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Presentation

I present to the public volume 89, no. 3 of the *Journal of the Superior Labor Court*, referring to the July-September 2023 quarter. This issue is made up of articles submitted through free competition and evaluated by our Board of Expert Opinions – whom we thank for their invaluable intellectual contribution to the excellence of our publication – as well as through contributions from Ministers of the Court.

Especially for this issue, we have the honor of featuring the contribution of retired Minister Wagner Pimenta, who provided this edition with excerpts from his book of memoirs, in which he shares behind the scenes looks at his experience as Minister at the Superior Labor Court (TST), and in particular his time as President of that Court, fighting against legislative proposals to extinguish Labor Justice during the late 1990s.

Minister Wagner Pimenta – apart from being an excellent reference as a labor magistrate due to his ethical, committed, and dignified conduct – provides important examples of work in defense of Labor Justice, both at the TST, and most notably as President of that Superior Court, and also in the present context. The inspiration conveyed by his memoirs is an invitation for the current generation of Ministers to follow in his footsteps, consolidating the purpose and institutional strength of that Court of Social Justice.

Though it has been twenty years since the events narrated by Minister Wagner in his memoirs, there still remain threats of extinction of Labor Justice, waxing and waning to the tune of the political status quo. In an unequal country, it is no surprise that an institution committed to social justice and to the care of the most vulnerable is under continuous attack, given that the fulfillment of its duties is, in and of itself, a hindrance to the unequal structures and to those who benefit from them.

With recourse to Minister Wagner's trajectory as leader of the successful resistance to the attacks on Labor Justice at that time, I make use of this presentation to stress the importance of unity in the Superior Labor Court for the defense of the institution of Labor Justice, as well as the importance of reaffirming the constitutional commitments that justified its creation and continue to justify its existence.

Divergences, which are part of a collegiate and democratic judicial experience, coexist with a greater purpose, which is a basis for the institutional mandate to which all magistrates are beholden: the delivery of a judicial service able to reduce the asymmetries inherent to labor relations and the assurance of fundamental rights to the men and women who subsist from their labor.

It is based on the routine of solving labor conflicts and also on the critical and accurate study of the conditions upon which labor regulation is forged – a purpose to which this periodical contributes – that we can collectively uphold the relevance of Labor Justice, which not only had a historic foundational role in the development of Brazil's labor relations but continues to be an indispensable reference to the regulation of the increasingly fast and disruptive changes that assail the labor world. The reflections present in the articles that make up this issue of the *TST Journal* consolidate this understanding.

Minister Breno Medeiros, in co-authorship with Renan Belutto, provided this issue with an article on "The duty of effective occupation in intermittent work contracts".

Priscila Freire Cezario contributes with the text "Racial affirmative actions in light of a recent decision by the Supreme Court of the United States: impacts on the Brazilian labor market". From this perspective, the author invites employers committed to social justice to contribute to the fight against structural racism.

Dafne Bastos, Emerson de Sá, and Pollyana Soares analyze the fight against modern slavery in light of Extraordinary Appeal no. 1,323,708/PA. The authors discuss how the discussion brought to the consideration of the Supreme Federal Court reflects a fragility of the system that allows for bargaining with human dignity.

Ariete Pontes draws a parallel between Labor Law and Literature, addressing violations to human rights and fundamental rights exposed in the work *Crooked Plow* by Itamar Vieira Junior, and the promise of the promotion of human dignity by the Rule of Law.

Ednaldo Brito's article investigates whether ocupational health and safety standards outlined in the Consolidation of Labor Laws (CLT) and in the regulations by the Ministry of Labor and Employment are applicable to statutory public servants. Based on the studies conducted, the author concludes that these norms are applicable to statutory public servants due to the provisions related to environmental protection upheld by the 1988 Federal constitution and by the international treaties signed by Brazil.

Suelem da Costa and Clovis Gorczevsk address the incidence of moral harassment in remote work. The article's purpose is to understand the impacts of remote work in work and family contexts, analyzing the challenges faced by workers in this work modality.

Maria Águeda Muniz and Valdélio de Sousa investigate whether the intensification in the adoption of remote work can contribute to a new urban dynamic and to the fulfillment of the Sustainable Development Goals (SDGs).

Patrícia Dvorak and Polyana Caggiano's text analyzes how existential damage and its quantification, established by Brazilian labor reform, impact fundamental rights. Based on the elements presented, the authors note that the methodology established by legislators in proposing compensation for such damage violates fundamental principles of law and undermines the educational nature of compensation.

Victória Ferreira's article addresses the impacts of the General Data Protection Law on employment contracts. The author proposes an analysis of how personal data are treated in employment contracts, beginning in the pre-contractual phase and finally addressing the maintenance and archiving of data of former employees.

In the scope of collective law, the text "The significance of collective bargaining as a non-State process for the creation of labor norms, based on Labor Law sources", by Everaldo Gaspar and Ariston Costa, proposes that, in the application of labor norms, the most favorable one should prevail, that is, the one that satisfies fundamental constitutional principles and ILO norms, and that prioritizes conditions that are the most beneficial for workers, while preventing any regression of social rights.

The article by Camila Miranda, Naira Pinheiro, and Beatriz Guerra investigates if the principle of the social purpose of a company can act as a limiting or impeding factor for the employer's right to terminate employment in collective dismissals. The authors conclude that the employer's potestative right regarding collective dismissal is not absolute, but limited by the guiding principle of economic activity: the social purpose of companies, which includes, among its pillars, the social value of labor.

João Victor Santana's article problematizes an important recent change in the legal labor system brought about by the Supreme Federal Court's understanding in ADPF no. 323/DF, pertaining to the ultra-activity of collective labor norms, which caused controversy in labor law doctrine.

Lastly, Igor Rocha and Maria Cristina Tárrega's text, titled "From slavery to gig economy", discusses the new flexible and digital work modality called gig economy, highlighting its main characteristics and similarities with past forms of labor exploitation, referring back to the 19th and early 20th centuries, which were marked by the incipient regulation of labor relations.

We wish all of you an excellent read, in the sincere expectation that the texts presented here may awaken critical reflections and new legal proposals for the consolidation of social justice in our country, as well as reinforce the relevance and imperativeness of a robust Labor Justice that is committed to defending the 1988 Constitution.

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