Revista do Tribunal Superior do Trabalho

vol. 89 nº 4 out/dez 2023



Presentation

We present to the public volume 89, n. 4, relating to the quarter from October to December 2023, of the *Revista do Tribunal Superior do Trabalho*. The edition is made up of articles submitted to a continuous flow of evaluation by our reviewers, a process that can be done through the electronic address revista@tst.jus.br.

This volume opens with an article by Guilherme Ritzel and Paulo Vinícius Coelho in which the formation of the CLT stands out in light of the historical circumstances that resulted in its creation. The text shows how many of the criticisms made to the CLT are based on false and mistaken conclusions, as such criticisms disregard the legislative changes that have occurred over the last eight decades in our country.

In their article, Cristiane Kunz and Sidnei Machado deal with time control as a measure of the most important changes and an essential element in the context of the hybridization of labor relations.

The article by Tanyse Galon et al. seeks to identify the impacts of the covid-19 pandemic on the mental health of nursing professionals in hospital contexts, according to the workers themselves.

Ana Paula Saladini and Sandra Assad address in their text the issue of the limitations of the current Brazilian regulatory design in relation to parental leave. The article examines the fundamentals of the methods necessary to carry out a comparison of legal systems, reports on the treatment given by Portuguese and Brazilian law to absence from work by fathers and mothers to care for their children in the first months of life and carries out a comparison of the legal systems .

The article by Francisco Gérson de Lima and Hélio Hissa Filho analyzes Law No. 14,611/2023 as an instrument to guarantee equal pay for professionals of both sexes, considering equal pay between men and women a fundamental human right.

Islane Martins, Bernardo Nogueira and Raquel Oliveira present in their text the rights that people with autism spectrum disorder have and the challenges for introducing these workers into the Brazilian labor market.

The article by TST minister Breno Medeiros and Celso Furtado de Oliveira deals with the control of the working hours of professional drivers employed in the face of technological advances produced by the Fourth Industrial Revolution.

In their text, Ane Elise Gonçalves and Amílcar Teixeira Filho analyze scenarios in light of the STF's decision in ADI nº 5,322 on the Truck Drivers Law (Law nº 13,103/2015).

The text by Patricia Hamano and Lourival José de Oliveira aims to find ways to provide social protection to platform workers. The authors propose to equate these workers with casual workers, extending to them social labor and social security rights typical of employees, based on the appreciation of work and the social function of the company.

Rafaela Boiron addresses in her article the influence of the uberization of work in guaranteeing fundamental and labor rights, and how national and international jurisprudence deals with this matter. To this end, the author examines the UK Supreme Court decision in the case Uber v. Aslam, in addition to addressing Brazilian decisions involving the company Uber.

André Gambier's article formulates explanatory hypotheses for the difficulties that lawyers encounter in passing public examinations for the labor judiciary. The hypotheses put forward are constructed based on the use of empirical evidence, with emphasis on those arising from the 1st Unified National Public Competition for the Labor Judiciary.

Marcos Antônio Silva addresses in his text the procedural discharge as an index that represents productivity, how the National Council of Justice and the Superior Labor Court conceptualize it numerically and how the courts can work to improve their productivity indexes in judicial provision.

Mauricio Salviano's article analyzes the TST Jurisprudential Guidelines that deal with provisional protection, to check whether they are in line with current procedural legislation, and whether or not they require adaptations to their texts, for correct application by the labor courts.

Eduardo Camara, Laura Botelho and Maurício de Freitas propose in their article the observation of the phenomenon of anchoring on the value of the case, as opposed to the net value of the execution, to establish an objective criterion to help increase conciliations.

This edition closes with an article by STJ minister João Otávio de Noronha and Carolina Tupinambá that investigates the scope of labor liability of partners, administrators, controllers and shareholders with the power to influence bankrupt companies or those undergoing judicial recovery.

We wish you all a great read, in the sincere expectation that the texts presented here may spark critical reflections and new legal propositions for the consolidation of social justice in our country.

Evandro Valadão Pereira Lopes
Ministro Presidente da Comissão de Documentação e Memória