

UBERIZED AND PRECARIOUS JOBS: FROM THE PERIPHERY OF RIGHTS TO THE ESSENTIALITY OF THEIR ACTIVITIES IN PANDEMIC TIMES

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ABSTRACT

The future of uberized work in the world and, specifically, in Brazil, necessarily involves reflections on the impacts of the COVID-19 pandemic on global society. This is reflected on two clear fronts: the emergence of a new guise of technological capitalism and an observation on the situation of the labor market itself, especially in relation to the moments of serious economic downturn in peripheral countries and in Brazil (post-2008 and worsened between 2015 and 2016). Thus, it must be considered that the universe of uberized and precarious work, in view of the measures taken from the declaration of the state of calamity caused by the pandemic and the consequent social isolation, ended up exacerbating the negative consequences of the economic recession. To this end, here we seek to briefly point out the panorama of platform capitalism and the changes caused by it, as well as the economic and labor market moment before the pandemic, through the bibliographic and critical methodological approach, rooted in materialism, taking as a basis the need for reconstruction and valorization of work as the social nucleus of the constitutional text. Thus, it is concluded that only with adequate and efficient government measures is it possible to combat the crisis, in order to restructure the condition of uberized workers, most affected by social isolation, as well as the very repositioning of the social structure in the sense of uplifting the social value of work as an ideal way to reestablish the centrality of work.

Keywords: future of work; pandemic; precariousness; uberization.

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TRABALHOS UBERIZADOS E PRECÁRIOS: DA PERIFERIA DOS DIREITOS À ESSENCIALIDADE DE SUAS ATIVIDADES EM TEMPOS DE PANDEMIA

RESUMO

O futuro do trabalho uberizado no mundo e, especificamente, no Brasil, passa necessariamente pelas reflexões acerca dos impactos da pandemia da COVID-19 na sociedade global. Isso se reflete sobre duas frentes claras: o surgimento de uma nova roupagem do capitalismo tecnológico e uma observação sobre a situação do próprio mercado de trabalho, sobretudo em relação aos momentos de grave retração econômica em países periféricos e no Brasil (pós-2008 e agravada entre 2015 e 2016). Assim, há de se considerar que o universo do trabalho uberizado e precário, diante das medidas tomadas a partir da decretação do estado de calamidade provocado pela pandemia e do conseqüente isolamento social, acabou por agudizar as conseqüências negativas da recessão econômica. Para tanto, busca-se apontar brevemente o panorama do capitalismo de plataforma e as mudanças provocadas por ele, bem como o momento econômico e de mercado de trabalho anteriores à pandemia, por meio da abordagem metodológica bibliográfica e crítica, de raiz materialista, tomando como base a necessidade de reconstrução e valorização do trabalho como núcleo social do texto constitucional. Assim, conclui-se que apenas com medidas governamentais adequadas e eficientes é possível combater a crise, de modo a reestruturar a condição dos trabalhadores uberizados, mais afetados pelo isolamento social, bem como o próprio reposicionamento da estrutura social no sentido do soerguimento do valor social do trabalho como caminho ideal para o restabelecimento da centralidade do trabalho.

Palavras-chave: futuro do trabalho; pandemia; precarização; uberização.

INTRODUCTION

To deal with the future of uberized work in the world and, specifically, in Brazil, and try to outline what awaits us ahead, it is necessary, in a preambular way, to verify at what stage the discussions and transformations on the labor policy were before the health crisis provoked by the COVID-19 pandemic.

This basically leads to the need to evaluate two fronts: (a) the one that deals with the emergence of a new guise of technological capitalism itself, called by some *platform* (or *algorithmic*) *capitalism* – an expression used to designate this new modality of entrepreneurship and work structure that largely uses digital intermediation through applications, managed by algorithms –, which includes uberization, which has been promoting changes in labor and consumption relations since the last, post-1970s capital crises, also coinciding with the advance of the global modality of capitalism; and (b) an observation on the situation of the labor market itself, especially as regards the moments of serious economic downturn in peripheral countries and in Brazil (post-2008 and worsened between 2015 and 2016) and the governmental measures adopted to placate the crisis until then to, in a final moment, evaluate the measures taken at this current moment.

If a prediction of the future is not possible, such fronts can present a good clue of what trends we will have in the post-pandemic period. It should be noted, therefore, that both are permanently intertwined, motivating a pruning by both sides, and if there is still not much certainty about the final form that this polishing will take, in this work we try to evaluate what happens in the pandemic environment to, finally, reflect on possible directions for the future.

To this end, we seek to briefly point out the panorama of platform capitalism and the changes caused by it, as well as the economic and labor market moment before the pandemic, through the bibliographic and critical methodological approach, rooted in materialism, taking as a basis the need for reconstruction and valorization of work as the social nucleus of the constitutional text.

1 UBERIZATION, GENERAL PRECARIZATION OF WORK AND NEOLIBERALISM – ACCOMMODATION OF THE POLITICAL AND LEGAL SYSTEMS TO THE DICTATES OF GLOBAL ECONOMY

Uberization can be defined as a modality of platform capitalism to circulate goods and services, promoting a “bridge” between service providers (or suppliers of goods) and consumer users. It has the initial traces of a business model designed to supply activities considered ordinary, common and even informal, which is why it is part of what has also been called the “gig economy”.

In this type of business, companies promote the creation of software (applications, or apps) that are widely available for technological devices (especially smartphones), through which, at one end, a multitude of workers (*crowdworkers*) are able to render services or provide products, being contacted, therefore, through these applications to provide some service, usually immediately, receiving a value for the service provided and leaving a significant value for the platform that provided the contact with the consumer, such workers being hence designated as just-in-time, on-demand or zero hour workers. On the other end of the apps, consumers promote veritable algorithmic auctions among workers, who, fighting each other to provide their product or service at the lowest possible price (for no price, sometimes), are summoned – according to unknown and asymmetrical parameters – by the software, as Rosenblant and Stark (2020) demonstrate, and commit themselves, also at the speed of a click or touch on the cell phone screen, to provide the service contracted there. It sounds like a good game for consumers and for the companies that own the apps, but unhealthy for workers. And it is on them, the workers, that the reflections ahead are established.

In the same sense, Scholz (2016, p. 17) states that the current world is already embedded in platform capitalism and a sharing economy. In his words, “it took time to recognize that the sharing economy was actually an on-demand services economy that was started to monetize services that were previously private”.

Changes in business structures are part of what some authors (KAGERMANN, 2013; SCHWAB, 2019) call Industry 4.0 or Fourth Industrial Revolution (artificial intelligence, internet of things, integral automation) and which happens at practically all levels of service

provision and products supply, because, despite having removed the origin of the neologism from Uber (a well-known company that operates in the technological field of transport by application), *uberization* has been extended to virtually all levels and types of work and product.

And, indeed, currently, there is no need to talk anymore about the “potential” of providing services and products in the uberized modality beyond transport or delivery services, but in all branches of service provision and products supply already available there is uberization. Companies that promote the provision of uberized services, such as the North American *TaskRabbit*, the Australian *Freelancer* or the Brazilian *GetNinjas* (2020) are all over the world, promoting the provision of services in an endless list – ranging from technical assistance to any home appliance or electronics to classes of any nature and at any level, services of liberal professionals such as lawyers, accountants, website developers, event promoters and all professionals involved, professionals in fashion, beauty, renovation, engineers, architects, doctors, domestic services, among many others³.

In addition to these company-application examples that provide professionals of all types, there are thousands of applications with specific activities, in which you can find a teacher (*Profe*), a doctor (*Docway*), rent a house or apartment (*Airbnb*) or even hire a dog walker (*Dog Hero*). It is important to clarify that none of these apps offer services directly through contracted personnel that are part of a body of employees, that is, the apps only broker and mediate the relationship between a consumer-user and a “uberized” service provider.

The promises, as Slee (2017) points out, were that these initiatives would promote a sustainable alternative to mass-market commerce, helping people make better use of underutilized resources, helping vulnerable individuals take control of their lives, making them micro-entrepreneurs themselves.

In reality, a different process took place, promoting an inhospitable and deregulated market in all areas, with the overwhelming force of large companies, which create monopolies, remodel cities, create new hyper-connected workers, make wealth for investors and executives, create good jobs for programming engineers and marketers, remove legal guarantees

3 The website itself (<https://www.getninjas.com.br/#what-is-getninjas>) states that there are more than 4,000,000 services provided in 2020 and that BRL 960,000,000.00 went to the “pocket of our professionals” (sic) registered on the site, and it is timely to state that, as a rule, more accurate information on these undertakings is always very difficult to obtain and is publicized, almost always, in the format and according to the interest of the companies themselves in doing marketing (GETNINJAS, 2020).

won after decades of social struggle, thanks to the creation of more risky and precarious forms of underemployment for those who, in fact, break a sweat.

Srnicek (2016) considers that the digital economy has become the most dynamic sector of the capitalist economy, acquiring similar importance to the financial sector. Thanks to its great dynamism, the digital economy is presented as legitimizing neoliberal solutions, the deregulation of markets and the precariousness of work. The author further argues that, with a long decline in industrial profitability, capitalism has transformed itself into data, as the only way to maintain economic growth and vitality in the face of a sluggish production sector.

The “new” crisis of capital and the advent of globalization have promoted a general attempt (not only due to technological permissibility, but also through the legal systems of countries) to transfer to the worker a series of structures and risks that, in general, in their present-day configuration, belonged to the employer (principle of otherness), being part of their obligations in the labor agreement.

In fact, the so-called elements of the employment contract (onerosity, habituality, non-contingency, personality and legal subordination) have become, with the increase of these new, intentionally fluid contract modalities, obscure, because it is characteristic (clear, even if unconfessed) of these business models the attempt to evade both labor and social security and tax legislation. There are, therefore, in this business model, several peculiar characteristics that are designed to create difficulties in the recognition that such elements really exist (and which are presented, in general, in articles 2 and 3 of the CLT, in the Brazilian case, despite the existence of the sole paragraph of article 6 of the same legislation, regarding the use of telematic means of work control⁴).

The new forms of work control by ranking made by the clients, the differentiated values received by the workers, despite providing the

4 Art. 2 – Art. 2. “Employer” (empregador) shall mean the individual or body corporate who or which assumes the financial risks of an undertaking and engages, pays and directs the work personally performed by persons in his employment.

Art. 3 – “Employee (*empregado*) shall mean any person who performs services other than casual services for an employer under the direction of the employer and in return for remuneration. [...]

Article 6 – A distinction shall not be made between work performed in the establishment of the employer and work performed in the home of the employee, provided that the existence of the employment relationship is duly established.

Sole paragraph. The telematic and computerized means of command, control and supervision are equivalent, for the purposes of legal subordination, to the personal and direct means of command, control and supervision of the work of others (BRASIL, 1943).

same service, the theoretical self-management of the hours by the worker (which, at the same time, can be punished by many moments of log-off), the possibility of sharing service delivery tools by more than one worker and the risks passed on to workers in the provision of the service are some of the practices that create this gray area, of uncertainty of a precise categorization, but allow that such companies-applications enter the market, make use of these strategies of work dispersion and, at the same time, of monopolization (by the organization promoted by the software), pass on risks, promote lowering of costs and remuneration, create a multitude of hyperconnected ready workers, at any time (the more the better), to meet the demands created by means of a click.

Some authors, such as Scheiber (2015), have defended the need to create a differentiated protection for this worker, as they recognize in these (and other) characteristics a hybrid type of worker, which does not fit into the so-called traditional models, proposing the idea of the independent worker. Others, like De Stefano (2016), point out that the creation of a new figure, instead of simplifying the issues related to the classification of this worker, would only move the doubt to another space, maintaining the problems that would lead, in the same way, to judicializations, given the persistent difficulty in analyzing the nature of the work, whether typical or “independent” (although this independence is always relative).

Regarding this gray area, we need to admit that, if a broad political debate with society is necessary, we must recognize that the Brazilian Labor Court does not have a firmly established position so far. While the former vice-president of the TST, Lélío Bentes Corrêa, a member of the Committee of Experts and Application of Standards of the International Labor Organization (ILO), states that he is “very suspicious of the discourse that labor rights generate an unbearable burden for the entrepreneurial activity (SAKAMOTO, 2020)”, there is a growing position that uberized activity

[...] translates, in practice, the author’s wide flexibility in determining his routine, his working hours, places where he wants to work and the number of clients he intends to serve per day. Such self-determination is incompatible with the recognition of the employment relationship, which has subordination as its basic assumption, an element on which the distinction with self-employment is based (BRASIL, 2020a).

Such a statement, if the official references and more legal terms are removed, could very well be found in any advertisement to encourage new “partners”, “employees” or “registered members” to be convinced to be

part of this new business model, but it is, in fact, an excerpt from the judgment in case n. 1000123-89.2017.5.02.0038, of the 5th Panel of the same TST (BRASIL, 2020), deeming that there is no employment relationship between Uber and a driver on its platform.

What is evident is that the technological reality is present and imposes itself with all force, seeming to be inevitable and inescapable that each country, looking at its reality, welcome such technologies and make their accommodation according to their possibilities and political and economic interests. Generally, there are either changes in the forms of production relations (regulated capitalism), preserving political conquests, or, on the contrary, political systems end up retreating to adapt them regressively to production relations incompatible with expanded citizenship.

Antunes (2020), in this step, states that instability and insecurity are constitutive traits of these new modalities of work, sold as a new dream of the global business community, in jobs without a contract, without predictability of hours to be fulfilled or guaranteed rights, *on demand*, intermittent, this new type of work flourishing, which counts on digital slaves, everything to disguise wage earning, in practices of expanded informality, excessive flexibilization, and marked precariousness.

There is also a discourse reinforced by economic and political actors (who at the moment feed on neoliberal discourse) that there is a great future for workers when they engage in these types of activities. Festi (2020) states that the uberization of life and work has become the symbol of the neoliberal precariousness of the early 21st century and notes that, at the same time that this world takes us back to the conditions of the 19th century, with low wages, no employment, informality, long working hours (over 12 hours), almost no social security, etc., it is also *glamorized*, presented as young, cool, autonomous, free from bosses. Flexibility is the keyword of this model.

Standing (2019, p. 47) assumes that, at the moment, “at least a quarter of the adult population in the world is part of what he calls the precariat” – and the uberized must be considered a worker in this context, especially in a peripheral economy such as in Brazil. This means that, in addition to job insecurity, jobs of limited duration, and minimal (or no) labor protection, these workers are in positions that offer no sense of career, no sense of secure professional identity, and few, if any, rights to the benefits of the State and the enterprise that several generations of those who saw themselves as belonging to the industrial proletariat or to the wage earners came to expect

as their due. The precariat is told that it must respond to market forces and be infinitely adaptable.

Costhek (2017) validly observed that the foundations of uberization have been forming for decades in the world of work, despite their being strongly materialized with the universe of the digital economy, by application-companies. The author warns that such uberization is the result of other changes already felt, such as outsourcing, *pejotização* (independent-contractor-only hiring policy), intermittent work and all the changes in the structure of the work world that aim to transfer the risks and costs of the activity to a multitude of self-employed workers engaged and available for work. This engagement and this transfer are enhanced by the software management of these companies, which dictate the rules (including earnings) of this relationship.

These are processes that already have a set reality, an awareness of their existence, and which are at the center of a global discussion about work, are not isolated and have modified the morphology of work, due to the technologies applied to the production of goods and the provision of services, constituting new forms of working-class and corporate culture. “Uberization” is a term that is part of the universe of teleworking, intermittent work, part-time, temporary, home-office, job-sharing, *kapovaz*⁵, walmartized, called “flexible work contracts”, which can be considered consequences of the very technology (PASTORE, 1994), but also associated (BRESCIANI, 1997; ANTUNES, 1995) to the precariousness of working conditions, the rupture with social security guarantees, collective contracting and labor laws, causing rupture of pacts and agreements signed over years between workers and government.

On the second front, alongside the technological changes mentioned, it is necessary to discuss the panorama, albeit in a general and broad way, of the situation of the Brazilian labor market itself and of the measures adopted by the Federal Government – especially in the legislative sphere (nor always by the Legislative Power) –, recognizing that since 2008 there has been a deep crisis installed as a result of another one, originated in the North American market and which ended up transforming into a crisis of global proportions.

Although Bresser-Pereira (2009, p. 2) attests that it became very clear, after the subprime crisis milestone, that this was caused by the result of the lack of regulation on financial institutions and the lack of public

⁵ German Law institute similar to intermittent work.

policy for the poorest, stating that, “when we see the State emerge in each country as the only lifeline, as the only possible safe haven, the absurdity of the opposition between market and State proposed by neoliberals and neoclassicals becomes evident”, the peripheral countries continue in a neoclassical macroeconomic experience, which can be very well exemplified in the case of Brazil, which, even enjoying – at that specific moment – a certain economic strength, did not adequately protect itself and, from the parliamentary coup of 2016, in the throes of the end of the Dilma government, we are already witnessing the resumption of the neoliberal line of the Fernando Henrique governments. Falcon explains (2016, p. 73) that,

Apparently, the Brazilian nation was doing the right thing, cooperating around strategic objectives: democracy, economic growth, improving income distribution and quality of life. However, the second decade of the new millennium sees the fraying of cooperation and political radicalization on the part of conservatives, who lose all shame in raising retrograde flags, jeopardizing human, civil, social and even political rights. They are not satisfied with the resumption of high interest rates that benefit rentiers, and they attack the very system of financing industry and exports, embodied by public banks. They resume privatization. They want a conservative and exclusionary modernization. There is no global financial crisis that explains this Brazilian political backlash. It is necessary to seek in the composition of our society and the Brazilian State the roots of this inability to give up privileges and to welcome the population as the main actor of development.

The labor market situation was already complex, quite serious and with structural changes that were already happening since before the so-called labor reform (BRASIL, 2017) and that were developed even during the PT governments, pointing to the weakening of regular ties and the precariousness.⁶

In this picture, what is quite clear is that the environment is one of precariousness of contracts, of flexibility, which, as Piccinini, Oliveira and Rübénich (2006) adduce, implement flexible contracts, which, even with certain immediate benefits, in general cause losses to workers by reducing

⁶ This is the case of Laws No. 10,748/2003 and No. 10,490/2004 (First Employment Laws, which stimulated, through tax incentives, temporary contracts with a weak link); Law No. 11,196/2001 (called the “pejotização” law, facilitating civil contracts); MP 2,164/2001 (Part-time work); Law No. 11,101/2005 (Judicial reorganization law, which made it difficult to receive labor claims in business successions); Law No. 11,442/2007 (which stated that there is no link between the cargo carrier and the company that owns the cargo); Law No. 11,718/2008 (which facilitated the hiring of rural workers without CTPS); Law No. 13,352/2016 (Partner salon law, which created the figure of the “partner professional”, allowing activities parallel to the main one in beauty salons – such as manicures, beauticians – to be prevented from requiring employment, considering such activities as autonomous); and Law No. 13,429/2017 (which made it possible to outsource the company’s core activities).

levels of professional stability, increasing the workload performed and reducing the quality of life of individuals. However, with regard to institutional size, the labor reform actually presented itself with much more forceful contours, thereby adding gravity and depth to an already complex crisis.

2 POLICY MEASURES AIMED AT EMPLOYMENT IN A TIME OF SOCIAL ISOLATION AND THE IMPACT ON UBERIZED AND PRECARIOUS JOBS

The years 2015 and 2016 were of intense economic downturn, being considered the worst recession period in history since 1948, according to the IBGE (PALIS, 2017). The 2017-2019 triennium saw very low economic growth, at around 1% per year, and labor reform was one of the items on the fiscal, social security and budget adjustment policy agenda (which included the freezing of public spending with EC 95/2017).

The reform is part of a complex of measures aimed at meeting the interests of building a favorable environment for productive capital and rent-seeking, and was approved in a clearly hastened manner. In the National Congress, driven by a legally and politically contested president, in the midst of a very serious institutional crisis and under the fallacies of job creation, “human rights”, “social inclusion”, “individual freedom”, “expansion of the market of work”, “union strengthening”⁷, having delivered, in the end, more possibilities of precarious work.

The Canadian journalist Naomi Klein, in an interview with the *Brasil de Fato* portal, states, when evaluating the Temer government’s policy, that “there is no doubt that Brazilian democracy is under attack. It’s a different kind of blow. They are exploiting a situation of chaos, a lack of democracy, to impose something that they could not achieve without a crisis and with a real democracy” (TATEMOTO, 2016).

Two years after the law was passed, until 2019, according to the Continuous PNAD (IBGE, 2020), the variation in the number of unemployed is insignificant (12.5 million), little changing from the 12.7 million unemployed in 2017. Adding the discouraged (4.6 million) and informal workers (38 million) and underemployed (6.5 million), there is a chaotic picture.

The uberized workers are among those who, also according to the IBGE (2020), are part of a contingent of 24.5 million self-employed

⁷ Check explanatory memorandum of Law No. 13,467/2017.

people, of whom 80% do not contribute to social security, in addition to the 11.8 million people who work in the private sector without a formal contract. In fact, there are not very precise numbers, not least because another characteristic of this uberized worker is volatility itself, between comings and goings of formal jobs, underemployment, unemployment, discouragement, odd jobs, an intermittence of situations that constitute one of its characteristics.

In the midst of a scenario that was already one of social and economic isolation – with the progressive increase of workers in increasingly precarious conditions and made invisible to the protection of the State, the COVID-19 pandemic happens and thereby it is clearly glimpsed how social protections are essential to guarantee employment and income. Since its beginning, in 2020, the pandemic has brought uncertainties and interruptions to global economic activity at levels higher than those recorded in the international financial crisis of 2007-2009. Unlike the 2008 crisis, which hit financial capital hard, the crisis caused by the pandemic hits the real side of the productive economy, making the regular continuity of various economic segments unfeasible.

According to the OIT (2020), globally, confinement and containment measures affect around 1.6 billion of the 2 billion workers in the informal economy. Most of them work in the most impacted sectors or in small economic units that are more vulnerable to crises, among which a large part are uberized or are in other types of flexible contracts.

It has been acceptable (there are those who celebrate this trend) that, on a daily basis, authorized by legislation, there are more and more facilities for hiring and firing, “negotiating” terms of contract and working hours freely, contracting intermittently or encouraging employees to workers to start their own businesses or “uberize” themselves, because, at the present time, this ebb and flow of precarious activities is already part of the global neoliberal agenda. However, the pandemic shows that when these workers, without the classic protections, need to be rescued in an emergency situation and their occupations do not offer the means to do so, a spotlight is immediately thrown on the breach of the social pact.

Afonso (2020, p.4) very well assesses that

The coronavirus only uncapped the pressure cooker that would explode at some point, but was ignored, due to governmental ineptitude and intellectual laziness. By imposition, the poor were already excluded from any social protection. By choice, the middle class and the wealthy isolated themselves from the State, assuming that

their savings would be enough to buy all the protection they needed. Therefore, the novelty of the coronavirus was to demand physical isolation and to make the existing social and economic distance explicit. Furthermore, it made it clear that nothing will be resolved by appealing to the “each-man-for-himself”, because God cannot take care of everyone.

Despite the imprecision regarding uberization, the PNAD for the first quarter of 2020 (which has only the initial impacts of the pandemic) points out that the occupations that suffer the most from social isolation are occupations characterized by personal services. Of those who suffered the most, 43.3% of the people carried out the activity in a place designated by the employer, and 24.0%, in a motor vehicle and on public roads. Of all the average monthly income brackets, the highest concentration of people are self-employed and are in the group that earns up to two minimum wages (IBGE).

These characteristics are very much identified with the uberized worker, which performs services assigned by the employer (through applications – and perhaps this is the main characteristic of this type of service, which is traditional in its provision, but largely exploited by large corporations from the use of technologies), many of them in a motor vehicle (but not always), using the public road.

To worsen the situation of these workers, their condition of contractual helplessness in the face of Labor Law makes them invisible. The measures taken by the Government to combat the pandemic do not, in general, shelter the precarious uberized workers, precisely because they have no formal ties.

Since the beginning of the pandemic, the Government has already issued several Provisional Measures (FERRO, 2020), dealing, in general, with the opening of supplementary credits, emergency measures related to the fight against COVID-19 and, also, that affect employment contracts, but these include only those who have formal employment relationships.

MP 927, of March 22, 2020, regulates alternative measures for those who have a typical employment relationship, with a view to preserving jobs, which does not include workers with a precarious relationship. It allows the use of several alternatives, such as teleworking, bringing vacations and holidays forward, using compensatory time off, and FGTS deferral (BRASIL, 2020c).

MP 936, of April 1, 2020, instituted the Emergency Employment and Income Maintenance Program, establishing the possibility of payment of

emergency benefit, the proportional reduction of the working day, and the temporary suspension of the employment contract, constituting a compensation by the Government as a percentage of unemployment insurance (BRASIL, 2020d).

In turn, MP 944, of April 3, 2020, instituted an emergency program to support jobs, facilitating credit operations with entrepreneurs, business societies and cooperatives that have payrolls of less than BRL 10,000,000.00 per year, with resources from the National Treasury and BNDES (BRASIL, 2020e).

Regarding the changes brought about in the legislation, Antonio Rodrigues de Freitas Júnior, professor at the Department of Labor Law at USP, in an interview with Portal R7, states that,

[...] from a legal point of view, what COVID-19 introduced in Brazil was a very severe precariousness of working conditions, a great withdrawal of the employee's rights in relation to the employer. Efforts to preserve jobs were timid, efforts to cover wage losses were timid, and efforts to protect the non-employed were made through a bureaucratic process carried out by those who do not know the needs and characteristics of this population (CAMARGO, 2020).

Exposure to the risks of facing queues at Savings Banks and the need to use cell phones to enable receipt of aid amounts (for a population that sometimes does not even have a cell phone, internet access or even an address) clearly demonstrate the lack of knowledge, the unpreparedness or ignorance of the Government to deal with this part of the population. And this is a position that is not only problematic in Brazil. Edward (2020), reporting on problems in South Africa, points out that the five weeks of lockdown to which the country was subjected were catastrophic and unprecedented, causing impossibility of work, insecurity and hunger for workers in digital economies, as many, being immigrants, were not entitled to receive government aid.

The only Brazilian government measure that reaches uberized workers after the declaration of the state of calamity caused by the pandemic was Law No. 13,982/2020, which instituted the payment, for three months, of emergency aid for both informal workers and individual micro-entrepreneurs (MEI), the self-employed and also for all the unemployed (BRASIL, 2020b).

It is interesting to note that, while CLT workers end up having protection that stems directly from the fact that they have typical contracts (and even dismissed they continue to have the right to unemployment insurance

– thus being excluded from the possibility of receiving emergency aid, according to article 2 of Law 13,982/2020), precarious workers, like the uberized workers, are clearly unprotected and, in this emergency situation, are equated with the unemployed (BRASIL, 2020b). This socioeconomic isolation, which already existed before, gets very clear with the pandemic.

Uberized workers bear the costs and risks of their work, they are alone and do not have institutional protections, being far from both the company and the State. Application companies control their earnings, monitor the proper fulfillment of their tasks through the app – after all, despite being a multitude of precarious workers, they carry the companies' brands when performing the services – but do not bear responsibilities for health, safety and security and even remuneration in case these workers have to stop their activities.

In addition to this situation, a (false) dichotomy between health and economy has been placed – including in positions of the federal executive. The preservation of life, at this moment, coincides with the possibility of social isolation and, for these uberized workers, who live on the margins of consistent protections, social isolation, in the impossibility of providing their services remotely (since their activities consist of providing of personal activities, demanded by the applications), ends up representing their personal bankruptcy.

At the same time, the demand for home isolation as a measure to prevent the pandemic greatly increased the number of people who came to need (and urgently) the services provided by uberized workers, especially delivery services, putting them on the front line of work during the pandemic⁸, being responsible for the delivery and distribution of products, especially motorcycle couriers, bike boys and service providers of all kinds. To exemplify, according to IPEA data, in April 2019 the country had 1.98 million transport and delivery workers through apps, a rapidly growing occupation, according to the agency itself, among those who are self-employed (IPEA, 2020).

According to OIT, there is currently a large displacement of the unemployed to the underemployed or discouraged group (470 million people in 2019) (PRESSE, 2020). Thus, it is the economic and political measures, such as those adopted before the pandemic crisis, demanded to face the structural crisis, that make inequality, unemployment, underemployment

⁸ It is obvious, of course, that the very condition of being an external worker, in direct contact with countless people and products, also makes them vulnerable to the disease, since, unable to follow the social distancing guidelines, they end up exposing themselves to contagion.

and informality increase to alarming levels.

The pandemic, then, constitutes another element raised from the objective bases of globalized capital and that enters this contradictory spiral, establishing a relationship of reciprocal determination towards such bases, although it is far from being the root of social problems.

Antunes (2020) states that, in the Brazilian context, the pandemic has also advanced amid the spread of digital platforms and applications, with a growing mass that continues to expand and that experiences the conditions that typify the uberization of work. With no other possibility of finding immediate work, workers seek “employment” on digital platforms to try to escape the biggest scourge, unemployment. They migrate from unemployment to uberization, this new form of servitude. The author states that, if this reality was already present in times of normality, the pandemic period allows capital to carry out experiments that aim to expand, post-pandemic, the mechanisms of intensified and enhanced exploitation of work in the most diverse economy sectors.

At the same time, it is symptomatic to notice that, according to some research that has already been carried out, workers who are linked to the platforms, despite the fact that the movement of users-clients in these business models has increased exponentially, have been earning lower incomes than in moment before the pandemic crisis.

Remir Trabalho – Network of Studies and Monitoring of Labor Reform, which studies the consequences of working on digital platforms, indicates that app delivery people are working more during the pandemic, with a significant reduction in salary. Souza and Machado (2020) present data showing that the survey, which heard 252 people from 26 cities between April 13 and 20, 2020, through an online questionnaire, pointed out that 89.7% of workers had a pay reduction during the pandemic or earn the same as before. The researchers say it is possible to suggest that companies are promoting a reduction in the hourly rate of delivery workers in the midst of the pandemic and increasing their earnings at the expense of the worker. Companies deny it, questioning the methodology used or giving generic answers about increasing (or maintaining) the amounts paid to uberized workers.

In other data collected, it is pointed out that Rappi (food delivery platform company), in March 2020, had a 300% increase in the number of registrations. In an interview with BBC News Brasil, Ludmila Costhek, who is part of the Remir working group, says:

We know that companies are earning much more, so much so that they stopped disclosing their earnings. We know that Rappi in February had a 30% growth in Latin America, but since then we do not have any more data. The most important thing for us to think about now is that motorcycle couriers have become essential service workers and need to be valued (SOUZA; MACHADO, 2020).

Fonseca (2020) reports that the Public Ministry of Labor (MPT), in public civil actions filed in April 2020, requested the conviction of Rappi and iFood companies to implement safety policies for delivery people and the payment of financial assistance to professionals who need to abandon their activities, either because they are part of a risk group or because they are suspected or effectively contaminated by COVID-19 (FONSECA, 2020).

The MPT gathered testimonies from delivery people who denounce that companies have not been providing information about the personal care that they should adopt, such as alcohol gel and masks, nor do they have places for hand and their work instruments cleaning. The MPT also mentioned screenshots of messages sent by couriers that demonstrate that, while governments adopted social isolation measures, iFood fired messages encouraging couriers to go out more, announcing the increase in demand due to the quarantine as a great opportunity. Although the first instance was successful, the decision was reversed in the TRT-2, rapporteurship of Judge Dóris Ribeiro Torres, who justified that:

[...] we are not facing the employer defined by article 2 of the Consolidation of Labor Laws (CLT). The plaintiff company did not give reason nor does it carry out any activity related to the triggering event of the pandemic, proving to be inappropriate to impose on it the implementation of measures of extreme complexity, in such a short period and without granting it the right to adversary system (FONSECA, 2020).

At the present time, the measures adopted by the Brazilian State (including the Judiciary) are not able to adequately serve the entire public of workers in labor relations that go beyond formal CLT contracts, which puts them in a position equal to that of the unemployed, with a good part of them excluded from work possibilities, and another part, given the essentiality of their services, end up being forced to work, even if in completely adverse conditions, simply because they do not have the choice to stay at home, because the nature of their jobs, even essential ones, only allow them to live on the fringes of the protection system.

At this point, as mentioned elsewhere, we are either in a field of

futurology or, checking what we already have so far, we can risk a prognosis for the post-pandemic moment.

The movements to modify work by technology are not going to stagnate, they are, in fact, in full development. New jobs will appear, others will disappear, others will be transformed, and there is no consensus on initiatives that want to eliminate the workers themselves. Research indicates that, in this phase of industrial automation and the digital economy, in the coming decades, we may have, by 2030, according to a report by the consulting firm McKinsey Global Institute (MANYIKA *et al.*, 2017), automation in up to 60% of occupations that currently exist, and it is estimated that between 400 and 800 million people will have to change jobs or professions. Therefore, a catastrophe was already underway regardless of the pandemic, despite being unveiled by it. Even so, these changes are still treated by many businessmen, politicians, academics and the media as a promising future, enthusiasts of an emancipatory technology.

Thus, in this ideal plan, the State and society must create a perspective of structural change in these workers' way of life, raising their condition and bringing them to adequate civilizing levels; identifying the needs and priorities of different groups in the informal economy; further strengthening universal health systems (the SUS in Brazil) in order to guarantee access to all and protect its financing system; expanding (or building, in the Brazilian case) a universal system of protection for workers in the informal economy, such as uberized, outsourced, intermittent, self-employed, regardless of the way in which such workers are linked to companies, expanding social security guarantees for all.

In addition, States must support the countries' economic recovery policies, including facilitating the transition from informal to formal jobs – with the exception that this alone does not guarantee that the jobs will become decent (see the aforementioned intermittent, outsourced and independent-contractor-only hired, who already face very precarious working conditions, despite being formal).

This is a desirable perspective. However, given the labor policies already observed before the pandemic and the measures adopted during the pandemic, the future that awaits the uberized workers, who belong to a precarious class, seems to depend much more on movements led by the workers themselves, which also makes us remember the material conditions that gave rise to the creation of labor laws around the world, after the Industrial Revolution.

As already mentioned, moments of crisis always show options that can range from backlashes and collapse of structures to opportunities for growth, perhaps in solidarity alternatives. It is quite likely that neoliberal ideology finds ways, as Naomi Klein (TATEMOTO, 2016) states, and, even in a crisis, it still tends to more perverse changes, under the justification of combating ongoing (or future) economic decline, defending agendas of the need for an increasingly free market.

When we see, for example, that the CEO of Petrobras, Roberto Castello Branco, in an interview with *Exame*, states that it is possible “[...] to work with 50% of employees at home” and that “the coronavirus pandemic has shown that it is possible to adopt permanently working from home and, with that, cutting costs in the company’s operations” (ESTIGARRIBIA, 2020), which fatally means cutting jobs, the concern about the maintenance of jobs for many of these workers is heightened. The governmental initiatives for the future do not seem promising, given the company’s 360,000 outsourced workers, who not only suffer discrimination by public servants but also die 12 times more. It does not take a great reflective effort to know who will be the most affected (LANFREDI, 2015).

On the other hand, some movements have already taken place and demonstrate that precarious workers (such as uberized ones) are already trying to mobilize to create an agenda that organizes resistance, even during the pandemic itself. Ursula Huws, professor of international labor studies at the Metropolitan University of London, in an interview with the website *Ideias de Esquerda*, dealing with the cyberproletariat (of which the uberized is an example), stated that she had “[...] the feeling that this new working class is starting to move” (TONELO; AUGUSTO, 2017), reporting experiences of strikes by uberized workers in European countries and the United States, with the formation of independent unions that are starting to coexist with traditional unions, which become more open, envisioning, therefore, the emergence of unrest and a new class consciousness.

This is the case of the strike of app delivery men that took place in July 2020, a movement against app-companies that fight for better working conditions, being part of a larger movement against apps, such as honking demonstrations and protests. Among the claims were an increase in the payment of travels and the minimum fee for deliveries, insurance for theft, accidents and life, provision of personal protective equipment and even hand sanitizers. In addition, there was an essential issue: the couriers demanded more transparency in blocking and disconnections in

the applications and in the scoring system, as it delimits the deliveries that can be met. All these claims were extremely connected with the needs of these workers, which would guarantee them greater freedom and security in their activities (FORATO, 2020).

Edward (2020) points out that platform companies have also been questioned about the precarious conditions imposed on workers. According to the author, in May 2020 an Amazon programming engineer resigned in solidarity, after several workers were laid off in the midst of the pandemic.

Singularly (or paradoxically), technology can also allow types of collective solidarity – which can motivate (or even facilitate) the actions of these working classes, in organizations without the traditional union figure, who undeniably struggle with agendas that are foreign to them, such as flexicurity or even a minimum income for all workers.

FINAL CONSIDERATIONS

Here, by way of final directions, we can think of two fronts, perhaps as we did at the beginning of this article: (1) to think that a condition of great crisis can always be a key turning point for everyone involved in this process of social change (State, society, workers, companies); or (2) in view of certain social deteriorations, that there will be some pressing possibility that those most affected by the crisis will organize themselves and bear the situation that is already present and becomes wide open with the pandemic.

The OIT, dealing with the consequences of the pandemic crisis as regards informal work, although it can be quite criticized for being linked to Labor, may be able to point out ideas very close to the ideal of a transformation to rescue a high and growing number of people who survive from informal and precarious activities, without the protections of a legislation that structure decent work – a concept established by the OIT itself (2021), as one that is adequately remunerated, carried out in conditions of freedom, equity and security, capable of guaranteeing a worthy life.

The OIT recognizes that these workers do not have savings to withstand any crisis and that they need to be protected by the State on an emergency basis so that they can, during social isolation, feed themselves and their families, and that staying at home can mean, at the same time, losing their jobs and livelihoods. In the case of uberized workers, if they stay inactive at home, in addition to not having remuneration, they are penalized

and suspended from their platforms and can even be disconnected from their applications, as a punishment for inactivity.

Thus, dying of hunger or a viral infection becomes a real dilemma for most of these workers, who, according to the OIT itself (2020), account for more than 2 billion, or 62% of the entire workforce in the world.

Faced with this need for immediate assistance (which in the Brazilian case is materialized by the emergency assistance offered by the Government to at least 60 million people), a structural change is necessary that can sustain the well-being of this population in a prolonged way, provide decent work and access to support structures in an environment of economic recovery.

What is demonstrated is that the risks brought by COVID-19 only added to all the others that these workers, already so socially and economically isolated, live in their daily lives, without adequate work protections, without protection against diseases, accidents or even death.

When we look at the agendas of app strikes and the protest movements with differentiated agendas in relation to traditional unionism, we may have some chance to see that there is hope in these mobilizations, which can put pressure on companies and governments to seriously discuss such important issues that have been unveiled with a crisis, as hard as it was foreseen (although it is not part of the cyclical crises of capitalism itself).

Only with directly interested actors and State regulation can we envisage a future in which socio-labor policies effectively guarantee the dignity of the worker, his freedom through decent work, even if unstable, with minimum guarantees of income in such a volatile labor universe as the one we live in. Thus, from this harbinger of a new political construction of struggle, perhaps in a Marxist rescue of the internationalist essence (now not only in content, but also in form) of the struggle for workers' emancipation from their exploiters – we will have an appeal for a collective construction under the auspices of social principles of sustainability, ample social security and guarantee of development, through new virtual environments. Something like: “*cyber-proletarians, connect!*”

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