

EDITORIAL

The original text of the Brazilian Federal Constitution of 1988, in Article 114, with a main section and two paragraphs, established that it was the responsibility of the Labor Judiciary to mediate and adjudicate individual and collective labor disputes between workers and employers. Constitutional Amendment No. 20 of 1998 added a third paragraph to this article, assigning the Specialized Labor Courts the authority to execute social security contributions arising from their rulings. In 2004, Constitutional Amendment No. 45 brought about Judicial Reform, which expanded the jurisdiction of the Labor Courts. As a result, new subject matters were expressly enumerated as falling under the jurisdiction of the Labor Judiciary to process and adjudicate.

The constitutional broadening of topics subject to labor litigation consequently increased the frequency with which the Labor Courts' jurisdiction has been discussed in decisions by the Federal Supreme Court (STF). In some cases, the jurisdiction of the Specialized Courts has been preserved or even expanded, while in others it has been restricted, raising concerns about the very continuity of this judicial branch. It is for this reason that volume 6, issue 10, focuses on the Constitutional Jurisdiction of the Labor Courts and the jurisprudence of the STF, a pressing issue, especially due to Topic 1389, which led, in April 2025, to the nationwide suspension of proceedings for all lawsuits addressing the lawfulness of contracting legal entities or independent contractors, in addition to jurisdiction and the burden of proof in lawsuits discussing the existence of fraud in civil/commercial service provision agreements.

Six scientific articles in this volume focus specifically on the relationship between the constitutional jurisdiction of the Labor

Judiciary and STF decisions on the matter. In one of these works, the authors analyze Article 114 of the Federal Constitution in the context of single-justice STF decisions that overturned labor court decisions in cases regarding the recognition of employment relationships, questioning the use of constitutional appeals to overturn Labor Court judgments.

Another article classifies the STF's recent precedents on the jurisdiction of the Labor Judiciary as a type of "jurisprudence of exception" in the protection of labor rights. This same work seeks to analyze the rhetoric of these judicial decisions, which demonstrate neoliberal ideological leanings. A further article investigates the historical and social roots of Labor Law and the Labor Judiciary in Brazil, as well as scrutinizes STF decisions that point to a potential reduction in the jurisdiction of the Specialized Labor Courts, with direct repercussions on the protection of workers' rights in the country.

A specific article addresses temporary employment contracts and legal-administrative relationships, wherein the authors conclude that, following Judicial Reform and resulting STF decisions, cases involving such contracts and the Public Administration are now adjudicated by the Common Courts, even when dealing with issues typically within the scope of Labor Law. Another article addresses the autonomy and nature of labor relationships, discussing the phenomenon of "pejotização" (the replacement of formal employment contracts with contractor agreements) and judicial scrutiny of employment relationships, in conjunction with recent STF decisions on the topic.

In a sixth article fitting the proposed theme of this volume, the author contends that the discourse of Labor Law — traditionally led by the Labor Judiciary — has been eroded, with STF decisions lending additional momentum to this trend. The author argues that these decisions represent symbolic violence, particularly in the context of compulsory labor situations.

This volume also features articles on topics relevant to the journal's editorial scope, even if not directly centered on the main theme. Among these, a piece on environmental protection and workplace health concludes that fair and balanced workplace conditions are essential for upholding human dignity. The authors advocate that Labor Law and environmental quality ultimately share a common goal.

Additionally noteworthy is the contribution by guest author Professor Guilherme Dray, addressing the Decent Work Agenda alongside Portugal's 2023 labor reform. This issue also highlights articles on gender bias in the workplace, labor relations and indigenous workers, the limits on employers' use of employees' images, and an essentialist view of human dignity.

The topic of the application of international labor standards in Uruguayan judicial decisions is addressed by guest author, Professor Rosina Rossi Albert. The article stems from research based on the lecture delivered by the professor at the international seminar "Building Bridges: Labor and Justice in Mercosur," held in April 2025, in Porto Alegre/RS. In this academic paper, cases were presented where International Labour Organization (ILO) standards were applied in Uruguayan judgments to fill gaps, resolve antinomies, and interpret domestic law.

Among other interesting topics addressed in the article, it is noteworthy that, for a long time, Uruguayan jurisprudence understood that ILO Convention No. 98 was not applicable. Consequently, dismissal resulting from an anti-union employer act did not authorize reinstatement, but only compensation for damages. Only with a legislative change in 2006 did Uruguayan jurisprudence deem the aforementioned international standard applicable, thus clarifying that an employee dismissed in violation of freedom of association could be reinstated to employment.

Furthermore, this volume includes a philosophical article exploring morality and the law in the thought of British philosopher John Stuart Mill, as well as an essay on procedural law discussing the contentious issue of the liability of withdrawing partners.

Notably, this volume inaugurates the use of the Digital Object Identifier (DOI) system. This alphanumeric code is assigned to each published scientific article, allowing for easier online discovery. It serves as a unique international identification for scientific articles, ensuring that readers can always locate the paper, enabling proper citation, tracking views, and measuring the impact of each publication.

It is with great satisfaction that we uphold our commitment to advancing understanding in areas vital to the world of work. The impacts of the Federal Supreme Court's jurisprudence and the jurisdiction of the Labor Judiciary encourage reflection not only on current practices in labor matters but also on the future outlook for this field of law. Does the new STF case law concerning labor jurisdiction uphold balance in the struggle of capital and labor? This and other pivotal questions are addressed in this issue, volume 6 of our Journal. We extend our gratitude for the confidence shown by our contributors, peer reviewers, and Editorial Board in joining us to meet the contemporary challenge of protecting human labor and promoting social justice.

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