

Exhaustive working hours and contemporary slavery

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Abstract

This article aims to present different approaches for exhaustive working hours in order to enrich the discussion about legal and administrative dissents in situations analogous to slavery. It is argued that the exhaustive working hours are compounded by the imbrication of intensity and extensiveness of labor, increasing worker productivity requirements to adjust to the demands of capital. In this sense, exhaustion occurs when the rhythm of activities overlaps concomitantly with the lengthening of the workload for other social spheres. Both the acceleration of movements, under which everything becomes a priority and the constant availability through ICT- Information and Communication Technologies can lead to physical and psychological wear and tear, affecting the health of the worker and placing them in conditions of neo-slavery. This article was written through a bibliographical survey guided by the selection of articles and books found in the main Brazilian research bases that had an affinity with Marxian social theory about the concepts of working hours and working time, discussed by authors such as Dal Rosso, Antunes, Harvey, Dejours and others.

Keywords: Exhaustive journey. Slave work. Intensity. Extensiveness. Time.

A jornada exaustiva e a escravidão contemporânea

Resumo

Este artigo discute o termo *jornada exaustiva* diante de dissensos jurídicos e administrativos em situações de trabalho análogo à escravidão. Defende-se que a jornada exaustiva é composta pela imbricação da intensidade e da extensividade do trabalho, aumentando as exigências de produtividade do trabalhador para se ajustar às demandas do capital. Nesse sentido, a exaustão ocorre quando o ritmo das atividades se sobrepõe ao alongamento da carga horária de trabalho e afeta outras esferas sociais. Tanto a aceleração dos movimentos, sob os quais tudo se torna prioridade, quanto a disponibilidade absoluta por meio das tecnologias de informação e comunicação (TICs) podem levar ao desgaste físico e psicológico, afetando a saúde do trabalhador e colocando-o em condições de *neoescravidão*. Este estudo foi produzido por meio de levantamento bibliográfico orientado pela seleção de artigos e livros disponíveis nas principais bases de pesquisa do país que tivessem afinidade com a teoria social marxiana sobre os conceitos de *jornada de trabalho* e *tempo de trabalho*, discutidos por autores como Sadi Dal Rosso, Ricardo Antunes, David Harvey e Christophe Dejours, entre outros.

Palavras-chave: Jornada exaustiva. Trabalho escravo. Intensidade. Extensão. Tempo.

La jornada exaustiva y la esclavitud contemporánea

Resumen

El presente artículo busca rescatar diferentes enfoques de la expresión *jornada exaustiva* para enriquecer el debate en los casos de disensos jurídicos y administrativos en situaciones de trabajo análogo a la esclavitud. Se defiende que la *jornada exaustiva* está compuesta por la imbricación de la intensidad y del incremento del trabajo, lo que aumenta las exigencias de productividad del trabajador para ajustarse a las demandas del capital. En ese sentido, el agotamiento ocurre cuando el ritmo de las actividades se superpone a la ampliación de la carga horaria de trabajo y afecta otras esferas sociales. Tanto la aceleración de los movimientos, bajo los cuales todo se convierte en prioridad, como la disponibilidad absoluta por medio de las TIC (Tecnologías de Información y Comunicación) pueden llevar al desgaste físico y psicológico, afectando la salud del trabajador y colocándolo en condiciones de *neoesclavitud*. Este ensayo se elaboró mediante un relevamiento bibliográfico orientado por la selección de artículos y libros encontrados en las principales bases de investigación del país que tuviesen afinidad con la teoría social marxista sobre los conceptos de *jornada* y *tiempo de trabajo*, discutidos por autores como Dal Rosso, Antunes, Harvey, Dejours, entre otros.

Palabras clave: Jornada exaustiva. Trabajo esclavo. Intensidad. Incremento. Tiempo.

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INTRODUCTION

In the context of the study and the Brazilian legislative movement to fight contemporary slave work, there is a systematic attempt to disqualify the concept of *exhaustive working hours*. In its official website, the non-governmental organization (NGO) Repórter Brasil, one of the pioneers in the identification and fight against slave labor in our country, explains the term, however, it has low legislative adherence. Congressmen allege the “legal instability” of the concept, along with that of *degrading conditions*. However, this is not what we have found in most of the judgments rendered by Federal Court judges, responsible for the trial of this type of crime in Brazil. Reis Neto and Barp (2014, p. 69) analyze judgments, dated 2006, in which the judge rendering judgment clearly classifies this crime. We identify an excerpt from the process that is relevant to our discussion:

The submission to forced labor or to exhaustive working hours intends to extract from the worker a labor performance beyond what is normally required, which surpasses his/her physical limitations, for the sole purpose of benefiting the employer. The subjection to the degrading condition of work, even if the work is performed within moderate physical limits, represents for the employer greater opportunity of profit, since he/she pays for low-cost service (BRASIL, 2009).

The judgment clarifies the understanding of the employer’s intention in subjecting the worker to higher than normal working hours, overcoming his/her physical limitations in order to make profit on his productive capacity and low unit value of labor. We understand this appropriation as part of the “[...] immanent impulse of capitalist production”, in order to absorb every drop of labor and surplus labor (MARX, 1996, p. 371).

Based on the above, the objective of this article is to conceptually address the term *working hours*, in order to discuss the notion of time, exhaustion and intensity, in order to contribute to the study of cases considered analogous to slavery or contemporary slave work. Throughout the text, we differentiate the *working hours* from *working time*, discussing legal proposals for contemporary slavery cases and analyzing these concepts in the light of distinct theoretical discussions, in order to propose a conclusion, even if provisional, on the subject. Thus, this study seeks to examine, through an interdisciplinary conceptual debate, the contributions of Marx (1996), Lee, McCann and Messenger (2009), Dejours (1992), Dejours, Abdoucheli and Jayet (2014), Dal Rosso (2006, 2008, 2011, 2017), Antunes (2009) and Harvey (2014) to broaden the dialogue on the foundations of contemporary slave work in relation to working hours in this century.

In general, the management models were born of the need to increase productivity, an essential cooperative element for the accumulation of variable capital and the foundation of the neoliberal system. From this point of view, work, the most plastic element of this equation, succumbed to flexibility and intensity, in order to produce more for less, making control of the working hours an important mechanism to achieve this end. In Portuguese, the word *jornada* (from *jornada de trabalho* – working hours) comes from the Latin *dyurnata*, which means “march of one day”, “trip by land”. This etymology refers to the idea of “distance traveled”, “experience”. Just as speed is a hard measure, which makes use of distance and time, the *jornada* is a fluent measure, denoting movement, but still limited by physical and moral barriers (MARX, 1996, p. 346).

Time, over the years, has been functioning as the constituent element of the working hours, atomized by the expectation of profit; it makes the working hours more flexible both quantitatively and qualitatively, according to Marx (1996, p. 357): “The worker here is not more than working time personified”. The individual, always in the position of appendix, no longer of the machine, but under the totalitarian logic of the capital, began to lose control of time as subject of his/her own life, subjected to intense production rhythms and legitimized by the discourse of productivity (ANTUNES, 2014). The manipulation of the working hours to sublimate profits and suppress the need of the workers emerges as the immanent logic of this system. To illustrate this dynamic, Harvey (2014, p. 64) describes the struggle between labor and capital, in which both compete for better conditions to survive. While the capitalist seeks to increase profit and his/her living and comfort standards, the worker organizes himself/herself to resist the implicit and explicit pressures to increase productivity, intensity and duration of work.

It is therefore important to distinguish the *working hours* from *working time*. Searching for its limits in natural phenomena, such as blood pulse, wave motion and the movement of the Sun, time was conceived by empirical observation, in order to fulfill specific tasks and obey certain intentions (ELIAS, 1998). In this way, the working hours would obey natural laws. If we think of time as a symbolic institution and a regulatory element, its adoption as a parameter to define the value of work is not

at all irrational, since it allows us to architect a regular domain over the individual's life, both quantitatively and qualitatively (ANTUNES, 2009). According to Elias (1998, p. 17), "[...] time has thus become the symbolic representation of a vast network of relationships that brings together various sequences of individual, social, or purely physical character".

The working hours, in turn, consider the activities performed during the time invested in them, that is, it goes beyond the conception of time as an abstract entity. To understand this differentiation, Bernardo (1996, p. 46) gives the example of a worker who, although reducing his/her working hours to 7 hours and performing a highly complex activity, works much more real time than a worker of another time that exceeds 14 hours per day, but in activities of low complexity. The notion of real time allows us to understand the process of reification of the individual, that is, when the free control of time by the worker is reduced to the accounting of capital (MÉSZAROS, 2007). The quest for speed and volume of production has "decapitated time", subjecting man to an abstract being, making him his greatest enemy. Thus, the working hours represent the time of the capital.

With the suppression of the Fordist conception of the working hours, dividing the day into periods of 8 hours for work, 8 hours for rest and 8 hours for leisure, the working hours assumed an elastic character, permeated by a coercive symbolism of the boss over the employee, in order to convert all working time and free time into capital consumption time (ANTUNES, 2009). Due to the fear of structural unemployment, organizations started to dictate the rules (MORGAN, 2002). Consequently, the social metabolism of the capital in its self-expanding direction nourishes from the worker's time so intensely that even his/her free time is subtracted so that he "qualifies" and "competes" in the labor market (MÉSZAROS, 2007; ANTUNES, 2009).

Therefore, it is imperative to study the characteristics of the working hours in a deeper conceptual way, making it possible to broaden the understanding about the relationship between the working hours and the worker, patient of an oppressive relationship and provider of a work more and more intensive, extensive and exhaustive. For this article, in particular, we have used authors identified with a predominantly Marxist social theory orientation, among which are Dal Rosso (2006, 2008, 2011, 2017), Lee, McCann and Messenger (2009), Antunes (2009), Harvey (2014), Dejours (1992) and Dejours, Abdoucheli and Jayet (2014), among others.

The introductory debate, suggested with this discussion, is intended to contribute to the exercise of thinking about labor relations in the present time. The selected articles and books compose the theoretical references that address the working hours and working time from the perspective of the exploratory forms of the worker. The intention was to create a definition of the concept of working hours that could respond to criticism of the subjectivity of the concept of *exhaustion*, within the scope of the exhaustive working hours, which is one of the guiding principles of the concept of contemporary slave work.

The distinction of these types of working hours goes against the intention of characterizing as subjective the concept of *exhaustive working hours* proposed by Article 149 of the Brazilian Criminal Code (CP) as an element of identification of contemporary slave work. Also falling within the scope of the Administration, undignified forms of work permeate the legal spectrum of labor relations, as in cases of existential damage and moral harassment. For this reason, even if formally distant from what is called *contemporary slave work*, it is questionable whether, concretely, labor relations marked by degrading working hours subtract control of the worker's life in the face of the need to expand capital. This inquiry is a suggestion for future researches using empirical data, whose proposals are distinct from this study.

A LEGAL PROBLEM?

According to the Ministry of Labor and Employment (MTE) (BRASIL, 2011), the contemporary slave work requires four conditions for its characterization: a) subjecting the victim to forced work; b) subjecting the victim to exhaustive working hours; c) subjecting the victim to degrading working conditions; and d) restriction by any means of the locomotion of the victim due to debt contracted with the employer or agent. It is worth noting that these conditions are not exclusive, but competing, besides the criminal imputation not needing the appearance of all elements, i.e., only one condition must be fulfilled. For a better perception of these components, we highlight contributions of the Law to the second item described by the MTE.

For Figueira, Prado and Galvão (2013, p. 36), exhaustive working hours are those which are:

[...] imposed on someone by another in an employment relationship beyond the extraordinary legal limits established in the regulative legislation, and/or capable of causing damages to physical and mental health, and resulting from a situation of subjection that is established between employer and employee, in a forced manner or by circumstances that cancel the will of the employee.

The “legal limits” addressed by the authors can be interpreted according to the prism of the Federal Constitution of 1988 (CF/1988), in its article 7, XIII, which restricts the normal working hours to 8 hours a day and 44 a week, with possibility of compensation of schedules and reduction of the working hours by mutual or collective agreement (BRASIL, 1988).

The law cannot control the intensity of work (DAL ROSSO, 2008). It can be seen that the right guaranteed in CF/1988 makes use of the perception of time, expressed in hours of work, to offer safety to the worker, so that the Fordist logic is maintained. What the law does not consider, however, is the degree of complexity that Bernardo (1996) raises through his analysis of the activities carried out along the working hours, which is a legislative limitation. Even though the law provides for exceptions to the long working hours, such as force majeure, the conclusion of urgent services or manifest loss in case of non-execution - Consolidated Labor Laws (CLT), Art. 61 (BRASIL, 1943) - this is not what is perceived “[...] in the work practices [...] which keep the relations of exploitation and domination proper to a system of servitude” (ÁVILA, 2016, p. 140). The difficult assimilation of real working time is treated as an alibi by lawmakers committed to capital from slave work to exploit the gaps in legal treatment given to contemporary slave work, under which, those accused in Brazil do not stay a single day behind bars (REIS NETO and BARP, 2014).

According to the extinct Ministry of Labor and Employment (MTE), “if the illicit practices evolve, the State must also evolve in the approaches and conduct. According to the extinct MTE (BRASIL, 2012) adopted to guarantee workers’ rights as well as the punishment of those responsible”. Although the fight against slave work is primarily a result of legislative evolution, employers have repeatedly used gaps in legal provisions (BRITO FILHO, 2013/2014). Dejours (1992) strengthens this claim by witnessing that such evolutions are often questioned by suppressive laws that attempt to reestablish the *status quo*.

This moment in the legal context of loss of rights is illustrated by successive increases of the working hours and different forms of flexibilization in a global conjuncture, with emphasis on the United States of America (USA), which extended its working hours, and France, where no special changes were observed (DAL ROSSO, 2011). In Brazil, one of the greatest examples of flexibility lies in the “modernization” of labor legislation, since Act No. 13.467/2017 provides on the *negotiated above the legislated*, authorizing irregular working hours and intensifying the precariousness of work (PORTAL BRASIL, 2016; RODRIGUES and MELO, 2017).

This reform corresponds to the deepest change in the regulation of labor laws in the last 75 years.

The difficulty in ascertaining the physical and psychological limits of the worker constitutes one of the greatest alibis for the involution of laws that used to be synonymous with progress. In Brito Filho (2013/2014), a second example of exhaustive working hours is the possibility of damage to the physical and mental health of the worker, although this is an alternative condition. In this category, attention must be paid to particularly difficult jobs, such as those requiring high physical strength, such as rural and civil construction workers. Nevertheless, the stereotype formed by these workers is very particular, which limits the Justice in the identification of workers in the same condition that operate in other market niches. The fashion industry (REPÓRTER BRASIL, 2012), for example, is outside of the set of jobs that, in a certain way, require exploitation of a high level of physical strength, but is often target of inspections by the Mobile Group for Eradication of Slave Work. According to the extinct MTE (BRASIL, 2012), the textile industry is responsible for the employment of many immigrants from Bolivia, Paraguay, Peru and other bordering countries, who irregularly work in the country, so they are subject to forced labor, suffering mistreatment, under precarious conditions of health and safety and being victims of moral and sexual harassment and beatings, in addition to working over 16 hours, among other violations of rights.

In a report of June 2016, the US Department of Justice points to Brazil’s main legislative problems in its policy to fight contemporary slave work and its different ramifications (U.S. DEPARTMENT OF STATE, 2016). Brazil is praised for Article 149 of the CP, for going beyond situations where people are forced to work, but it is criticized for not making clear the criminalization in cases of non-physical coercion, such as cases of psychological threat of deportation of illegal immigrants who resist forced work and degrading conditions and exhaustive working hours. The report also condemns the impunity and delay of the

Judiciary authorities in punishing human smugglers and slave employers, which renders the whole set of combat information incomplete and unreliable. Another point that demands reflection is the assistance to the freed victims. The Office to Monitor and Combat Trafficking in Persons in the US points to the initiative of the fund of financial support to workers as interesting, from the point of view of the organization of resources, however, it was not able to validate the destination of money to the victims, which makes it difficult to come to a conclusion on the effectiveness of the legal actions.

The natural gap between the law and its application is also the subject of analysis of the report, placing countries in a 3-tiered classification where 1 is the highest standard layer in combat and 3 is the tier that requires more government efforts. Although Brazilian legislation is perceived as the product of a structured policy of confrontation, repression and prevention, Brazil is in the second tier, whose countries adopt a certain rigor in combat, but generally need more expertise, as well as more funds and personnel. The I and II National Plan for Eradication of Slave Work (PNETE), of 2003 and 2008, respectively, raise the discussion to a new level of state action on the problem. One of the goals of the II PNETE is to defend and maintain the register of employers who have kept workers in conditions of slavery. The Transparency List on Slave Work, the so-called “Dirty List”, used in Brazil to identify companies and employers charged with the crime, was suspended by a preliminary injunction by the Federal Supreme Court (STF) in 2014, preventing the federal government from releasing updates. Currently, some companies are still trying to prevent the disclosure of this information, and only through the Act of Access to Information (LAI) has the NGO Repórter Brasil been able to publicize 250 employers in an illegal situation. In 2018, 165 employers were charged of being responsible for 2,264 workers in a situation similar to that of slave work (REPÓRTER BRASIL, 2018).

Still on the complexity of the Brazilian judicial consensus, the Labor Courts, following the precedents of the Inter-American Court of Human Rights, uses a legal institute called *existential damage*, which, according to Darcanchi (2013, p. 151) is:

The existential damage, also called damage to the life project, is a kind of immaterial damage, which partially or totally affects the victim in his family life project for professional reasons, that is, due to an excessive dedication to the company, the employee loses part of his life, his social, family, educational and affective contacts in the work environment.

Boucintas Filho and Alvarenga (2013) differentiate *existential damage* from *pain and suffering* by its objective nature and possible quantification. The existential damage is nothing more than the description of a relation that dehumanizes the worker, depriving him of his life outside of work. Under the understanding of the usual exhaustive working hours, the existential damage has already appeared as an understanding of the excess overtime in cases of workers who are not considered as slave workers, such as bank employees and gardeners (BOUCINHAS FILHO and ALVARENGA, 2013). Perhaps this “vocabulary coincidence” between the *exhaustive working hours*, identified in modern slave production, and the *usual exhausting working hours*, known as damage to existence, more than adequately illustrates the perverse mechanisms of free labor management in present-day Brazil.

AN ADMINISTRATION PROPOSAL

Well-known aspects of the Administration, such as the *multifunctionality* or *polyvalence* of the Toyotism (GURGEL and SOUZA FILHO, 2016; DAL ROSSO, 2011; CORIAT, 1994) and the Taylorist *work rhythm* (TAYLOR, 1995) are crucial aspects to analyze the exhaustive working hours in the scope of contemporary slave work, and must be perceived by imbrication with working time, the latter being taken as an isolated parameter to resolve the doubts about the exhaustion of the worker in the case of the Brazilian Legislative Branch.

From the macroeconomic point of view, slave work is taken as a consequence of a context of chronic poverty, by the discipline of hunger as a human condition, which stimulates the logic of outsourcing and appropriation of the labor force, together with the imposition of unsustainable conditions to the human being (MASCARENHAS, DIAS and BAPTISTA, 2015). For the microcontext, the work routines with the use of physical and psychological violence are part of the management of conditions and skills for slavery.

Based on the authors addressed in this article, the exhaustion from overwork can be understood by the interconnection between intensity and extensiveness, both coincident. The rhythm determined within a working day gives the tone of intensity. According to Dal Rosso (2011, p. 143), “[...] intensity is a general condition of any kind of human work. Even non-remunerated work is carried out according to a degree of individual involvement or intensity”. For the author, this is how the salaried employee included in a heteronomous system differs from the self-employed worker: the decision on the degree of involvement with the activities, that is, “the decision on the stamina”. In contemporary slave work, this condition is exploited to the limit of the human being, in order to ensure total submission by disrespect of the body, basic physiological needs and feelings (SILVA, 2011).

The extensive working hours, however, has to do with the dimension of action, with the notion of chronological time span designed to understand all the activities required for production. The working hours of immigrant workers in the construction of the Jirau and Santo Antônio hydroelectric plants are interesting objects to understand the overexploitation of the integration of these two trends. In order to meet productivity goals and levels established by the consortium, workers, in addition to the extended working hours with overtime, suffer from the intensification in a degradation rhythm of their work activities (ALVES, 2014).

In this sense, the exhaustive working hours operate as a mechanism that, jointly with the loss of labor value and the direct appropriation of the labor force, is part of a more structural logic of capitalism, that is, the overexploitation of labor. For Marini (1973, p. 12):

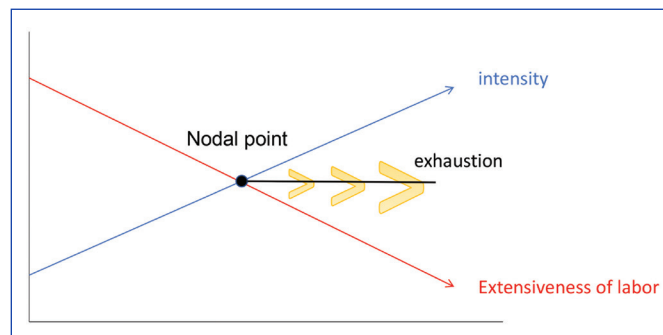
[...] the three mechanisms identified - intensification of work, extension of working hours and expropriation of part of the labor necessary for the worker to replace his work force - constitute a mode of production based exclusively on the greater exploitation of the worker.

We do not observe any trend of improvement in these practices when we think that the workers themselves may decide to increase the intensity, swallowing the food to achieve goals and increase their productivity. The extensive working hours, as a strategy of manipulation of working time and workers, has to do with extending the working hours in order to produce the surplus labor. Dal Rosso (2011, p. 137) explains the extensive working hours for its duration and extension, while the intensive working hours can be understood as the “ability to produce more values while the working conditions and the duration of the working hours remain unchanged”. The author adds another factor to this combination: productivity. It depends on the ultra-fast obsolescence of products, that is, it depends on the “adoption of technological innovations that reduce the socially necessary average time of goods” (DAL ROSSO, 2011, p. 138). According to Marini (1973), the increase in productivity only generates more products in a period of time, which is not synonymous with higher value. On the contrary, the greater availability of the product causes its value to decrease. For us, productivity acts as a catalyst for the gear that relates these two aspects of the working hours and is not directly related to working time, since it does not have the capacity to generate surplus value.

To illustrate the concepts discussed in this analysis and the movement of exhaustion within a working day, we turn to Marx (1996), as Figure 1 illustrates.

Figure 1

Conception of nodal point in the working hours



Source: Elaborated by the authors.

We illustrate the extent of the downward working hours through the red line segment, due to the decline of the working hours on a global scale and in a historical perspective (LEE, MCCANN and MESSENGER, 2009). The ability to produce more, whether through the use of more technology or through the denser employment of labor (MARX, 1996) is translated by the increase in intensity, still in historical perspective, being represented by the blue line segment.

At one point, there is a nodal point where the long (extensive) working hours and the intensity of work (intensive) are mutually exclusive, so that intensity is only possible with the diminution of extensiveness, and vice versa, that is, a degree of intensity is only possible with the reduction of the extensive working hours (MARX, 1996). When there is a need for greater productivity to increase profitability, capital, pressing both dimensions, exerts a force of exhaustion on the worker, whose expectation of future is fulfilled by the unlimited working hours, that is, abandonment of the temporal metric.

The Marxian theoretical orientation points to the exhaustive working hours as an effect of the mechanized production, extension of the working hours and intensification of the work. Marx (1996, p. 378) addresses the working hours as the full 24 hours after discounting the few hours of rest, whose function is to restore the workforce to continuous task completion. His work addresses the extensive measure of work by the notion of absolute surplus value, that is, by extension of the working hours, while the intensive measure of labor is treated by the perspective of shorter working hours, whose working hour is denser, condensed, and less porous, thus suggesting greater tension (MARX, 1996, p. 42-43).

The sociologist Sadi Dal Rosso, in his works *Mais trabalho!* and *O ardil da flexibilidade*, following the same logic, characterizes the production of capital gains by what he calls excessive working hours. For the author, the production of more values in society is based on the combination of factors such as extensiveness, or duration and extension of the working hours; the intensity, which relates to the ability to produce more values while other aspects remain immutable, such as time; and productivity, which essentially depends on technological innovations (DAL ROSSO, 2011). More than just analyzing time, in his most recent work, Dal Rosso (2017) discusses flexibility for the distribution of working hours throughout the day, forms of productive organization and pre-regulated mechanisms such as temporary work, informality and underemployment. Through the use of atypical hours, the intensive working hours and the part-time working hours, the capital sees opportunities to increase the capital gain and to allow the maintenance of capital accumulation.

In turn, Lee, McCann and Messenger (2009) distinguish between three types of excessive working hours: excess in relation to the law; excess in relation to the desire of the workers; and excess with adverse effect on the health and safety of workers. This typology depends on the organization of working hours, the nature of work (autonomous/heteronomous) and individual characteristics. There is a close relationship between them, so it is possible to argue that the excessive working hours in relation to the law consider the effects on the health and safety of the worker, that is, on a knowledge already socially established as harmful to the individual. The authors also advocate that it is already known that working over 48-50 hours per week may expose workers to potential health risks (LEE, MCCANN and MESSENGER, 2009), but, in addition to depending on how the working hours are organized, the (in)voluntary nature of excessive working hours cooperates to increase these risks. By considering that self-employed workers have autonomy over the arrangement of their working hours, we understand how long working hours may be more acceptable to these actors in view of the power they have over their work (LEE, MCCANN and MESSENGER, 2009).

As far as they are concerned, Dejours (1992) and Dejours, Abdoucheli and Jayet (2014) deal with the exhaustive working hours from the perspective of health. Such analysis considers the productive conditioning of man by work organization, cause of physical exhaustion, negative ergonomic and psychic load and work pressure. According to the authors, the exhaustion is directly linked to the performance time inside and outside the work. The accumulation of psychic load, caused by an unbalanced work, is responsible for fatigue, asthenia, and, finally, for pathology (DEJOURS, ABDOUCHELI and JAYET, 2014, p. 25). Productive conditioning is responsible for the lack of space for the phantasmatic activity, causing, in turn, the closing of the pathways of psychic discharge and, therefore, the fatiguing work.

In view of the strategies adopted to favor capital accumulation, issues such as goals, deadlines and results are fundamental to understand the unfolding of the working hours. Likewise, exhaustion needs to be better observed, focusing on the effects on the worker, from the physical, cognitive and affective damages. Subject to the occupational safety area, the psychological health of the worker is treated in a residual way by the bodies that discuss the subject (ANTLOGA, 2013).

Psychic diseases, although recognized, are, in most cases, judged negatively or not even treated. How, then, could we characterize exhaustion by its purely physiological nature, when the decompositions mentioned by Dejours (1992) are grounded in the nervous tensions, the fear, and the anxiety of the workers? The increase in the cognitive and emotional demands of work in the current way generates problems of the same order, which impacts range from gastritis and depression, hypertension, stress and even death (DAL ROSSO, 2008). In a survey conducted in the Federal District, through the analysis of the number of medical certificates, data collection by questionnaires with workers from different sectors (banking and financial, private education, supermarkets, domestic work, public administration, printing industry, beverage industry etc.) and number of sick leave (excluding duplicities), it was concluded that more than one-quarter of the respondents stated that they had had health problems due to their intense work, especially in the banking and financial sector, “[...] a prototype of intensification of work in Brazil” (DAL ROSSO, 2008, p. 125).

Formally, workers subjected to intense rhythms of work and exhaustive working hours are immersed in a context of direct exploitation by capital, whose objective is to match their time of existence with productive time (MARINI, 1973, p. 14). In this sense, it is possible that, concretely, the reality of the worker is so immersed in situations of little freedom and high control that his/her experiences outside the work are affected by the intensity standards imposed by the labor arrangement. As a historical issue in Brazil, slavery has allowed a kind of servitude to be built through work organization in a short time (DUARTE and MENDES, 2015), and the more studies advance in understanding pre-capitalist labor, the clearer the existence of a continuum between slavery and freedom, distancing itself from the traditional dichotomy: rural/urban, slavery/freedom, industrial/pre-industrial and capitalist/pre-capitalist (LIMA, 2005).

Marini (1973) argues that even the slave work regime did not allow the lowering of the worker’s remuneration, given the need for a constant “minimum salary”, regardless of the volume of production. For the free worker, this reality was fluctuating, since its remuneration was related to the variable magnitude of the generation of capital gain and the production of value, being possible to receive more or less than the “constant minimum salary” of the slave.

Taking a historical leap forward, management by results, pace and speed, accumulation of activities, demand for versatility and flexibility made the work so intense (DAL ROSSO, 2008) that the limits of the working hours observed at the time of the industrial revolution are not the same, and work is increasingly fluid and with low contrast. As an example, in one of the interviews conducted by Dal Rosso (2008, p. 186) in his study on work intensity, the worker, instead of saying “total quality in work”, said “quality in total work”, demonstrating his cognitive inability to describe the parameters that regulate the work in his life. Although Bernardo (1996, p. 33) describes the phenomenon of reduction of the working hours as a product of social struggles, which demand reduction of the formal working hours, he argues that capitalists, to recover the losses imposed by regulation, increase the complexity of the tasks performed in the scope new time, including “work outside the company”. Known as “*horista*” (salary calculated by working hours), private teaching teachers are a practical example of the inherent complexity of the current model of the working hours. Guided by results, they are paid only for the hours they were in the classroom, disregarding the work of class preparation, proofreading and exercises, entry of evaluation grades and attendance, meetings, besides the intellectual reflection that the profession claims, identified as immaterial work (DAL ROSSO, 2008), and suggesting unlimited working hours.

According to Dal Rosso (2008, p. 196), “[...] since the work is socially organized, [...] the intensity becomes governed by the social parameters prevailing in such organizations”, shifting the voluntary energy of the workers to control the patterns that govern their limits. Considering that organizations emphasize more the productivity and cost (MORGAN, 2002), guided by a goal-seeking ideology, the conflicts between workers and capitalists become more acute. Dal Rosso (2008, p. 141) research on the number of medical certificates among telephone operators in the last 5 years before his study illustrates this issue. In the Federal District, 73.5% of workers have already used medical leave, and one of the reasons was the introduction of an employee only to supervise and an increase in the system of automatic controls. In view of the technical progress of controls, the productivity standards were extended by the extensivity of the working hours, but were compressed by the increase of all type of energy dedicated to the intense activities.

FINAL CONSIDERATIONS

Considering all these facts, we can understand that the concept of exhaustive working hours, an element that constitutes the overexploitation of labor, needs to be better debated and clarified, given the recurrent need to defend workers against capital attack to suppress their rights. The future of the working hours, as long as in the time of the capital, is of an unlimited time, without moral or physical barriers. We have been through this time, currently characterized by the suppression and difficulty of controlling the working hours through the indiscriminate use of communication and information technologies, production control to increase relative capital gain and inability to control immaterial work and non-work time. It is clear, therefore, that the situation of contemporary slavery diverges more and more from the notion of slavery of the African peoples of the sixteenth century because, even under legal situations, labor has been forced and intensified by elements that cannot be controlled, as the case of polyvalence/multifunctionality. By appropriating the entire amount of available work, whether by the extensive aspect or the condensation of activities, slavery has even been conceived as a management model (MASCARENHAS, DIAS and BAPTISTA, 2015).

We cannot but emphasize that intensity alone cannot be taken into account in abusive and pathological working relationships. The need of the use of activity force, duration and complexity are subject to variations depending on the market sector, the acceptability of society, the regulation of the working hours according to each country, among other aspects. Therefore, it is important to remember that long working hours and excessive work, in addition to being linked, are related to the risks to the well-being and the health of the worker, and to numerous other social impact issues, such as the level of unemployment, underemployment and the multiplication of people into more than one job (COSTA, HORTA, ROLDÁN et al., 2014).

The approaches of the theorists consulted in this article offer important reflections on the impact of the demand for unlimited efficiency in the life of the individual. Intensity and extensivity act in such a way as to favor this logic, pressing the worker's stamina to the maximum level and expanding his/her productive capacity, which, in the long term, tends to be incorporated as "natural". A more efficient regulation of the production process, considering respective cultural differences, level of economic development of each country and the sector, observing people, times and circumstances, can enable fairer exchange relations and sustainable management.

The law, incorporated into acts, plays an important role in fighting the forms of exploitation of the worker expressed in the exhaustive working hours. Although focusing only on chronometric aspects, such as the chronological metrics of labor, the change of the exploitation mechanisms requires the conviction of the Legislative Branch in the existence of qualitatively and quantitatively abusive labor relations. Considering the limitations pointed out in this study regarding how contemporary slave work cases are treated, it is even more difficult to perceive a legal movement in relation to formal employment cases, such as bank employees and teachers, in a context of loss of labor rights caused by the ideological neoliberal wave.

The capacity for self-renewal of capital in the pursuit of profitability stands out. Although adjustments and concessions are part of economic and social development, the dynamics that ensure and maintain overaccumulation is functioning as the executioner of the free work. Gurgel and Souza Filho (2016) explain, for example, the flexible management of Alvin Toffler, who sees the flexibility as *glamorized* and *positive*, when, in fact, it stimulates unemployment as a way of recovering companies. Outsourcing as a form of flexibility of the contracts, deterritorialization of the productive process, availability of workforce with flexible hours, the "no time to enter or time to leave" working hours etc. Thus, through a contradictory discourse, capital is finding ways to alleviate pressures for better working conditions, forging condescension. Therefore, as much as we can move forward with distinct demarcations on the intensive, exhaustive and the extensive working hours, other forms of capital resistance to the emancipation of the worker will emerge, for the more successful the capital is in the fight against work, the greater its profit (HARVEY, 2014).

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