed within the scope of the employment relationship is a judicial enforcement order before the Labor Court.

Marcelo Braghini presents a paper proposing the repositioning of the individual agreement in the individual labor context, with the necessary re-reading of labor law dogma. According to the author, the 2017 Labor Reform was lavish in disciplining individual agreements, which, with the employee’s consent, promote contractual changes, in contradiction to the normative prohibition of harmful inalterability.

The paper by Adriana Wyzykowski *et al.* looks at the relationship between care and licenses in a comparative analysis of Brazil and Chile. The text discusses the gendered nature of care work, which is seen as an essential activity for women in the capitalist system of production. It argues that women’s care work, despite having economic value, has been systematically inferiorized throughout history.

In her paper, Bárbara Godoi identifies and describes the ways in which violence against black women manifests itself at work. The author uses a sample of labor lawsuits from the period 2010-2020. The results indicate the prevalence of psychological violence, expressed in cultural meanings that have historically legitimized the subordinate status of black women.

João Luís Matias and Ricardo de Morais Jr. check in their text which peculiarities of the employment relationship would make it more susceptible or fragile in terms of the occurrence of algorithmic discrimination. The authors argue that, despite the supposed pursuit of objectivity, algorithms can cause discrimination

## PRESENTATION

through programming errors, generalization of data, use of sensitive information and limitation of rights.

Daniela Gomes's paper deals with the parameters stipulated by the 2017 Labor Reform regarding of moral damages in the Labor Courts. The author discusses the pricing system imposed, pointing out that, in addition to not being sufficient for the effective reparation of damages suffered in labor relations, it does not respect the protective nature of Labor Law or the constitutional requirement of effective reparation for moral damage.

In her paper, Érika Bastos analyzes the institute of the General Personal Data Protection Law in the light of labor relations, especially the practical analysis in the pre-contractual phase. The author raises questions such as to what extent the right to privacy must be respected in order to guarantee the trust of the contractor and what the law in question says about this issue.

Alessandro Tristão *et al.* try to define in their text the scope of the ban on working in an unhealthy environment for children under 18. The authors conclude that this restriction must be absolute, since these are individuals who are particularly vulnerable to occupational risks.

Elaine Rodrigues' paper seeks to demonstrate the possibility of reparation for continued collective existential damage as a result of a mass workplace accident that is perpetuated over time. The author bases her analysis on the "Eternit Case", demonstrating the configuration of collective existential damage.

In their paper, Brenno Menezes and Débora Farias analyze the phenomenon of ageism in employment relations and its repercussions on the violation of human dignity. The authors conclude that the illegality of discriminatory practices removes people or groups from the due perception of rights on the grounds of age.

Finishing off this issue, Manuel Estrada's paper raises the question of which legislation would apply to the astronaut's working environment in outer space. The author presents a legal and labor overview of the issue raised.

We wish you all a great read, in the sincere expectation that the texts presented here may spark critical reflection and new legal proposals for the consolidation of social justice in our country, while also reinforcing the relevance and imperative of a solid Labor Court committed to defending the 1988 Constitution.

**Evandro Pereira Valadão Lopes**

Minister President of the Documentation and Memory Commission