

# REVISTA DA ESCOLA JUDICIAL DO TRT4

## (TRT4 JUDICIAL SCHOOL JOURNAL)

### 1 EDITORIAL

The purpose of the journal is to disseminate knowledge and reflections on human sciences specifically about issues related to the world of labor, as well as to train and improve Labor Court judges' and civil servants' job. About this, the socio-juridical challenges arising from labor relations dialectics in the era of globalization, the new forms of productive process stemming from technological changes and their socio-juridical developments demand the growth of thoughts that contemplate areas of knowledge related to Labor Law and Labor Lawsuits, Fundamental Rights, Philosophy of Law, Ethics, Sociology, Psychology, Occupational Health, Economics, Education, among others.

The publishing of this biannual scientific periodical is under the responsibility of the Judicial School Regional Labor Court of the 4<sup>th</sup> Region (RS – Brazil).

The journal's first **mission** is to foster democratic academic debate and written production of interdisciplinary and transdisciplinary knowledge on human sciences. The publishing focuses on the legal community in general, especially of the labor justice, labor attorneys, lawyers, Labor Courts, Labor Prosecution Office and human field academics.

**It** primarily seeks to disclose unpublished scientific articles produced by national and foreign authors who are mainly connected to *stricto sensu* post-graduation programs, teachers and students as well. Other topics such as reviews, research results, interviews, etc., may integrate the content of the journal, at the discretion of the Editorial Board.

## 2 EDITION GUIDELINES

2.1 The articles should be original and unpublished, dealing with the **Labor Reform: Fundamental Rights Prevalence and Conventionality Control**. Following the same criteria, articles dealing with other topics that may reflect the journal editorial line will also be received.

2.2 The texts will be reviewed regarding the scientific content, relevance, interest, currentness of the subject and adequacy to ABNT (Brazilian Technical Standards Association) format standards and to the rules adopted for the respective publication.

2.3 The statements, concepts and opinions expressed in the articles are absolute responsibility of the author(s) himself/themselves and do not represent institutional positions of the Court, the Judicial School and/or the journal scientific staff.

2.4 The submission of manuscripts implies a tacit expression of license to publish, without any kind of consideration under copyright.

2.5 During the submission process papers will be accepted or rejected according to its agreement or disagreement with the guidelines of the journal. And also some amendments to the article may be proposed as well.

2.6 Papers must be sent to the e-mail [ej.editor.revistacientifica@trt4.jus.br](mailto:ej.editor.revistacientifica@trt4.jus.br) **only** and addressed **exclusively** to the Editor before **December 10, 2018**.

2.7 It must be included the **copyrights renunciation, originality and unpublished content declaration** attached here, as well as the full name of the author(s), address, telephone, e-mail address, academic situation, titles and names of the institutions which he/they belong to.

2.8 There may be an invitation for publication at the discretion of the Editor and/or Vice-Editor.

2.9 Each author(s) will be entitled to two copies of the edition that contains the article of his/theirs authorship.

2.10 At the discretion of the Editor and/or Vice-Editor, only papers received in foreign languages may **not** observe the expressed rules regarding submission requirements.

### 3 GENERAL GUIDELINES

3.1 Aware of the article submission rules, **the author shall send to the Editor two files: one with the following identification** - full name, address, telephone number, e-mail address, academic position, titles and names of institutions which the author is affiliated to, **and another file without any identification.**

3.2 The Editor shall note down the date he/she received the article and shall forward the unidentified file to the Court Library where the format requirements and the corresponding worksheet completion will be analyzed. In the event of non-compliance with the format requirements, the Editor will give back the material to the author with a copy of the respective worksheet stating the reasons why the article was returned.

3.3 In the **following** stage, the Editor will forward the paper to two referees for blind reviewing, considering the respective thematic areas.

### 4 SUBMISSION RULES

4.1 **General specifications:** a) paper size - A4; b) margins - upper 3 cm, lower 2 cm, left 3 cm, right 2 cm; c) number of pages per article – minimum of 10 and maximum up to 15 pages, including text, references and other post-textual elements, observing the official spelling; d) between paragraphs - 1,25 cm; e) font - Arial 12

for the text, and Arial 10 for long quotes with more than 3 lines; f) space between lines – single (according to NBR 6022: 2018, item 6.1); and, g) the article files must observe the formats **.rtf**, **.doc** or **.docx** (Microsoft Word).

4.2 **According** to NBR 6022: 2018 of the ABNT, the structure of an article comprises pre-textual, textual and post-textual elements. The articles that observe the **mandatory elements** below will be considered fit for analysis.

4.2.1 **Pre-textual elements**: a) title in Portuguese; b) title in English; c) authorship – the title, academic situation, institution(s) which the author is affiliated to, and electronic address must be included on a footnote identified with an asterisk “\*”; d) abstract in Portuguese; e) key words in Portuguese; f) summary in English (abstract); g) keywords in English; and, h) submission and approval dates of the article.

4.2.2 **Textual elements**: a) Introduction - initial part of the article, which should contain delimitation of the subject and/or other elements that describe it. Number of sections should begin with the introduction; b) Development - contains the orderly exposition of the subject. Dividing it into sections and subsections, if any; and, c) Final considerations.

4.2.3 **Post-textual elements**: a) References (obligatory item); b) Glossary (optional); c) Appendix (optional); d) Annex (optional); and, e) Acknowledgments: (optional).

4.3 **Section title formatting**: The figure indicating the section should be aligned to the left margin, preceding the title, and separated by a space.

**Example** titles and subtitles:

1 PRIMARY SECTION

**1.1 Secondary Section**

*1.1.2 Third section*

**4.4 Citations:** all references in the body of the text should adopt the author-date system of ABNT, NBR 6023: 2002. The mention of the authors quoted in the text will observe the following form: (AUTHOR'S SURNAME, YEAR, PAGE) or (AUTHOR'S SURNAME, YEAR). In citations, there are two ways of representing the author's name:

When the surname of the author, the name of the responsible institution or title of the paper is not in parentheses, it must be written with capital initials;

Example:

According to Frances Kellor (1948, p. 107): "Under administered systems of arbitration, a clerk is always present at all hearings".

b) When the author's surname, the name of the responsible institution or title of work is in parentheses, it must be written in capital letters.

Example:

"A successor is chosen in the same manner as the original appointment was made" (KELLOR, 1948, p. 107).

Citations in the text with more than three lines should be highlighted with a 4 cm indentation from the left margin, written with a smaller font than used in the text, recommending **Arial 10**, with no font emphasis and no quotation marks.

Example:

In 1940, there occurred one of the events that made arbitration history and that also diversified the American pattern of arbitration. This event was the signing of a court decree to which the United States Government and five major motion pictures distributing companies were parties (KELLOR, 1948, p. 92).

In quotations, deletions, interpolations, comments, emphases or highlights should be indicated as follows:

- a) deletions: [...]
- b) interpolations, additions or comments: [ ]
- c) emphasis or highlights: bold or italic.

Example:

“For example, *The Arbitration Journal* serves the interests of all organizations, reports upon the activities of each, and is distributed in the 22 countries of the Western Hemisphere to commercial and educational organizations” (KELLOR, 1948, p. 142).

When the citation is a text translated by the author, it is necessary to include in parentheses the expression ‘my translation’ after the call of the quotation.

Example:

“In doing so he may be wrapped in guilt, perversion, hatred of himself... he may judge himself a sinner and identify himself with his sin.” (RAHNER, 1962, v. 4, p. 463, my translation).

**4.5 Footnotes:** Shall be used EXCLUSIVELY for brief explanatory notes, not for references. The letters used will be in a smaller font Arial 10 is recommended.

**4.6 Formatting references:** It is recommended to use the title ‘REFERENCES’, once non-bibliographic documents may be provided, such as web pages or other types of material. The references shall be aligned only to the left margin of the text and in order to identify each document individually, in single space and separated from each other by double space. They should be arranged in alphabetical order.

## REFERENCES

ASSOCIAÇÃO BRASILEIRA DE NORMAS TÉCNICAS (ABNT). **NBR 6022**: informação e documentação: artigo em publicação periódica científica impressa: apresentação. Rio de Janeiro: ABNT, 2018.

ASSOCIAÇÃO BRASILEIRA DE NORMAS TÉCNICAS (ABNT). **NBR 6023**: informação e documentação: referências: elaboração. Rio de Janeiro: ABNT, 2002.

ASSOCIAÇÃO BRASILEIRA DE NORMAS TÉCNICAS (ABNT). **NBR 6024**: informação e documentação: numeração progressiva das seções de um documento: elaboração. Rio de Janeiro: ABNT, 2003.

ASSOCIAÇÃO BRASILEIRA DE NORMAS TÉCNICAS (ABNT). **NBR 6028**: informação e documentação: resumo: apresentação. Rio de Janeiro: ABNT, 2003.

ASSOCIAÇÃO BRASILEIRA DE NORMAS TÉCNICAS (ABNT). **NBR 10520**: informação e documentação: apresentação de citações em documentos. Rio de Janeiro: ABNT, 2001.

BRASIL. Tribunal Regional do Trabalho da 4ª Região. **Thesaurus da Justiça do Trabalho (TEJUT)**. Porto Alegre, 2018. Disponível em: <http://trt.portalsiabi.com/thesaurus/busca>. Acesso em: 1 jun. 2018.

KELLOR, Frances. **American arbitration**: its history, functions and achievements. New York: Harper & Brothers, 1948.

MINHARRO, Francisco Luciano. Diretor de sociedade anônima. **Revista LTr**: Legislação do Trabalho, São Paulo, v. 66, n. 11, p. 1340-1347, nov. 2002.

ZAINAGHI, Domingos Sávio. Rescisão indireta dos contratos de trabalho desportivo por falta de pagamento de salários. **Revista LTr**, São Paulo, v. 82, n. 8, p. 923-927, ago. 2018.

## REFERENCE EXAMPLES

### Book

BITTAR, Eduardo C. B. **Curso de ética jurídica**: ética geral e profissional. 11. ed. rev. e atual. São Paulo: Saraiva, 2014.

GAIO JÚNIOR, Antônio Pereira; CÂMARA, Alexandre Freitas (Org.). **Novo CPC**: reflexões e perspectivas. Belo Horizonte: Del Rey, 2014.

### Book chapter

THEODORO JÚNIOR, Humberto. A constitucionalização do processo no estado democrático de direito. *In*: GAIO JÚNIOR, Antônio Pereira; CÂMARA, Alexandre Freitas (Org.). **Novo CPC**: reflexões e perspectivas. Belo Horizonte: Del Rey, 2014. p. 163-192.

### Theses and Dissertations

PEREIRA, Adilson Bassalho. **Aviso prévio**: evolução histórica e finalidades. 1983. 109 f. Dissertação (Mestrado em Direito do Trabalho) – Faculdade de Direito da Universidade de São Paulo, São Paulo, 1983.

### Articles in journals

BORBA, Joselita Nepomuceno. Responsabilização pelos danos decorrentes do direito de greve. **Revista LTr**, São Paulo, v. 75, n. 5, p. 530-542, maio 2011.

GHISLENI FILHO, João et al. Valor adequado nas ações de indenização por dano moral. **Revista Eletrônica do Tribunal Regional do Trabalho da 4ª Região**, Porto Alegre, v. 7, n. 113, 1ª quinz. mar. 2011. Disponível em: <http://www.trt4.jus.br/RevistaEletronicaPortlet/servlet/113edicao.pdf>. Acesso em: 3 jun. 2014.



## Legislation

BRASIL. **Lei nº 10.406**, de 10 de janeiro de 2002. Institui o Código Civil. Disponível em: [http://www.planalto.gov.br/ccivil\\_03/Leis/2002/L10406.htm](http://www.planalto.gov.br/ccivil_03/Leis/2002/L10406.htm). Acesso em: 10 mar. 2015.

## Jurisprudence

BRASIL. Supremo Tribunal Federal. **Súmula 490**. A pensão correspondente à indenização oriunda de responsabilidade civil deve ser calculada com base no salário mínimo vigente ao tempo da sentença e ajustar-se-á às variações ulteriores. Publicada no DJ de 10/12/1969, p. 5931. Disponível em: [http://www.stf.jus.br/portal/cms/verTexto.asp?servico=jurisprudenciaSumula&pagina=sumula\\_401\\_500](http://www.stf.jus.br/portal/cms/verTexto.asp?servico=jurisprudenciaSumula&pagina=sumula_401_500). Acesso em: 24 jul. 2014.

BRASIL. Tribunal Regional do Trabalho (4. Região). **Agravo de Petição – AP 0029900-40.2001.5.04.0201**. Disponível em: [https://www.trt4.jus.br/portais/trt4/sistema/consultaprocessual/pagina-processo?numeroProcesso=00299004020015040201&tos\\_dos\\_movimentos=true](https://www.trt4.jus.br/portais/trt4/sistema/consultaprocessual/pagina-processo?numeroProcesso=00299004020015040201&tos_dos_movimentos=true). Acesso em: 4 out. 2017.

BRASIL. Tribunal Superior do Trabalho. **Instrução normativa 39/2016**. Dispõe sobre as normas do Código de Processo Civil de 2015 aplicáveis e inaplicáveis ao Processo do Trabalho, de forma não exaustiva. Disponível em: <http://www.tst.jus.br/documents/10157/429ac88e-9b78-41e5-ae28-2a5f8a27f1fe>. Acesso em: 26 jun. 2017.

BRASIL. Tribunal Superior do Trabalho. **Recurso de Revista - RR 167800-40.2005.5.01.0482**. Relator, Maurício Godinho Delgado. Brasília, 26 de março de 2014. Disponível em: <http://www.lexml.gov.br/urn:urn:lex:br:tribunal.superior.trabalho;turma.3:acordao;r:2014-03-26;167800-2005-482-1-0>. Acesso em: 11 abr. 2017.

In addition to the above general guidelines, the Manual for the Drafting of Scientific Papers is available at <https://www.trt4.jus.br/portais/trt4/revista-eletronica>.

## ATTACHMENT

### COPYRIGHTS RENUNCIATION, ORIGINALITY AND UNPUBLISHED CONTENT DECLARATION

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author/co-author of the above-identified article, declare that the paper is original and unpublished, and has not been submitted for publication in any media, especially any other journal, neither in part nor in full. I further state that, if approved for publication in the TRT4 Judicial School Journal (Revista da Escola Judicial do TRT4), this article will not be submitted to another journal without prior authorization from the Editorial Board. If approved and selected, I authorize its publication in the above-mentioned periodical. I declare myself fully responsible for its content and aware that publication implies free transfer of copyrights to the Journal, both in electronic and print versions, as stated in the article 49 of the Law (Law No. 9.610, dated 02/19/98). Besides, failing to accomplish with this commitment will subject the offender to penalties provided according to the same law.

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