



## **The working-time and the three spirits of capitalism**

*A duração do trabalho e os três espíritos do capitalismo*

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**Abstract**

This article aims to draw a historical overview about the working-time and its limitation along the three main stages of capitalism, which correspond to specific ways of controlling working day. Also presents the question of how working hours is being debated in the Brazilian experience.

**Keywords:** Working-Time; Capitalism; Labor Law.

**Resumo**

Este artigo objetiva traçar um panorama histórico a respeito da duração do trabalho e de sua limitação ao longo das três principais fases do capitalismo, às quais correspondem maneiras particulares de controle dos tempos de trabalho. Apresenta também de que modo a questão da jornada de trabalho vem sendo discutida na experiência brasileira.

**Palavras-chave:** Jornada de Trabalho; Capitalismo; Direito do Trabalho.



## 1. Introduction

The expression "spirits of capitalism" refers to the work of writers Luc Boltanski and Eve Chiapello, entitled "The New Spirit of Capitalism"<sup>1</sup>, which aims to facilitate the understanding of the historical conditions that allowed capitalism, at different historical moments, get the engagement of the necessary stakeholders for its survival as a dominant mode of production. According to the authors,

The spirit of capitalism is precisely the set of beliefs associated with the capitalist order that contribute to justify and sustain that order, legitimizing the modes of action and the provisions consistent with it. These justifications, whether general or practices, local or global, expressed in terms of virtue or in terms of justice, give support to the achievement of more or less arduous tasks and, more generally, the adherence to a lifestyle favorable to the capitalist order. (Boltanski; Chiapello, 2009, p 42).<sup>2</sup>

This article aims to draw a historical overview about the working-time and its limitation along the three main phases of capitalism, identified by Boltanski and Chiapello as its "three spirits". Before that, it is important to point, although briefly, forms of work and control of working-time in the pre-capitalist modes of production.

In the 1990s, the sociologist Sadi Dal Rosso began his journey through the working-time history in the world having as a starting point ancient Rome, predominantly agrarian and slavery economy, although also having freeholders, leaseholders and migratory workers, who performed similar working-time amounts. According to him, slaves working day was certainly longer than the other workers because the social interdictions to work upon Romans were not applicable to them. (DAL ROSSO, 1996)

The main limitation to the exercise of agricultural labor in ancient Rome was a natural one, as it began at sunrise and ended at sunset. In addition, the seasons also influenced the amount of work performed, as in winter work was to obtain the minimum required for subsistence, while in the fall, spring and summer there was more work. In order to control de working-times, Dal Rosso says that the exact count of the hours was not accessible to all

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<sup>1</sup> The authors option for that expression has its origin in Max Weber's work "The Protestant Ethic and the Spirit of Capitalism", in which Weber explains that people needed strong moral reasons to adhere to the rising capitalism, which at the time were found in the idea of vocation to work sustained by Protestantism.

<sup>2</sup> Translator note. Free translation from the original quote: "O espírito do capitalismo é justamente o conjunto de crenças associadas à ordem capitalista que contribuem para justificar e sustentar essa ordem, legitimando os modos de ação e as disposições coerentes com ela. Essas justificações, sejam elas gerais ou práticas, locais ou globais, expressas em termos de virtude ou em termos de justiça, dão respaldo ao cumprimento de tarefas mais ou menos penosas e, de modo mais geral, à adesão a um estilo de vida, em sentido favorável à ordem capitalista."



Romans, and measuring instruments, such as the water clock, were only available to the most aristocratic segments of society. (DAL ROSSO 1996).

In the Middle Ages, the way of measuring time was modified after the Catholic Church reform that occurred in the sixth century AD, which spread monasteries across the European continent and instituted the canonical hours for the holding of offices by the monks.

The canonical hours were collective religious acts, for which exercise the monks were call up by the church bell at certain intervals, separated by three hours. The bell played, first, this role of awaken and call the monks to the divine offices. But the ringing of the bell exercised another very important function: to spread in distance and served as a beacon of hours for the whole population that inhabited the villages and towns close to the monasteries. The church bell tolling the hours of divine service organized social life of the population. also organized the working day, as it enabled a reliable and affordable mean for the division of time and labor control. (DAL ROSSO, 1996. P. 74)<sup>3</sup>

With the formation of city-states, the power to set the time went from the Church's hands to the merchants and bourgeois ones, and the municipal tower became the place where the bells or "jacquemarts"<sup>4</sup> were installed. For the populations living away from city centers, working-time was still conditioned by sunrise and sunset. (DAL ROSSO 1996)

Dal Rosso, from the data collected by in the work of Gösta Langenfelt<sup>5</sup> estimated that the working-year in the Middle Ages were up to 2500 hours, assuming that people did not work on Sundays and during major religious festivals, and had part-time work during the vigil for religious festivities preparations. Also according to him, this pattern working-year was expanded with the advent of mercantilism and the transition for the capitalist mode of production.

According to this estimate, the working-day had the following dynamics through history:

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<sup>3</sup> Translator note. Free translation from the original quote: "As horas canônicas eram atos religiosos coletivos, para cujo exercício os monges eram convocados pelo sino da igreja a intervalos determinados, separados por três horas. O sino exercia, primeiramente, este papel de despertar e chamar os monges para os ofícios divinos. Mas a voz do sino preenchia outra função muito importante: espalhava-se pelas distancias e servia de balizamento das horas para o conjunto da população que habitava as vilas e cidades próximas aos mosteiros. O sino da igreja badalando as horas do oficio divino organizava socialmente a vida da população. Organizava também a jornada de trabalho, à medida que possibilitava um meio confiável e acessível para a divisão do tempo e controle do trabalho."

<sup>4</sup> Metal or wood man with a hammer beating the clock bell as the hours pass by. (DAL ROSSO, 1996. p. 74-75)

<sup>5</sup> Gösta Langenfelt, A origem do dia de oito horas, 1954, p. 38-45 *apud* DAL ROSSO, 1996.





## 2. The working-time in the first spirit of capitalism. The working-day by Marx.

Boltanski and Chiapello (2009) draw a historical and social overview about the existence conditions of the three spirits of capitalism, which they list as the main variations of that mode of production since its beginning. According to the authors, the first spirit of capitalism is the figure of the heroic bourgeois entrepreneur, from the late nineteenth century, which is associated with the ideas of liberation from traditional forms of personal dependence and innovation.

That spirit was also guided by the bourgeois values, which in the economic field was manifested by the tendency to rationalize everyday life in all its aspects, and in private life, by traditional positioning, attaching great importance to the family, the lineage, the heritage, the chastity of women (to avoid disadvantageous weddings and squandering of capital) and the patriarchal character of the relationship with the employees. In addition, there was a strong "belief in progress, in the future, science, technology, the industry benefits" which justify a utilitarian view, according to which sacrifices had to be made in the name of progress. (Boltanski; Chiapello, 2009, p.49-50)

It is in the period of the first spirit of capitalism that Karl Marx published the "Capital" book I, which dedicates a specific section to the research of the working-day in English factories that time and exposes his view about the limits of labour-power exploitation. According to him, the magnitude of the working-day is the sum of the time required to produce the average livelihood diaries and surplus time, which determines the amount of surplus-value that will be appropriate for the employer. (Marx, 2013 p. 305-306)

Marx argues for a double determination of the maximum of the working-day, primarily by physical limitations of the labour power, which during a day must satisfy physical needs, such as feeding and resting; and secondly, by moral/social limits of working-time, considering



that workers also need time to their intellectual and social needs, whose levels were determined by the general level of culture by the time. (Marx, 2013 p. 306)

Another important issue pointed out in Marx's research is that there is a hunger for more work, which intensifies in the capitalist mode of production, but is not exclusive of this system, as:

Wherever a part of society possesses the monopoly of the means of production, the labourer, free or not free, must add to the working-time necessary for his own maintenance an extra working-time in order to produce the means of subsistence for the owners of the means of production. (Marx, 2013 p. 309)<sup>6</sup>

The German thinker presents the English Factory Acts as the first rules to curb capital impulse for unlimited suction of the labour-power, as these laws established a compulsory limitation of working-day, which should be observed by the British bourgeoisie. Beside the daily activities limited by Factory Acts, Marx also presents the forms of work that were not subject to any government regulation. In order to do that, uses the reports of the *Child Employment Commission*, that was in charge to visit the factories and report the working conditions of English children, and also of other workers.

The reports analyzed by Marx were related to different categories of workers involved in different activities, and indicates the predominant labor-power (male, female or child), and their working-day as well.

The children's working-day draws attention to its strenuous duration in the activities described by Marx. In the manufacture of lace, there were children working uninterrupted 18 to 20 hours; in the potteries, girls and boys worked 15-20 hours a day; in the manufacture of matchsticks, half of whose employees was comprised of children, the working-day ranged from 12 to 15 hours, also uninterruptedly; and in the manufacture of wallpapers, women and children worked about 16 hours a day, without a break for food, there were reports of mothers who fed and cared for their children under the machines in their jobs.

The male workers had more extensive working-day than what was reported by the Child Employment Commission, as stated in the examples brought by Marx of the Bakers officers category, rail and farmers, who had working-days ranging between 16:18 hours in low season, reaching up to 20 hours during the high season in London. The rail category had especially long working-day, which during normal movement of trains varied between 13 to 20

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<sup>6</sup> Translator note. Free translation from the original quote: "onde quer que uma parte da sociedade detenha o monopólio dos meios de produção, o trabalhador, livre ou não, tem de adicionar ao tempo de trabalho necessário à sua auto conservação um tempo de trabalho excedente a fim de produzir os meios de subsistência para o possuidor dos meios de produção."



hours, but during the London Season could last for 40 to 50 hours continuously, which is why many fatal accidents were occurring in the British railway lines.

The appropriation of women's work was particularly seen in manufacturing activities related to textile production. Marx reports an emblematic example of death from overwork by the English dressmaker Mary Walkley, who died after working for uninterrupted 30 hours in making dresses for the ladies of high society. The German thinker pointed out that during the high season the women employed in these activities spent up to 30 hours of straight working to meet the demand for clothing, without having breaks for rest or feeding.

Dealing with the distinction between day and night work, and working in relay system, Marx insists that "appropriating 24 hours of the working-day is the immanent drive of the capitalist production", so in order to overcome the physical limitations of the labor-power, it is necessary to establish a rotation system among employees, according to business needs. In order to illustrate how this system worked, he refers to the fourth report of the Child Employment Commission, in which the factory inspectors note that:

Those who are on day-work work 5 days of 12, and 1 day of 18 hours; those on night-work 5 nights of 12, and 1 of 6 hours in each week. In other cases each set works 24 hours consecutively on alternate days, one set working 6 hours on Monday, and 18 on Saturday to make up the 24 hours. In other cases an intermediate system prevails, by which all employed on the paper-making machinery work 15 or 16 hours every day in the week. This system, says Commissioner Lord, "seems to combine all the evils of both the 12 hours' and the 24 hours' relays." Children under 13, young persons under 18, and women, work under this night system. Sometimes under the 12 hours' system they are obliged, on account of the non-appearance of those that ought to relieve them, to work a double turn of 24 hours. The evidence proves that boys and girls very often work overtime, which, not unfrequently, extends to 24 or even 36 hours of uninterrupted toil. (Marx, 2013 p. 332)<sup>7</sup>

The setting of a normal working-day, according to Marx, is the result of a 400 years struggle between capitalists and workers in England, and during that period there were two antagonistic currents in evidence: a) the first one was on the statutes of workers from the pre-industrial period, in which the right to extract a sufficient amount of over-work by the capital

<sup>7</sup> Translator note. Free translation from the original quote: "A turma escalada para o turno diurno trabalha semanalmente 5 dias de 12 horas e um dia de 18 horas, e a turma escalada para o turno da noite trabalha 5 noites de 12 horas e uma de 6 horas. Em outros casos, cada turma trabalha 24 horas, uma depois da outra, em dias alternados. Para completar as 24 horas, uma turma trabalha 6 horas na segunda feira e 18 horas no sábado. Em outros casos introduziu-se um sistema intermediário em que todos os empregados na maquinaria de fabricação de papel trabalham todos os dias da semana por 15-16 horas. Esse sistema, diz o comissário de inquérito Lord, parece unir todos os males dos revezamentos de 12 e 24 horas. Crianças menores de 13 anos, jovens menores de 18 anos e mulheres trabalham sob esse sistema noturno. Às vezes, no sistema de 12 horas, eles eram obrigados, por conta da ausência de quem iria rendê-los, a trabalhar o turno duplo de 24 horas. Depoimentos de testemunhas provam que meninos e meninas trabalham com muita frequência além do tempo da jornada de trabalho, que não raro se estende a 24 e até mesmo 36 horas."



in its embryonic state was guaranteed by state coercion; and b) the factory legislation of the late nineteenth century, which compulsorily limited the working-day. (Marx, 2013 p. 343)

Among the norms elaborated in the industrial period, Karl Marx emphasized the Law of 1833, the Law of 1844 and the 10 hours' Law of May 1, 1848. The Law of 1833 provided for a working-day that began at 5 am and ended at 8:30 pm, making a total of 15 hours daily. It allowed the work of adolescents for 12 hours a day, distributed at the employer's discretion, and prohibited night work by people aged 9-18 years. The work performed from 8:30 pm to 5 am was considered nocturnal.

The 1844 law, which was in force until 1847, provided for a slightly shorter working day, lasting 12 hours a day. During this period there was a great political upheaval within the working classes, whose motto was the struggle for a 10 hours working day, which meant that the 12 hours working day was generally and uniformly implemented for all branches of industry subject to factory legislation. However, as a way of compensating industrialists for restricting overwork, the English government had reduced the age at which children could be employed from 9 to 8 years. (MARX, 2013. p. 355)

Specifically during the years 1846-1847, there was an economic crisis in England, and the Chartist movement and for the 10 hours working-day grew so much that the 10 hours' law was finally passed, but its implementation would be phased out to 11 in July 1847, and to 10 in May 1848. The reaction of the industrialists was initially to reduce wages by 10%, followed by another 8.5% reduction as soon as the 11 hours day went into effect. In addition, they used threats and all forms of coercion to have workers sign petitions calling for the repeal of the 10 hours' law, which was attested by workers when they were heard by factory inspectors.

Despite the employers' campaign against the 10 hours' law, it came into force, but like its predecessors, it did not limit the work of the male worker over 18, who continued working 12 to 15 hours a day. Only in 1850 did manufacturers and workers agree on the length of the daily working-day, which Marx describes in the following excerpt:

The working day for "young persons and women," was raised from 10 to 10½ hours for the first five days of the week, and shortened to 7½ on the Saturday. The work was to go on between 6 a.m. and 6 p.m.<sup>133</sup>, with pauses of not less than 1½ hours for meal-times, these meal-times to be allowed at one and the same time for all, and conformably to the conditions of 1844. By this an end was put to the relay system once for all.<sup>134</sup> For children's labour, the Act of 1844 remained in force. (MARX, 2013 p. 364)<sup>8</sup>

<sup>8</sup> Translator note. Free translation from the original quote: "A jornada de trabalho para "jovens e mulheres" foi prolongada, nos primeiros cinco dias da semana, de 10 para 10 horas e meia e diminuída para 7 horas e meia aos sábados. O trabalho deve ser realizado no período entre as 6 horas da manhã e as 6 horas da tarde, com 1 hora e meia de pausas para as refeições, que devem ser as mesmas para todos, e em conformidade com as regras de 1844.





Marx concludes his report about the struggles for the normal working-day history explaining how the struggle of the English workers had repercussions in other countries, such as France, which limited the working-day to 12 hours in 1855, and in the USA, where after it was declared the end of slavery, a labor movement arose and the main demand was the eight-hour working-day. (MARX, 2013 p. 371-372).

At the end of the chapter dedicated to the working day in “Capital” there is an important picture of the workers inserted in the historical moment in which the first spirit of capitalism prevailed:

It must be acknowledged that our labourer comes out of the process of production other than he entered. In the market he stood as owner of the commodity “labour-power” face to face with other owners of commodities, dealer against dealer. The contract by which he sold to the capitalist his labour-power proved, so to say, in black and white that he disposed of himself freely. The bargain concluded, it is discovered that he was no “free agent,” that the time for which he is free to sell his labour-power is the time for which he is forced to sell it, that in fact the parasite [Sauger] will not lose its hold on him “so long as there is a muscle, a nerve, a drop of blood to be exploited.” For “protection” against “the serpent of their agonies,” the labourers must put their heads together, and, as a class, compel the passing of a law, an all-powerful social barrier that shall prevent the very workers from selling. by voluntary contract with capital, themselves and their families into slavery and death. (MARX, 2013 p. 373-374)<sup>9</sup>

It is important to understand that to each spirit of capitalism corresponds a form of working-time control and that, at the end of the nineteenth and early twentieth century, has started studies and experiments aiming to improving the production process, among which stands out Taylorism, a form of working time control that reached its full development in the period corresponding to the second spirit of capitalism, which we will see below.

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Com isso pôs-se fim, de uma vez por todas, ao sistema de revezamento. Para o trabalho infantil, continuou em vigor a lei de 1844.”

<sup>9</sup> Translator note. Free translation from the original quote: “Temos de reconhecer que nosso trabalhador sai do processo de produção diferente de quando nele entrou. No mercado, ele, como possuidor da mercadoria “força de trabalho”, aparece diante de outros possuidores de mercadorias. O contrato pelo qual ele vende sua força de trabalho ao capitalista prova – por assim dizer, põe o preto no branco – que ele dispõe livremente de si mesmo. Fechado o negócio, descobre-se que ele não era “nenhum agente livre”, que o tempo de que livremente dispõe para vender sua força de trabalho é o tempo em que é forçado a vendê-la, que, na verdade, seu parasita [Sauger] não o deixará “enquanto houver um músculo, um nervo, uma gota de sangue para explorar”. Para se proteger contra a serpente de suas aflições, os trabalhadores têm de se unir e, como classe, forçar a aprovação de uma lei, uma barreira social intransponível que os impeça a si mesmos de, por meio de um contrato voluntário com o capital, vender a si e a suas famílias à morte e à escravidão.”



### 3. The working-time in the second spirit of capitalism. The Taylorist-Fordist system and the forms of working-time control and management.

According to Boltanski and Chiapello (2009), the second spirit of capitalism - manifested in the period between 1930-1960 - is centered on the development of the large centralized and bureaucratized industrial enterprise and its heroic figure is the director who,

unlike a shareholder who seeks to increase his personal wealth, he is inhabited by the desire to unlimitedly increase the size of the enterprise he runs, in order to develop mass production based on economies of scale, product standardization, business rational organization and new techniques of market expansion (marketing). (BOLTANSKI; CHIAPELLO, 2009. p. 50)<sup>10</sup>

In this second spirit, the organization of life in business and society is based on the idea of long-term planning. Organizations offer career and infrastructure plans for their employees' daily lives, such as housing and training and leisure centers. There is also a new ideological strand, that aims to adapt capitalism to social justice demands and saving it from collapse after the 1929 crisis, which is called "the welfare-state", and is guided by the following values:

"About the reference to a common good, it is made not only by composing with an industrial ideal embodied by engineers - belief in progress, hopes in science and technique, productivity and effectiveness - even more pregnant than in previous version, but also with an ideal that can be described as civic, meaning to emphasize institutional solidarity and the socialization of production, distribution and consumption, as well as collaboration between large companies and the state in order to achieve social justice. (BOLTANSKI; CHIAPELLO, 2009. p. 51)"<sup>11</sup>

It is in this context that the Taylorist system of work organization arises, whose central element is to study and control the working time execution as a way of rationalizing production as much as possible. Geraldo Augusto Pinto (2013) lists the main elements of Taylorism:

a) study of time; b) numerous and functional leadership; c) standardization of the instruments and materials use, as well as all of workers' movements for each type of service; need for a planning section; e) instruction sheets for workers; and f) idea

<sup>10</sup> Translator note. Free translation from the original quote: "diferentemente do acionista que procura aumentar sua riqueza pessoal, é habitado pela vontade de aumentar ilimitadamente o tamanho da firma que ele dirige, com o fim de desenvolver uma produção de massa, baseada em economias de escala, na padronização dos produtos, na organização racional do trabalho e em novas técnicas de ampliação dos mercados (marketing)"

<sup>11</sup> Translator note. Free translation from the original quote: "Quanto à referência a um bem comum, é feita não só por meio da composição com um ideal de ordem industrial encarnada pelos engenheiros - crença no progresso, esperanças na ciência e na técnica, na produtividade e na eficácia -, mais pregnante ainda que na versão anterior, mas também com um ideal que pode ser qualificado de cívico no sentido de enfatizar a solidariedade institucional, e a socialização da produção, da distribuição e do consumo, bem como a colaboração entre as grandes empresas e o Estado com o objetivo de alcançar a justiça social."



of “task” in management, associated with high premium for those who perform every task successfully; g) payment with differential bonus. (PINTO, 2013. p. 30)<sup>12</sup>

Frederick Winslow Taylor himself explains how he standardize the time and movements of the employees involved in his experiment, which culminated in the elaboration of the Principles of Scientific Management, which dictated the behavior of organizations from the beginning of the twentieth century until the shift to Flexible accumulation. According to him, it was necessary to follow the rules listed below

First - Find 10 or 15 workers (preferably from various companies and from different regions of the country) who are particularly skilled at doing the work that will be analyzed. Second - Study the exact cycle of the elementary operations or movements that each of these men employs in performing the work being investigated, as well as the instruments used. Third - Study, with the automatic stopwatch, the time required for each of these elementary movements and then choose the fastest means of performing the work phases. Fourth - Eliminate all failed, slow and useless moves. Fifth - After removing all unnecessary movements, gather in one cycle the best and fastest movements, as well as the best instruments. (TAYLOR, 1995. p. 86)<sup>13</sup>

The principles listed by Taylor resulted in the possibility of using cheap and highly specialized labour-power with relatively low cost training, whose level of technical knowledge was sufficient for them to occupy their posts and perform the tasks previously determined by management, and closely monitored by the supervisor of each team. These principles were the basis of the work organization system later implemented by Henry Ford in his factories.

About working-time under the Taylor regime, it is important to say that this system was in its full force especially in the interwar period (WWI and WWII), although the trade union movement was in a phase of growth and strengthening.

After World War I, discussions on the theme of “working-day” were internationalized, especially with the creation of the ILO in 1919. In the same year, Convention No. 1 about working-time in Industry was published, which limited, in its Article 2, the maximum working-

<sup>12</sup> Translator note. Free translation from the original quote: “a) estudo do tempo; b) chefia numerosa e funcional; c) padronização dos instrumentos e materiais utilizados, como também de todos os movimentos dos trabalhadores para cada tipo de serviço; necessidade de uma seção de planejamento; e) fichas de instrução para os trabalhadores; e f) ideia de “tarefa” na administração, associada a alto prêmio para os que realizam toda tarefa com sucesso; g) pagamento com gratificação diferencial. (PINTO, 2013. p. 30)”

<sup>13</sup> Translator note. Free translation from the original quote: “Primeira — Encontrar, digamos, 10 ou 15 trabalhadores (preferentemente de várias empresas e de diferentes regiões do país) particularmente hábeis em fazer o trabalho que vai ser analisado. Segunda — Estudar o ciclo exato das operações elementares ou movimentos que cada um destes homens emprega, ao executar o trabalho que está sendo investigado, como também os instrumentos usados. Terceira — Estudar, com o cronômetro de parada automática, o tempo exigido para cada um destes movimentos elementares e então escolher os meios mais rápidos de realizar as fases do trabalho. Quarta — Eliminar todos os movimentos falhos, lentos e inúteis. Quinta — Depois de afastar todos os movimentos desnecessários, reunir em um ciclo os movimentos melhores e mais rápidos, assim como os melhores instrumentos. (TAYLOR, 1995. p. 86)”



time in industrial establishments to eight hours daily and forty-eight weekly, excluding from this limitation persons who roles leadership or trust positions and the family businesses.

Convention No. 1 also provided the possibility of rearranging working hours, in which employees would work nine hours for five days to get one more day off at the weekends, but it depends on dialogue between unions and employers. It also dealt with the duration of shift work, making it clear that a daily duration of more than eight hours or a weekly duration of more than 48 hours would be possible, but only if the average working-day over a period of three weeks or less was no longer than forty-eight hours weekly and eight daily. If shift work were required because the company operated continuously, the weekly working day could be up to 56 hours, with compensatory rests, which should be granted by the national authorities of the signatory countries.

With the extreme rationalization of time and movements of the workers and their submission to the pace dictated by the Taylorist machine and timer, it became possible that, in the same number of working hours, more goods, more use values, were produced. "Taylorism compensates for shorter working-days with greater intensification of the work process." (DAL ROSSO, 1996, p. 182)

The innovation brought by Ford to the multi-worker division of labor, which had already been consolidated by Frederick Taylor, was the introduction of the series production line through an automatic treadmill, which ran the entire production chain leading raw materials and inputs at the posts of each worker.

Geraldo Augusto Pinto explains that the Fordist system incorporated and developed the principles of Taylorism in order to eliminate the porosities existing in the working-day, making the workers, at any moment in the factory, add value to the products. In this system, it was the automatic speed of the serial line that dictated the pace of labor, making the process of creative invention of workers almost nil through a process of alienation of labor product more sharply than the one at the beginning of the industrial period. (PINTO, 2013. p. 38)

Still on Fordism, it is important to say that the massive production of goods needed an equally massive consumption capable of absorbing it. Ford's idea of worker and popular consumption did not consolidate during the early twentieth century because of the socioeconomic effects of the two Great Wars, despite the increase in wage employment in that period. "The universalization of wage-earning, as well as access to income distribution, made it possible to create this mode of labor consumption only after World War II." (DAL ROSSO, 1996, p. 182)



With regard to working time, it is interesting to understand that in Fordism the extraction of surplus value, especially in its relative form, increased significantly, thanks to the combination of mechanisms such as the modernization of work activities and instruments, the greater worker control in production line, oriented to eliminate any porosities on the working-day and to the production of mass consumer goods.

The social practice of the working day, which, during the great capitalist crisis between the wars, had remained at the nineteenth century level, clearly changes its level. The 8/48 standard loses its place to the 8/40 standard. The approximate working-year of 2300 hours drops to less than 2000 hours. This means that, in the struggle for the appropriation of productivity jumps, the workers and, with it, the other wage earners are able to reduce their exploitation and control their life time a little more. (DAL ROSSO, 1996, p. 184)<sup>14</sup>

In 1929, with the great economic crisis that was characterized by the lack of demand for the produced goods, the crash of the New York stock market gained notoriety,

It was necessary to conceive a new regulation mode in order to meet the requirements of a Fordist production; and it took the shock of savage depression and the near collapse of capitalism in the 1930s for capitalist societies to develop a new conception of the form and use of state powers. (HARVEY, YEAR, p.124)<sup>15</sup>

In the 1930s, still in the context of the Great Depression, Convention No. 30 was published, which limited working-time in commerce and offices and also adopted the principle of setting a working-day of eight hours and a maximum of forty-eight hours a week for work carried out in these establishments, in accordance with Convention No. 1/1919.

Convention 30, along the terms of convention 1, also deals with the rearrangement of the working-day in the rest of the week days in order to obtain another day of rest at the end of it. Concerning about overtime, Convention 30 emphasizes its exceptional character and provides for the payment of an additional amount of at least one quarter of the amount paid for normal working hours.

In the year 1935, with totalitarian regimes rising in European countries such as Germany and Italy, Franklin Roosevelt put into practice the plan of recovering American economy after the crisis of 29, known as the New Deal, strongly influenced by the ideas of the

<sup>14</sup> Translator note. Free translation from the original quote: “A prática social da jornada de trabalho, que, durante as grandes crises capitalistas entre as guerras, permanecera no patamar do século XIX, muda nitidamente de patamar. O padrão 8/48 cede lugar ao padrão 8/40. A jornada anual aproximada de 2300 horas cai para um número inferior a 2000 horas. Isto quer dizer que, na disputa pela apropriação dos saltos de produtividade, o operariado e, com ele, os demais assalariados conseguem reduzir sua exploração e controlar um pouco mais seu tempo de vida.”

<sup>15</sup> Translator note. Free translation from the original quote: “Foi necessário conceber um novo modo de regulamentação para atender aos requisitos da produção fordista; e foi preciso o choque da depressão selvagem e do quase-colapso do capitalismo na década de 30 para que as sociedades capitalistas chegassem a alguma nova concepção da forma e do uso dos poderes do Estado.”



British economist John Maynard Keynes, who advocated a reconfiguration of capitalism in which the state should intervene in the economy in order to adjust consume by granting an incentive to invest.

For Keynes, this expansion of state functions would be "the only workable means to prevent the total destruction of the current economic institutions and a condition of a successful exercise of individual initiative." (KEYNES, 1996. P. 324) As for the working-time, the British, in his conference entitled "Economic Possibilities for Our Grandchildren" (1930), says that working "for three hours a day is enough to satisfy old Adam in most of us."

In this context, the Convention No. 47 was published in 1935, which aimed to reduce working-week to 40 hours, as an instrument to fight against widespread and continuous unemployment to which a large part of the working class was exposed in the succeeding years of the 1929 crisis, as well as the deprivations arising from it. In its preamble, it shows that, at the current time, the International Labor Organization argued that the benefits of rapid technological development should be shared with workers through the progressive reduction of working-day, as quickly as possible.

#### **4. The working-day in the third spirit of capitalism. The ways of controlling and managing working time in flexible accumulation mode.**

The Fordist / Taylorist system of production was centered on corporate gigantism, long-term planning, mass production, and absolute control of workers time and movement in order to eliminate idle periods within the working-day by approximating time available to actual working time.

Nevertheless, it was under this system that trade union movements managed to maintain the legal reduction of working-day as a way for appropriating technological advances by working class, but this reduction formally achieved by them faced some resistance from capital, that compensated it with labor intensification.

Before dealing specifically with the third spirit of capitalism, it is important to know the reasons that led the second variation to obsolescence. Considering that Taylorist / Fordist system has reached its maximum stage of development during periods of economic growth, and taking into account its characteristics,

The low growth and instability of the markets that emerged from the 1970s onwards, raising the levels of international competition based on product



differentiation (in terms of quality, delivery, prices, etc.), have hampered the expansion of the Taylorist / Fordist organization system. But its obsolescence, however, was also linked to problems intrinsic to its own functioning, in short: the drop in employee motivation to work, a reflex that had already been felt in the low productivity rates of companies. (PINTO, 2013. p. 53)<sup>16</sup>

After the 1973 crisis, the fall in rate of profit in production and trade investments aroused in the great capitalists the need to find an alternative such as or more profitable than the previous ones. To continue to appreciate, accumulated capital was shifted to the financial sphere, but it was also necessary for peripheral countries to resign protectionist practices and open their markets for the entry of foreign capital, which gained momentum and began to dictated economic trends and politics in these places in ways most beneficial to their interests.

Capital, which in the first two variants of capitalism was accumulated and remunerated mainly for the production and sale of consumer goods, became capital money. With the financialization process, it became remunerated both through interest, assuming a clearly speculative character, as well as through the production of goods and services, prioritizing the sphere in which it could appreciate more, obtaining higher yields. For MONTAÑO and DURIGUETTO:

“Capital under financial hegemony needs to promote the deregulation of the economy, national borders, and to create the conditions for its accumulation: rising interest rates, reducing fiscal (especially social) spending and lowering the cost of the labor force. (2011, p.187)”<sup>17</sup>

Considering that one of the reasons for the emergence of a third set of beliefs associated with the capitalist order to justify and sustain it in a time of serious crisis was the low productivity due to the workers non-engagement in the corporate project, several studies were made in order to promote the initiative of the employees. These include Maslow's “hierarchy of needs” theories, Argyris and Herzberg's “organization and personality”, the “job enrichment” system and the “semi-autonomous working group” system presented by Afonso Fleury and Nilton Vargas in a joint work entitled “Labor Organization”.

<sup>16</sup> Translator note. Free translation from the original quote: “o baixo crescimento e a instabilidade dos mercados surgidos a partir da década de 1970, elevando os níveis de concorrência internacional pautada pela diferenciação dos produtos (em termos de qualidade, entrega, preços etc.), impuseram entraves à expansão do sistema taylorista/fordista de organização. Mas, sua obsolescência, no entanto, esteve também ligada a problemas intrínsecos ao seu próprio funcionamento, em suma: à queda da motivação para o trabalho por parte dos funcionários, reflexo que já vinha sendo sentido nas baixas taxas de produtividade das empresas.”

<sup>17</sup> Translator note. Free translation from the original quote: “O capital sob a hegemonia financeira precisa promover a desregulação da economia, das fronteiras nacionais e a constituição de condições para sua acumulação: aumento dos juros, redução de gastos fiscais (especialmente sociais) e diminuição do custo da força de trabalho. (2011, p.187)”



The theory of hierarchy of needs, formulated by Abraham Maslow, was based on the idea that humans apparently works better when fighting for something they needed or in order to achieve something they want. The purpose of this struggle changes according to the circumstances. There would be a hierarchy of needs,

that would guide people's behavior in such a way that an individual would not pursue higher-level needs until they had met lower-level needs. Primary needs are physiological, followed by security needs, social needs, self-esteem, and finally self-fulfillment. (FLEURY; VARGAS. 1983. p. 29)<sup>18</sup>

The theory that combines work organization and personality, developed by Argyris, argues that Taylorist/Fordist-oriented work organizations were founded “on the model of immature man, demanding behaviors of childish personality”. This is the reason of its inefficiency, because taking his employees as immature caused them to experience frustration; psychological problems; a short-term perspective and conflicts. According to him,

The expected reactions would be: 1. To fight against the organization, trying to redesign it and gain control over it, 2. abandon the organization permanently or periodically; 3. stay in the organization, but abandon it psychologically, alienating itself, becoming apathetic and indifferent, to reduce the intrinsic importance of work and 4. Increase the importance of the rewards received for meaningless work or to become oriented to consumption. (FLEURY; VARGAS. 1983. p. 30-31)<sup>19</sup>

Herzberg, in formulation of his theory, eventually corroborated Argyris's view. He concluded that there are factors that determine job satisfaction different from factors that lead to job dissatisfaction. According to him,

The motivational factors are those that promote one's psychological growth, and they are all related to the organization of work: accomplishment, intrinsic interest in the job, recognition for achievement, responsibility and promotion. In other hand, hygienic factors are aimed to “avoiding suffering”, and are not directly linked to the worker develops: company policy and administrative practices, supervision, interpersonal relationships, working conditions and wages. (FLEURY; VARGAS. 1983. p. 31)<sup>20</sup>

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<sup>18</sup> Translator note. Free translation from the original quote: “que orientaria o comportamento das pessoas, de tal maneira que um indivíduo não passaria a perseguir as necessidades de nível mais elevado, enquanto não tivesse satisfeito as necessidades de nível mais baixo. As necessidades primárias são de caráter fisiológico, vindo a seguir as necessidades de segurança, as necessidades sociais, as de autoestima e finalmente as de autorrealização.”

<sup>19</sup> Translator note. Free translation from the original quote: “As reações esperadas seriam as seguintes: 1.combater a organização, procurando replanejá-la e ganhar controle sobre ela, 2.abandonar a organização permanente ou periodicamente; 3.continuar na organização, mas abandoná-la psicologicamente, alienando-se, tornando -se apático e indiferente, para reduzir a importância intrínseca do trabalho e 4.aumentar a importância das recompensas recebidas pelo trabalho sem sentido ou tornar-se orientado para o consumo. (FLEURY; VARGAS. 1983. p. 30-31)”

<sup>20</sup> Translator note. Free translation from the original quote: “os fatores motivadores são os que propiciam o crescimento psicológico da pessoa, e são todos eles relacionados à organização do trabalho: realização, interesse intrínseco pelo trabalho, reconhecimento pela realização, responsabilidade e promoção. Por sua vez, os fatores higiênicos estão voltados para “evitar o sofrimento”, e não estão ligados diretamente ao trabalho que a pessoa





The job enrichment system, also designed to promote workers engagement, and developed by Robert Ford, consisted of expand working in such a way to provide greater opportunities for laborers to develop a job that would lead them to achieve mature people personality traits.

This could be achieved by the following methods: 1. Job Rotation - entails only the relay of workers involved in the tasks of a productive process; although each person has to do several tasks, he has only one task to do for a considerable amount of time when changes positions. 2. Horizontal Magnification - In this case, several tasks of the same nature are grouped into one position; for example, instead of a worker assemble only one component of a product, he would assemble several components; This would increase the number of skills required of the worker. 3. Vertical Magnification - assigning tasks of different natures to a position; for example, a lathe operator would also be responsible for product inspection and machine maintenance; This would allow greater autonomy and control over the job content by the operator. 4. Job Enrichment - horizontal magnification and vertical magnification would be applied to a single position; there is a sum of the beneficial effects from both. (FLEURY; VARGAS. 1983. p. 32).<sup>21</sup>

The last experiment pointed by Fleury and Vargas (1983) in order to achieve workers' adherence to the company's productive needs was the implementation of semi-autonomous groups, which are teams of workers who cooperatively perform group tasks without a preset role preset for its members. (FLEURY; VARGAS. 1983. p. 34)

All of these experiments demonstrated the failure of the Taylorist / Fordist version to compete with the rising flexible mode of accumulation in the 1970s. It is in this context that one can speak of the third spirit of capitalism, which "must be isomorphic to a 'globalized' capitalism, that puts new technologies into practice, just to name the two most frequently mentioned aspects of today's capitalism qualification." (BOLTANSKI; CHIAPELLO, 2009, p. 52.)

Thus, capital has been pressuring all society sectors to live in constant adaptation to its needs, with changes in a blink of an eye even if not well established. All social institutions are becoming liquid, even if it's called by other names, to modify interpersonal relations and to

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desenvolve: política da companhia e práticas administrativas, supervisão, relações interpessoais, condições de trabalho e salário."

<sup>21</sup> Translator note. Free translation from the original quote: Isto poderia ser alcançado através dos seguintes métodos: 1. Rotação de Cargos — implica somente o revezamento entre as pessoas envolvidas nas tarefas de um processo produtivo; embora cada pessoa tenha de desenvolver várias tarefas, ela só tem uma tarefa para desenvolver por um considerável espaço de tempo, quando, então, troca de posição. 2. Ampliação Horizontal — neste caso, agrupam-se diversas tarefas, de mesma natureza num único cargo; por exemplo, em vez de um operário montar apenas um componente de um produto, ele passaria a montar vários componentes; com isto se aumentaria o número de habilidades requeridas do operário. 3. Ampliação Vertical — é o caso em que se atribuem tarefas de diferentes naturezas para um cargo; por exemplo, um operador de torno seria também responsabilizado pela inspeção do produto e pela manutenção da máquina; com isto existiria maior autonomia e controle do operador sobre o conteúdo do cargo. 4. Enriquecimento de Cargos — este é o caso em que a ampliação horizontal e a ampliação vertical seriam aplicadas a um único cargo; somaria, então, os efeitos benéficos das duas.



influence political and legal decisions in their favor. Politically, it is important to point out the role of neoliberalism in this advance of capital towards profit and the intense exploitation of human labor.

Toyotism has emerged in a context of low economic growth and to meet Japan's demands to produce small quantities of different product models. To do this, Kiichiro Toyoda<sup>22</sup> implemented what he called "autonomation" - a combination of the words autonomy and automation - a process by which an automatic stop mechanism is coupled to the machines which detects if there is any defect during manufacture in order to prevent the production of defective parts. With this mechanism, the same worker from Toyota factories could drive several machines during the production process. (PINTO, 2013. p. 62)

Taiichi Ohno, responsible engineer for the creation of the Toyota Production System, aimed to concentrate different work functions in the same employee, such as programming the machines, planning and coordinating production, performing maintenance of the production apparatus and controlling the products quality. To achieve this goal, he merge these activities into few jobs, and called the workers responsible for it "multifunctional" or "multipurpose".

Another innovation introduced by Taiichi Ohno at Toyota factories was the kan ban system, which is a mechanical information and material transport system carrying boxes in production opposite direction with information of inputs amount required on subsequent stations just on time, while other boxes goes in the normal direction of the production flow, loaded with the parts or materials ordered by each station. Another characteristic inherent to the toyotista system is precisely the "just in time" production, which consists in producing only the necessary, the necessary quantity and the necessary time, avoiding the formation of idle capacity stocks. (PINTO, 2013. p. 65 and 69)

Toyota also reshaped the production space through cellularization, which organized jobs into open sets and concentrated each on a specific stage of production. These sets were called "production cells" and were filled with workers teams who could alternate their posts according to the volume of production or the management goals. The management activities prescription and separation between who thinks and who performs the work tasks of Taylorism / Fordism was maintained in Toyotism. (PINTO, 2013. p. 66-67)

Workforce management is based upon establishment of manager goals, which are directed to the multipurpose workers, whose performance is stimulated through stress

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<sup>22</sup> Toyota Motor Corporation founder.



manipulation. In addition, the performance evaluation is collective in a way that any team member who is not performing well his job is supervised by colleagues, making it difficult to form solidarity bonds and union identity.

Thus, the production cells isolate the workers, restricting, by work overload, any kind of personal contact during the activities. Cellular space also prevents workers from communicating without being seen or heard, making it difficult to do any articulation without management knowing. (PINTO, 2013. p. 75)<sup>23</sup>

With flexible accumulation prevalence, the working-day demands lost strength, as workers find themselves in a defensive position due to employment insecurity, precarious working conditions and union representation difficulties. The working-day reduction eventually lost its space to flexibilization of work, which manifests itself in schemes like “part-time work; work & study; flexible working hours; temporary job; working in select bands of life; working consortium working, etc.” (DAL ROSSO, 1996, p. 184-185)

Sadi Dal Rosso points as a characteristics of social praxis participation the subjective involvement of the worker in the working process and with the company's destinies, the flexibility of working times according to their needs, and the increase in productivity results from the technological innovations introduced in the organization of work in the third industrial revolution context. In this sense, he says that “work becomes a god and a demon. In a god, for absorbing the worker internal and innermost energies. In a demon, for consuming his soul.” (DAL ROSSO, 1996, p. 188-189)

Neoliberalism is the political form corresponding to the needs of flexible accumulation, which according to MONTAÑO and DURIGUETTO follows three central paths:

a) creation of super profits areas outside of overproduction and underconsumption (privatization of state enterprises is the mainly one); b) capital extreme centralization, emphasizing monopolies dominance (specially through mergers); c) capital production costs reduction - through labor (through subcontracting, pension reform, relaxation of labor laws, cuts in state funding in the social area, etc.) and the overall costs of production/commercialization (via tax reform, opening of national state borders for the movement of goods, automation, reengineering, etc.). (2011, p.192)<sup>24</sup>

<sup>23</sup> Translator note. Free translation from the original quote: “Assim, as células de produção isolam os trabalhadores, restringindo, pela sobrecarga de trabalho, qualquer tipo de contato mais pessoal durante as atividades. O espaço celularizado também impede aos trabalhadores se comunicarem sem serem vistos ou ouvidos, dificultando qualquer articulação sem que a administração não saiba.”

<sup>24</sup> Translator note. Free translation from the original quote: “a) a criação de áreas de superlucros fora da superprodução e do subconsumo (fundamentalmente via privatizações de empresas estatais); b) extrema centralização do capital, acentuando o domínio dos monopólios (particularmente via fusões); c) redução dos custos de produção para o capital – com o trabalho (via subcontratação, reforma da previdência, flexibilização das leis trabalhistas, recortes do financiamento estatal na área social etc.) e com os custos gerais de produção/comercialização (fundamentalmente via reforma tributária, abertura de fronteiras dos Estados nacionais para circulação de mercadorias, automação, reengenharia, etc.).”



It is valuable knowing and understanding the relationship of the three spirits of capitalism and their respective ways of working time control abroad to begin the study of its dynamic in Brazilian experience, especially at present time, when the Labor law production has been strongly influenced by this third spirit, as we will show in the following section.

## **6. The working time and the three spirits of capitalism in Brazilian experience.**

In Brazil, the first debates about working time limitation started in the first decade of the twentieth century, the period of immigrants' arrival and beginning of urbanization and industrialization processes in the country. It is possible to verify in this context the manifestation of the first variant of capitalism in Brazilian lands. It is to fight against the long working-days and working conditions from the beginning of the industrialization process that the first working class social movements arise. The working time was its main agenda.

In 1911, Member of Parliament Nicanor do Nascimento introduced Bill B79, which provided the limitation of commercial employees working-day, recognizing the existence of an employee economic vulnerability when facing his employer, because he, in order to maintain his workplace, would have to accept the conditions imposed by his contractor. The project was debated but not approved.

Only in 1917 the issue came up again in the Brazilian parliament, with presentation of Bill No. 284 by Member Mauricio de Lacerda, which set working-day of eight hours, six days a week and weekly rest, forbid overtime, except in law expressed cases. The project was also not approved and was re-presented in 1919, when the theme got internationalized.

It was only at the period of Vargas provisional government that broader norms began to be issued limiting working-day. The main difference between the laws issued in the 1930s and the bills introduced in the 1920s was their territorial effectiveness, which was previously restricted to certain cities and categories and became nationwide from 1932, although they still specified the categories to which they applied.

The post-30 state triggered a social policy of production and implementation of labor market regulating laws and, with this new resource of power, conquered working masses adhesion. The social pact thus assembled was an agreement that exchanged the benefits of social legislation for political obedience, since only legally unionized workers could have access to labor rights, synonymous of



citizenship in an authoritarian regime such as Brazilian one. (GOMES, 2005. p. 178)<sup>25</sup>

The main rules issued during this period regarding working time were Decrees 21.186, which regulates working-day in commerce and offices, limiting the normal working-time of these establishments employees to eight hours a day and forty-eight hours a week, with a day-off every six days of work. And Decree No. 21,364, which set at eight hours a day or forty-eight hours a week the normal working-time in industrial establishments.

The beginning of this strategy of incorporating workers' demands into the government's agenda, as a way to avoiding social upheavals that could disrupt the Vargas country project, coincides with the rise of totalitarian states in Europe and the period covered by the second spirit of capitalism, based on the values and management of Taylor-Fordist working time.

The change in state mentality began in Brazil from Estado Novo, which shift position from the minimal intervention in economy logic, that would only help capital in crisis time, to an interventionist policy in the “social question”, seen as a barrier to Brazil's industrial growth.

From this we can also detect - especially during the Estado Novo (1937-45) - a whole political-ideological strategy to fight against “poverty”, which was focused precisely on promoting the value of labor. The quintessential way of overcoming the country serious socioeconomic problems, whose roots were in the population abandonment, would be to ensure for this population a decent way of life. Promote the Brazilian man, defend the economic development and social peace of the country were objectives that were unified in one great goal: transforming the man in citizen/worker, responsible for his individual wealth and also for the wealth of the nation as a whole. (GOMES, 1999. p. 55)<sup>26</sup>

In the 1940s, Decree No. 5452/1943, also called “Consolidação das Leis Trabalhistas” (CLT) <sup>27</sup>, was build to regulate capital-labor relations in a new model of society under construction in Brazil, based upon economy industrialization, urbanization and corporatism

<sup>25</sup> Translator note. Free translation from the original quote: “O Estado do pós-30 desencadeou uma política social de produção e implementação de leis que regulavam o mercado de trabalho e, com este novo recurso de poder, conseguiu a adesão das massas trabalhadoras. O pacto social assim montado traduzia-se em um acordo que trocava os benefícios da legislação social por obediência política, uma vez que só os trabalhadores legalmente sindicalizados podiam ter acesso aos direitos do trabalho, sinônimo da condição de cidadania em um regime político autoritário como o brasileiro.”

<sup>26</sup> Translator note. Free translation from the original quote: É a partir daí que podemos igualmente detectar — em especial durante o Estado Novo (1937-45) — toda uma estratégia político-ideológica de combate à “pobreza”, que estaria centrada justamente na promoção do valor do trabalho. O meio por excelência de superação dos graves problemas socioeconômicos do país, cujas causas mais profundas radicavam-se no abandono da população, seria justamente o de assegurar a essa população uma forma digna de vida. Promover o homem brasileiro, defender o desenvolvimento econômico e a paz social do país eram objetivos que se unificavam em uma mesma e grande meta: transformar o homem em cidadão/trabalhador, responsável por sua riqueza individual e também pela riqueza do conjunto da nação. (GOMES, 1999. p. 55)

<sup>27</sup> Translator note: Labor Law Consolidation.



policy. Work became considered as a right and a duty by the 1937 Constitution, where the legal foundations of the Estado Novo were expressed. Work has become an obligation to state and society, and also a condition for citizenship.

The Ministries of Labor, Health and Education were created, followed by the issuing of laws on social security, whose benefits were only for those with the employee status. In addition, unions have become collaboration agencies of the government, creation and acts were strict controlled by the state, based upon uniqueness principle, and strikes were criminalized.

With the State as provider of standard protections for healthy and safety, as well as social security benefits, the working classes slowed their struggle movements to enjoy this system, a choice based on the idea of cost-benefit. During this period, in line with the international plan, Brazil was under the influence of the second spirit of capitalism in terms of labor management, although not yet consolidating a Keynesian model of “welfare state” in the social plan.

The period from the 1950s to the military coup in 1964 and the dictatorship years were full of attempts to reformulate the CLT, but without success. In the 1980s, with the beginning of redemocratization negotiations in Brazil and the elaboration process of a new constitution, different proposals of the theme working time were presented. The suggestions were presented by the main active social groups in Brazilian by the time, such as the Catholic Church (CNBB), leftist political parties, trade unions and the business community.

The business community argued that "social" rights should not be the basis of the Economic Order, because the previous constitutions only underlined work, valuing it as a basic principle, constitutionalizing these rights, for them, would be an excess of state intervention. In 1987, the CNBB issued Pastoral Document No. 36, which required a debate about a division of labor that would allow the political, economic, social and cultural rise of the Brazilian working class. The left sectors presented proposals to reduce the working-day to 40 hours per week.

The guarantee of a “normal” working-day limited to eight hours and forty-four hours per week, allowing time offsetting and working-day reduction by collective agreement or convention, become constitutionally enforced, against the patronage expectations to revival their classic liberalism and also frustrating the expectations of the progressive sectors for a 40-hour working-day.



It is from the 1990s, when the neoliberal agenda was an important issue of governments, that many initiatives to promote the flexibilization of labor rights in 1988 constitution began, that is the reason why Altamiro Borges and Marcio Pochmann indicates the Fernando Henrique Cardoso government as responsible for a profound and radical dismantling of part of Brazilian labor legislation. (BORGES; POCHMANN. 2002).

Regarding working time, as we said above, the main changes came up with Law No. 9.601/1998, which created the “compensatory time off”, the Provisional Measure (MP) No. 1,709 / 1998<sup>28</sup>, which expanded the use of part-time work (up to 25 hours per week), reducing the cost of labor for companies, and Law No. 10,101 / 2000, which permits on Sundays in the retail trade, if approved by the municipal government.

During this period Brazil puts itself under the third spirit of capitalism influence, characterized by capital financialization, opening market to foreign capital through privatization and also by the beginning of flexibilization of Labor Rights process, in order to enable the market to lower labor costs.

This flexibilization process was interrupted from 2003 to 2014, when the issue of reducing working-day as a way of combating unemployment was once again discussed by workers' movements, especially DIEESE, which issued some technical notes about that topic. Nevertheless, there was no reduction in working-day during this period.

By the time of issuance Law No. 13.467 / 2017, also called “labor reform”, the working time has undergone significant changes, like removing protective provisions from the CLT, in order to provide a new level of flexibility in labor relations, required by the patronal class as an alternative of salvation in face of the economic crisis.

Among the changes introduced by the “Labor Reform” on the issue of working-day, the following should be emphasized: the exclusion of *in itinere* time from the counting of effective service time; the emergence of new forms of part-time work; the possibility of individual agreement to extend or compensate working time; the possibility of individual agreement to institute work in shifts of uninterrupted 12 hours of service followed by 36 days off; and the inclusion of intermittent work in the CLT, a type of work characterized by alternating periods of service and downtime, determined in hours, days or months, for any type of activity of the employee or employer.

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<sup>28</sup> This MP has its writing changed, was repealed and reissued under various numbers, from the date of its first edition in 1998 until the last amendment by MP No. 2,164-41, of August 24, 2001.



It is in the reform context that the influence of the third spirit of capitalism in Brazil is consolidated, by flexibilization of constitutional rights and attacking centenary workers achievements, such as the legal limitation of working time.

### Final Comments

In the context of changing the set of beliefs associated with the capitalist order throughout history, the world of labor suffered significant impacts, especially from the third spirit of capitalism. About the identity and collective labor relations, there are consequences such as the weakening of trade union organizations, and the dispersal of working class, due to structural unemployment and the precariousness of the remaining formal jobs.

About individual labor relations, the precariousness is growing. The new forms of subcontracting and their almost unlimited scope change the dynamics of the employment relationship, leaving workers in a constant state of instability, allowing an increasing intensity of exploitation from labor power.

In addition, strong pressure for full deregulation of labor laws is constant in order to meet the capital need for using people as a mere resource, to hire them, to exploit them and to dispense them without regarding about the economic and social consequences of their actions. This is what is meant by the externalization of production risks, which transfer to workers the social costs of their employers' personal success.

From the documents consulted to compose this article<sup>29</sup>, it was possible to realize that the main changes in terms of working time were achieved in moments of working class great mobilization. Likewise, it's possible do say that during the periods where the workers' struggles slow down, the number of working-time remained unchanged and stable both internationally and nationally.

In periods of greater union fragility, it is possible to see the implementation of strategies to achieve the flexibilization of labor standards about working time, what is

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<sup>29</sup> During the research for the elaboration of this article, the authors consulted several parliamentary documents, among which there are records of speeches and discussions highlighting the influence of the mobilization of the working classes in the process of elaboration of the labor norms, especially those related to the working day. The parliamentary documents are organized in collections, classified based on dates of the sessions and available at the Chamber of Deputies Digital Library. In addition, there are also digitized reports in the National Digital Hemeroteca newspapers of the early twentieth century and the years before the 1988 Constituent. Available at: <http://bd.camara.gov.br/bd/handle/bdcamara/32019>. Accessed on: 01.04.2019.





happening since the 1990s, in Brazil, reaching its peak with the “labor reform” in force since November 2017 year.

### Referências bibliográficas

BRASIL. Congresso. Câmara dos Deputados. Sessão de 15 de Julho de 1911. Apresentação de Projeto de Lei pelo deputado Nicanor do Nascimento. Legislação Social, Rio de Janeiro, v. 1, p. 36-41, setembro, 1918.

BRASIL. Congresso. Câmara dos Deputados. Sessão de 15 de Julho de 1911. Apresentação de Projeto de Lei pelo deputado Maurício de Lacerda. Legislação Social, Rio de Janeiro, v. 3, p. 267-293, setembro, 1922.

BRASIL. Decreto nº 21.186, de 22 de Março de 1932. Regula o horário para o trabalho no comércio. Disponível em: <http://www2.camara.leg.br/legin/fed/decret/1930-1939/decreto-21186-22-marco-1932-524876-publicacaooriginal-1-pe.html>. Acesso em: 28 jun. 2018.

BRASIL. Decreto nº 21.364, de 4 de Maio de 1932. Regula o horário para o trabalho na indústria. Disponível em: <http://www2.camara.leg.br/legin/fed/decret/1930-1939/decreto-21364-4-maio-1932-526751-publicacaooriginal-1-pe.html>. Acesso em: 28 jun. 2018.

BRASIL. Decreto-lei Nº 5.452, de 1 de maio de 1943. Aprova a consolidação das leis do trabalho. Disponível em: [http://www.planalto.gov.br/ccivil\\_03/decreto-lei/Del5452compilado.htm](http://www.planalto.gov.br/ccivil_03/decreto-lei/Del5452compilado.htm). Acesso em: 28 jun. 2018.

BRASIL. Constituição Federal de 1988. Promulgada em 5 de outubro de 1988. Disponível em [http://www.planalto.gov.br/ccivil\\_03/constituicao/constituicao.htm](http://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm). Acesso em: 28/09/2017. Acesso em: 28 jun. 2018.

BRASIL. Lei nº 9.601, de 21 de janeiro de 1998. Disponível em: [http://www.planalto.gov.br/ccivil\\_03/LEIS/L9601.htm](http://www.planalto.gov.br/ccivil_03/LEIS/L9601.htm). Acesso em: 28 jun. 2018.



BRASIL. Lei nº 10.101 de 19 de dezembro de 2000. Disponível em: [http://www.planalto.gov.br/ccivil\\_03/leis/L10101.htm](http://www.planalto.gov.br/ccivil_03/leis/L10101.htm). Acesso em: 28 jun. 2018.

BRASIL. Decreto nº 8.479, de 6 de julho de 2015. Regulamenta o disposto na Medida Provisória nº 680, de 6 de julho de 2015, que institui o Programa de Proteção ao Emprego. Disponível em: [http://www.planalto.gov.br/ccivil\\_03/\\_Ato2015-2018/2015/Decreto/D8479.htm](http://www.planalto.gov.br/ccivil_03/_Ato2015-2018/2015/Decreto/D8479.htm). Acesso em: 28 jun. 2018.

BRASIL. Lei Nº 13.467 de 13 de Julho de 2017. Altera a Consolidação das Leis do Trabalho (CLT), aprovada pelo Decreto-Lei no 5.452, de 1o de maio de 1943, e as Leis nos 6.019, de 3 de janeiro de 1974, 8.036, de 11 de maio de 1990, e 8.212, de 24 de julho de 1991, a fim de adequar a legislação às novas relações de trabalho. Disponível em: [http://www.planalto.gov.br/ccivil\\_03/\\_ato2015-2018/2017/lei/L13467.htm](http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2017/lei/L13467.htm). Acesso em: 28 jun. 2018.

BOLTANSKI, Luc; CHIAPELLO, Eve. O novo espírito do capitalismo. São Paulo: Martins Fontes, 2009.

CENEVIVA, Walter. Indústria quer liberalismo clássico. Folha de São Paulo, São Paulo, out. 1987. Disponível em: <http://www2.senado.leg.br/bdsf/handle/id/114408>. Acesso em: 28 jun. 2018.

CNBB. Por uma nova ordem constitucional: declaração pastoral nº 36. 24ª Assembleia Geral. Disponível em: <https://efosm.files.wordpress.com/2013/02/cnbb-doc-36-e28093-por-uma-nova-ordem-constitucional-e28093-declarac3a7c3a3o-pastoral.pdf>. Acesso em: 28 jun. 2018.

Comissão dobra hora extra, aumenta licença gestante e muda aviso prévio. O globo, Rio de Janeiro, out. 1987. Disponível em: <http://www2.senado.leg.br/bdsf/handle/id/134889>. Acesso em: 28 jun. 2018.



Comissão fixa jornada de trabalho em 40 horas semanais. Folha de São Paulo, São Paulo, jun. 1986. Disponível em: <http://www2.senado.leg.br/bdsf/handle/id/115429>. Acesso em: 28 jun. 2018.

Comissão reduz a jornada de trabalho para 44 horas. Folha de São Paulo, São Paulo, out. 1987. Disponível em: <http://www2.senado.leg.br/bdsf/handle/id/152627>. Acesso em: Acesso em: 28 jun. 2018.

DAL ROSSO, Sadi. A jornada de trabalho na sociedade: o castigo de prometeu. São Paulo: LTr, 1996.

FAUSTO, Bóris. História do Brasil. 2. ed. São Paulo: Editora da Universidade de São Paulo, 1995.

FLEURY, Afonso Carlos C.; VARGAS, Nilton. A organização do trabalho. São Paulo: Atlas, 1983.

FILHO, L. E. B. Vidigal. Contribuição para uma Constituição Brasileira. O Estado de São Paulo, São Paulo, mar. 1988. Disponível em: <http://www2.senado.leg.br/bdsf/handle/id/113736>. Acesso em: 28 jun. 2018.

GOMES, Angela Maria de Castro. A invenção do Trabalhismo. Rio de Janeiro: Editora FGV, 2005.

\_\_\_\_\_. Repensando o Estado Novo. Organizadora: Dulce Pandolfi. Rio de Janeiro: Ed. Fundação Getúlio Vargas, 1999. 345 p.

MARX, Karl. O Capital: crítica da economia política. Livro I. trad. Rubens Enderle. São Paulo: Boitempo, 2013.

MAGALHÃES, Ana Cristina. Acordo entre lideranças leva à aprovação do artigo 7º.. Gazeta Mercantil, Brasília, fev. 1988. Disponível em: <http://www2.senado.leg.br/bdsf/handle/id/124049>. Acesso em: 28 jun. 2018.

MONTAÑO, Carlos; DURIGUETTO, Maria Lúcia. Estado, classe e movimento social. São Paulo: Cortez, 2011.



ORGANIZAÇÃO INTERNACIONAL DO TRABALHO. Convenção nº 01 de 1919. Duração do trabalho na Indústria. Disponível em: <https://goo.gl/MSymWm>. Acesso em: 28 jun. 2018.

ORGANIZAÇÃO INTERNACIONAL DO TRABALHO. Convenção nº 30 de 1930. Duração do trabalho no Comércio. Disponível em: <https://goo.gl/MSymWm>. Acesso em: 28 jun. 2018.

ORGANIZAÇÃO INTERNACIONAL DO TRABALHO. Convenção nº 47 de 1935. Duração do trabalho – 40 horas semanais. Disponível em: <https://goo.gl/MSymWm>. Acesso em: 28 jun. 2018.

PINTO, Geraldo A. A organização do trabalho no século XX: taylorismo, fordismo e Toyotismo. 3.ed. São Paulo: Expressão Popular, 2013.

TAYLOR, Frederick Winslow. Princípios da Administração Científica. Tradução de Arlindo Vieira Ramos. 8.ed. São Paulo: Atlas, 1995.

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