

EDITORIAL

Technology changes the way human beings interact with their environment. Personal relationships, household tasks, transportation, and healthcare interventions, among other things, are permeated with tools invented by people to make their everyday lives easier. As a result, labor, a daily routine for millions of individuals, is equally impacted by innovations that transform not only physical spaces but also the form and speed of thought and intellectuality.

Streamlining processes through digital means challenges ethical boundaries as to what can be considered human creation and what is a product of machine programming. Amidst this predicament, personal data are harnessed in the world wide web, acquiring such prominence that the sheer act of sharing them grants access to digital products as though it were payment.

The growing economic significance of personal data and the need to provide legal protection for data subjects led to the enactment of Law no. 13,709 of 2018, the General Data Protection Act. Later on, Constitutional Amendment no. 115 of 2022 added item LXXIX to article 5th of the Federal Constitution. It establishes personal data protection – including in digital media – as a fundamental right; it assigns the federal government responsibility for organizing and overseeing the protection and treatment of personal data, and it also confers exclusive authority on the Union to legislate on the matter. It is a signal of Brazilian lawmakers' concern with safeguarding the rights of data subjects.

In regard to how the current digital revolution has influenced labor, a timely highlight is the 2026 study titled “Workers’ exposure to AI: What indicators tell us – and what they don’t” by the International Labor Organization (ILO), which aimed at assessing the disturbance that generative artificial intelligence tends to cause in the workplace. If prevailing thought used to be that workers with limited schooling were more exposed to the effects of automation, the expansion of artificial intelligence today means that professions that involve knowledge work and demand greater cognitive skills have also become vulnerable to technological shifts. Even if such changes may not take away jobs so much as transform them, the ILO recommends that artificial intelligence be applied responsibly to labor so that it can be an opportunity for inclusive growth and not a source of further inequalities.

Following in the footsteps of recent changes in legislation and worldwide concern for the reality of the work environment, the thematic dossier of volume 7, issue 11, tackles the Impacts of Technology in the Workplace: workers’ personal data protection in the digital age. The current issue is comprised of 18 papers that have been approved for publication following a double-blind peer review by a pool of 64 reviewers. Of the aforementioned scientific articles selected, 12 focus directly on the subject matter posed by the thematic section, while the remaining six articles delve into other relevant topics in labor law such as occupational hazard, managers’ working hours, trans women and transvestites in the job market, liability of the public administration, mental health, and representative litigation.

It is a pleasure to especially note that the Journal of the Judicial Academy of the 4th Region Labor Court currently qualifies as tier A4 of the Coordination for the Improvement of Higher Education Personnel, according to the 2021-2024 quadrennial evaluation in the fields of Law, Philosophy, Political Science and International

Relations. The results of this evaluation mean that the periodical is newly graded at a level of national significance, which signifies an advancement over the previous results which ranked it at tier B3, conferring it regional significance. This achievement is the outcome of efforts made by everyone involved with the Journal from its inception: authors, reviewers, editors, editorial board members, Judicial Academy directors, staff, and readers.

As for the papers featured in the current volume, one of them discusses the National Data Protection Agency and data protection in an occupational context, adopting sanctions imposed by the agency on the National Institute of Social Security as a benchmark decision. Another scientific study examined autonomy and hierarchy in remote work by drawing on a qualitative survey conducted with civil servants and judges of the 4th Region Labor Court.

Workers' exposure to cold as a hazardous condition is the focus of a study covered in one of the articles in this edition. By measuring the temperature of workers' fingers, the research found that heat-resistant gloves with a thermal insulation capacity superior to level 1 are indispensable to effectively prevent cold-related illnesses. Moreover, in the area of data protection, one selected paper analyzes the use of algorithmic tools by an employer exercising their management prerogative, which entails the possibility of discriminatory biases.

It wouldn't be a thorough examination of the impacts of technology in the field of labor if it didn't include articles about the use of artificial intelligence, especially towards drafting judicial decisions with writing assistance from large language models such as ChatGPT. That is the subject of one of the papers, which concludes that AI should function as a facilitating aid and never as a substitute for human judgment. In another scientific text, a worker's fundamental right to protection against automation is

pondered along with the European Parliament resolution of 20 October 2020 regarding ethical principles around artificial intelligence and robotics.

Automation is also the matter of one other study which considers it from the standpoint of balancing technological innovation and labor regulation in the fuel retail sector. This is due to the fact that self-service gas stations are legally banned in Brazil since the enactment of Law no. 9,956 of 2000, a stark contrast with their widespread adoption in the United States. Unease about how artificial intelligence is applied in the workplace, specifically in recruitment, is the theme of one article which cautions that despite promises of efficiency and neutrality, these new tools are not yet transparent and can amplify discrimination.

The topic of working hours, a staple in labor law and consequently in labor proceedings, is centered in one featured study. It examines the issue of overtime work for employees in management positions as well as modern hyperconnectivity and the right to disconnect. Another important aspect in this volume is Law no. 14,611 of 2023, which addresses equal pay for women and men, as discussed through the lens of the General Data Protection Act and the impact of such provision on labor relations.

The significance of the job market for trans women and transvestites, their integration into the workplace and into social life whilst upholding their social rights as well as their unique traits and needs, cannot be neglected. Being members of society, any labor issues affecting them must be debated, especially by recognizing their singularities and necessities both as individual people and as a group.

With respect to responsible innovation and the employment contract, an interesting point of attention is governance and accountability of personal data handlers, with the personal data

protection impact report functioning as a compliance tool to that end. It is a way to maintain privacy and minimal monitoring in the work environment, thus protecting individual rights.

One of the highlights regarding procedure is how new technologies have affected judicial hearings, with a need to boost the reliability and credibility of testimonies and evidence in general – that is, without losing sight of the right to access justice under article 5th, item XXXV of the Federal Constitution, as a means of realizing democracy.

There is a controversial and contentious debate about the liability of public administration in the wake of Topic 1,118 of the Supreme Federal Court, given that outsourcing has a deteriorating effect on working conditions. It delineates circumstances in which public authority acts negligently, establishing grounds for subsidiary liability.

Jurisprudence gathered from judgments and opinions of the 4th Region Labor Court regarding mental health in the workplace provides an outline of how the issue is handled by that judicial body. On another note, the themes of representative litigation and class actions, qualified standing, the scope of Precedent no. 310 of the Superior Labor Court and article 8th, item III, of the Federal Constitution reveal how the Superior Labor Court and the Supreme Federal Court currently deal with such matters.

There is an additional spotlight on video surveillance and personal data protection in the workplace. Reconciling personal rights – article 5th, item VI, of the Federal Constitution and article 223-C of the Consolidation of Labor Laws – with an employer's management prerogative and loss prevention, as well as the need for data protection, is something that requires thoughtful consideration from the interpreter, never losing sight of the standards set by the General Data Protection Act.

And thus we gladly present this issue of the Journal of the Judicial Academy of the 4th Region Labor Court to the legal community at large, always in keeping with our commitment to promote the culture and knowledge of law. They are means to achieve social change and reduction of inequalities under article 3rd, item III, final portion, of the Federal Constitution. We thank authors for the confidence placed in us and we salute the reviewers and all of the editorial board.

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