

## Working relations in contemporary capitalism and outsourcing: the role played by public institutions

Alisson Droppa  
IFCH/UNICAMP, [alissondroppa@yahoo.com.br](mailto:alissondroppa@yahoo.com.br), 51 93072005  
Magda Barros Biavaschi  
IFCH/IE/CESIT- UNICAMP, [magdabia@terra.com.br](mailto:magdabia@terra.com.br), 11992436445

Outsourcing is one atypical way of hiring labour that has been growing in Brazil and in the rest of the world in the last decades, in an action of a capitalism globalized and hegemonized by the concern of the finances. In practice, it is a strategy adopted by the companies to lower the costs of workforce, and has high potential to turn precarious the working relations. In Brazil, despite the data about labour market between 2006 and 2013, that has shown effective improves, outsourcing kept growing and has been impacting Labour Court with lawsuits from workers who seek for rights denied to them. In this paper we present partial results of a research that is been developed in the education institute of UNICAMP University, São Paulo, Brazil, sponsored by Fapesp. The project called “Contradições do Trabalho no Brasil Atual: formalização, precariedade, terceirização e regulação” has a specific axis that aims, among other themes, analyze the role played by Labour Law face to the deepening in this way of hiring.

With the referred purposes, we discuss in the paper the process of regulation of outsourcing in Brazil, where, unlike other countries in Latin America, there is no specific legislation about it, a vacuum that stimulated the Superior Labour Court to edit Precedent No 331, aiming to create standards in the understanding about the limits of this way of hiring. Thus, we analyze the decisions of the Court between the years 2000 and 2013, focusing on suits from workers of the following sectors: pulp and paper, oil tanker, electricity, banking correspondents, Call Center workers, TI in public banks. In the period between 2000 and 2015, the focus is on lawsuits from banking correspondents. The mechanism of research of Superior Labour Court website is the tool used for documental research. With this methodology, we discuss the role played by public institutions that act in the world of works in a scenario of deepening outsourcing, in a timeframe in which the ideas of justice and liberty try to “domesticate” the excluding aspect of capitalism, creating barriers to the pressure of individualism and the force of the values of unregulated competition, moving rationally in the sense of achieving the constitutional principles of social value of work and human dignity.