



## **The impact of new forms of work on labor relations: challenges and perspectives in Brazil**

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### **SUMMARY**

This article analyzes the impact of new forms of work, focusing on telework and Brazilian labor relations. The study examines the changes resulting from the 2017 Labor Reform and the context of the COVID-19 pandemic, evaluating the response of the legislation and highlighting the formalization of telework. It identifies the challenges faced by workers, with an emphasis on the impacts on mental health. Factors such as isolation, overload, difficulty disconnecting, and pressure to be constantly available contribute to stress, anxiety, and burnout.

**Keywords:** Telework, Labor Reform, Pandemic, CLT.

### **ABSTRACT**

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## 1 INTRODUCTION

The world of work has undergone significant transformations during the pandemic, the model traditional work with fixed hours and a specific location was replaced by modalities more flexible, highlighting teleworking. However, these changes have brought challenges legal and social, especially with regard to the protection of labor rights and adequate regulation of these types of work.

Given this scenario, questions arise about the protection of labor rights and the adaptation of Brazilian legislation to these new realities. This article seeks to analyze the impacts of new forms of work on labor relations, highlighting the challenges and pointing out possible paths towards a fairer future for workers.

The present work aims to analyze the existence of impacts on the modalities of work resulting from the 2017 Labor Reform and, subsequently, from the context of COVID-19 pandemic. Analyze whether there were transformations that caused changes significant changes that influenced the new work modalities. To achieve the objective, the study will describe the changes that occurred in the labor scenario after the Labor Reform and during the pandemic period and relate it to contemporary times, highlighting the impacts resulting from the transformations.

To achieve the objectives, the methodology used was bibliographic research, based on a review of literature of books, periodicals and scientific articles published in electronic journals. The materials were selected based on the relationship of their contents with the descriptors and theme of the research, works by classical and contemporary authors were consulted, later a logical organization of the subjects was carried out to construct the text.

## 2 THE 2017 LABOR REFORM AND REGULATION OF TELEWORKING

The world has been going through great transformations, with these transformations comes need for changes in legislation and to adapt to new demands in the area labor was no different, the need for a change in labor legislation was a subject addressed a few years ago before law no. 13,467/2017 was sanctioned (KREIN; COLOMBIA, 2019).



It is worth highlighting the 2000s, when Brazil experienced a growth in consumption with greater social inclusion, marked by contemporary capitalism that demanded a process of reorganization of work, at the same time as there was an increase in purchasing power by part of the workers had their working hours intensified and the increase in outsourcing. There was an initiative by the government and the National Labor Forum that was established at the time, in the years between 2003 and 2005 for the creation of union and labor reform, but it was not even processed (TEIXEIRA, 2014 apud KREIN; COLOMBI, 2019).

In 2013, the Federal Supreme Court – STF made decisions unfavorable to the right of work, contrary to the trends of the Superior Labor Court - TST, among them highlighted the acceptance that a collective agreement prevails over the Consolidation of Laws of the Labor - CLT and the cancellation of an understanding of the TST of the ultraactivity of the clauses. The work flexibility continued to expand, driven both by union negotiations as well as by the transformations in economic structures and the consequent reorganization of work. The real world of work was changing and employers pushed to have a change in the formal rules of employment relations (KREIN; COLOMBI, 2019).

In 2015, with the great economic and political crisis, the withdrawal of people's rights workers gained prominence through the vote on PL 4330/2004 in the Chamber of Deputies that it was about outsourcing. In 2016, after the presidential impeachment, several sectors business leaders began to defend the agenda of flexibilization of labor relations (KREIN; COLOMBIA, 2019).

In 2017 came the Labor Reform through Law No. 13,467/2017, which caused a great impact on the relationship between employer and employee, some changes only reinforced and legalized what was already practiced erroneously by employers, the reform was seen as a modernization of laws, making labor relations more flexible, and creating the new types of hiring, including teleworking, in accordance with Art. 75-A:

Art. 75-A. The provision of services by the employee under a teleworking regime shall comply with the provisions of Chapter. in this

Art. 75-B. Teleworking is considered the provision of services predominantly outside the employer's premises, with the use of information and communication technologies that, by their nature, do not constitute external work.

Sole paragraph. Attendance at the employer's premises to carry out specific activities that require the employee's presence at the establishment does not constitute a teleworking regime.'



Art. 75-C. The provision of services in the form of teleworking must be expressly stated in the individual employment contract, which will specify the activities to be carried out by the employee.

§ 1º The change between in-person and teleworking arrangements may be made provided there is mutual agreement between the parties, recorded in a contractual addendum.

§ 2º The change from teleworking to in-person working may be made at the employer's discretion, ensuring a minimum transition period of fifteen days, with corresponding registration in a contractual addendum.

(BRAZIL,2017)

It is worth noting that remote work can take place in different ways, considering the location.

the teleworker's main activity and the level of online connection between him/her and his/her employer. This

In terms of location, teleworking can be classified as:

[...] at home (home office): when the worker sets up his/her workplace at his/her residence, installing a small station there with access to means of communication and using his/her own structure or one provided by the company to provide the contracted services. - in satellite centers: workplaces belonging to the employer, which do not constitute branches (in their civil-fiscal concept). These locations do not have an organizational structure (there are no bosses, subordinates, etc.), and are merely support spaces for the provision of services belonging solely to the employer. - in telecenters: which differ from the previous ones in that they are shared (structure and resources) between two or more companies. - in telecottages: spaces (also) for work, located in rural or difficult-to-access regions and, normally, with less education, almost being confused with telecenters, were it not for the particularity of their location and the possibility of public-private partnerships for their installation (since the structure may also serve the education and training of the regional population, contributing to the development of public employment policies, for example, notably in the EAD modality). Its virtue is to attract qualified labor, naturally migrants to large urban centers, to regions that potentially suffer from labor exodus. - Mobile

(or nomadic): there is no determination as to the place where the service is provided. Any place can be a workspace, as long as the teleworker has the necessary tools for this (currently, a smartphone meets these needs well) (FINCATO 2011 apud FINCATO, 2020 p. 36-48, p. 41-42.)

According to Hazan; Morato (2018) it is essential to present the legal definition, which establishes three requirements to characterize teleworking: carrying out the activity outside the premises of the employer, the use of telematic means and the distinction of external work. Thus, we conclude- whether the employee can attend his employer's premises to perform tasks specific without this nullifying the nature of teleworking. For this reason, this type of work, considering the temporal criterion, is classified as permanent when the time working remotely exceeds 90% of the working day.



Transformations in the world of work, driven by technological advances and new social dynamics, such as the popularization of teleworking, highlighted a need critical: deepen the understanding of the specificities of each type of work. This detailed understanding is the basis for the subsequent development and updating of standards and regulatory guidelines that are, in fact, effective. It is not enough to simply create rules; it is imperative that these rules reflect the reality of workers, addressing their risks and challenges particular, whether physical, ergonomic or, increasingly, psychosocial (FINCATO 2011 apud FINCATO, 2020).

### 3 PANDEMIC AND MENTAL HEALTH

The COVID-19 pandemic has forced millions of Brazilians to work remotely. For many, this teleworking modality was an unprecedented experience, experienced abruptly during the first months of isolation. There was a significant increase in the adoption of working from home, followed by a gradual decrease as restrictions were eased. It is important to note that, even with its steady growth, access to teleworking was not universal. It was configured as a privilege for certain categories of formal workers, both in the public and private sectors, generally with a level of higher level of education (ANTUNES et al. 2023).

The shift to remote work has impacted workers' health in a number of ways. Changing routines, longer working hours, increased pressure from employees employers and the difficulty in separating professional and personal life contributed to a significant imbalance. Professional isolation can negatively affect interaction social, interfering with knowledge sharing and communication between colleagues became through digital platforms, leading to a sense of "dehumanization of work" (ANTUNES et al. 2023 p.6).

compulsory participation (being always available), leads us to ask whether we are moving towards greater precariousness of work. In the Brazilian case, this factor may also be associated with the withdrawal of protection of the length of the working day in teleworking (item III, Art. 62, Law No. 13,467/2017). The legislator, by disregarding the technological advances that allow employers to control the location of workers, the activities they are performing and the start and end times of their workday, removes the right to protection of the 8-hour daily and 44-hour weekly working day provided for in art. 7 of the Brazilian Constitution.

From the above we can see that despite the flexibility inherent in remote work, many workers experienced increased pressure with rising targets and a significantly longer working hours. This may lead to precarious work (ANTUNES et al. 2023).

The rapid growth of teleworking during the pandemic period has driven an increase in work-related illnesses. With no time to adapt, a large part of the population has become working in improvised environments. The direct consequences were the development of inadequate postures, increased efforts, excessive workloads and insufficient rest periods (VIEIRA; DE BARROS, 2025).

We must consider that working from home during the pandemic was different from teleworking in normal conditions, even because the work carried out at home during the pandemic took place for a prolonged period, involuntarily and in complex external circumstances, causing higher levels of anxiety in workers, which was intensified by context of the health and economic crisis experienced in that period (BARROS et al., 2020 apud ANTUNES et al. 2023).

The lack of clear boundaries between work and personal life can lead to task overload, making it difficult to disconnect and harming emotional well-being. Social isolation, lack of face-to-face interaction with colleagues and the pressure for constant availability are factors crucial for increased stress, anxiety and mental exhaustion. Given this scenario, it is essential to understand the impacts of teleworking on psychological health and seek solutions to mitigate their risks (DE MEDEIROS SIZENANDO; DE MEDEIROS TORRES, 2025).

Added to this problem are the worrying rates of illness due to Down Syndrome. Burnout, the high prevalence of anxiety and depression and the increase in complaints workers who point to mental or emotional illnesses linked to occupational demands. These indicators reveal that the work environment not only influences working conditions



financial, but also has a profound impact on the physical and emotional health of employees. In the context of home office, social isolation and the feeling of availability uninterrupted exacerbate these challenges, highlighting the urgency of effective protection policies to the health of the worker. Such measures are crucial to prevent extreme exhaustion and ensure the well-being of workers (DE MEDEIROS SIZENANDO; DE MEDEIROS TORRES, 2025).

In view of the above, continuous monitoring of Brazilian legislation related to Occupational health and safety is not just a formality, but a pressing need. It is essential that standards, such as NR-01 and LDRT, are constantly evaluated to ensure ensure its compliance and relevance in the face of rapid changes in the modalities of work. The evolution of the market, driven by new technologies and formats such as teleworking, has significant impacts on the lives and health of workers, both physically as mental. Keeping legislation up to date allows the legal framework to reflect the current reality, adequately protecting individuals and promoting work environments safer and healthier, regardless of where the work is performed (BARROS et al., 2020 apud ANTUNES et al. 2023; BRAZIL, 2023; BRAZIL, 2024).

#### 4 LEGAL CHALLENGES OF TELEWORKING IN THE POST-PANDEMIC SCENARIO

Teleworking offers several advantages, such as increased efficiency, reduced costs for companies and employees, reducing traffic and improving the quality of life of workers. However, this modality also has disadvantages, including the isolation of the employee, which can harm their professional development and work as a team, in addition to increasing the risk of data leakage and generating additional costs with teleworking equipment (SANTOS; FALCÃO, 2024).

Although it was formally recognized in the Brazilian legal system by the Reform Labor Law of 2017, it was only with the COVID-19 pandemic that teleworking became popularized in the country. However, the legislation already gave previous signs of this modality: the Article 6 of the CLT, in its 2011 wording, already referred to work carried out outside the employer's dependencies, including distance and domicile, with emphasis on the mention to telematic means in its sole paragraph. In view of this, the most pertinent interpretation of the Article 6 indicates that, when analyzing teleworking cases, the labor judge must,



initially, check the existence of working hours agreements and determine whether the employee is subject to fixed schedules or if their performance is verified by the delivery of reports and results. However, in both situations, more precise legislation would be beneficial. The ideal would be have a standard dedicated to teleworking, given the diversity of technological applications it allows (BRASIL, 2011, BRASIL, 2017, SANTOS; FALCÃO, 2024).

Provisional Measure (MP) No. 927/2020 (BRAZIL, DOU, 2020), enacted during the period of public calamity, established, in its article 4, the following permission for the teleworking: "the employer may, at its discretion, change the in-person work regime to teleworking, remote work or other types of distance work." The MP did not come into effect conflict with the CLT, but had the effect of reducing the bureaucratic requirements in force at that time (SANTOS; FALCÃO, 2024).

We know that it is the employer's responsibility to ensure adequate working conditions, One of the concerns is that with teleworking this rule is not followed, which could result in illnesses and work absences. The TRT3 has already issued decisions on this subject:

SUMMARY: COMPENSATION FOR MORAL DAMAGES. ILLNESS PROFESSIONAL. EMPLOYER'S FAULT. EMPLOYEE IN HOME. The fact that an employee works from home does not, in itself, constitute grounds for exempting the employer from complying with occupational health and safety standards, placing the employee outside the legal protection that should cover "all workplaces", without distinction (article 154 of the CLT). It is true that, in such circumstances, the employer cannot be required to monitor the services provided on a daily basis, including the employee's effective compliance with safety and health standards, especially because the home is the individual's inviolable sanctuary, and no one may enter it without the resident's consent, except in the event of a flagrant crime or disaster, or to provide assistance, or during the day, by court order, under the terms of the guarantee established in article 5, item XI, of the Federal Constitution. This particularity, without a doubt, constitutes an element that will interfere in the gradation of the employer's fault in relation to any occupational disease found, but it does not exempt the employer from complying with minimum obligations, such as instructing employees on the precautions to be taken to avoid accidents at work or occupational diseases, according to article 157, II, of the CLT, in addition to providing adequate furniture, guiding the employee on correct posture (article 199 of the CLT), rest breaks, etc. If the employer is found to have failed to comply with these primary obligations, in view of its negligent failure to take care of the employee's health, its fault in the emergence of the occupational disease found is undeniable, and it is therefore liable for compensation for the moral damage suffered by the worker. -TRT-00208-2006-143-03-00-2-RO.

From the above it was possible to perceive a favorable opinion towards the worker, praising the concern for the employer's well-being and responsibility towards the





employee even when he is not on the company's premises. It is also worth mentioning, that this is a unique analysis, given the lack of information that would allow a study comparison of decisions made on the subject at a national level.

On November 27, 2023, the Ministry of Health published Ordinance GM/MS No. 1999, which significantly updates the List of Work-Related Diseases (LDRT). This new version, which replaces the old 1999 list, expands the number of disease codes from 182 to 347, reflecting a more comprehensive incorporation of diseases related to work today (BRAZIL, 2023).

The List of Work-Related Diseases (LDRT) is an indispensable tool that plays a crucial role in worker health. It qualifies comprehensive care, improves diagnosis and the development of therapeutic projects, in addition to facilitating the recognition of the link between illness and the work environment. Essentially, the LDRT guides health surveillance and promotion actions, while improving the development of public policies aimed at the well-being of workers, consolidating itself as a fundamental pillar for occupational health in the country (BRASIL, 2023).

The update of Ordinance No. 1999 was the result of a robust and collaborative process, divided in five stages. It involved workshop discussions, reviews and input from important institutions such as the Workers' Health Reference Centers, the Council National Council of Health Secretaries (Conass), the National Council of Municipal Health Secretaries Health (Conasems) and academia. In addition, the text was submitted to public consultation, ensuring social participation and transparency of the process (BRASIL, 2023).

The periodic review and expansion of the LDRT not only fulfills a legal requirement, but They also allow monitoring of transformations in the country's production processes. These changes may lead to new consequences for the health of workers and the list updated ensures that these new realities are recognized and addressed appropriately (BRAZIL, 2023).

In August 2024, ORDINANCE No. 1,419 was published, which aims to improve and update the regulatory standards related to occupational health and safety, in short, Ordinance No. 1,419, occupational risk management was created, aiming to further protect workers and adapt the standards to the current reality of the market and technologies. Considering the analysis of NR 01, which deals with general provisions and management of occupational risks,



you can see that legislation has been trying to keep up with changes in ways of working and its impacts on worker health (BRASIL, 2024a).

Teleworking accentuates factors that compromise mental health, such as: isolation, overload, difficulty disconnecting, pressure for constant availability. The inclusion of psychosocial risks in NR-1 makes the employer's responsibility even more evident in manage these risks also for teleworkers (BRASIL, 2024a).

Although NR-1 does not detail teleworking, it establishes general safety principles and health. The new requirements for psychosocial risk management directly impact the how companies should ensure a healthy working environment, even if remote. For teleworkers, this inclusion in NR-01 requires companies to adopt practical measures integrated into the PGR. It is not enough to simply recognize risks such as isolation, overload and difficulty disconnecting; it is necessary to identify, evaluate, and implement them effective prevention and control measures. This may involve creating clear policies for disconnection, promoting transparent communication about expectations and schedules, the offering psychological support and training leaders to manage remote teams with a focus on mental well-being. The goal is to build a remote work environment that minimize stressors and promote mental health, reflecting the commitment of employer with the overall integrity of its employees. (BRAZIL, 2024a)

According to the Minister of Labor and Employment, Luiz Marinho, on April 24, 2025, "During this first year, will be an educational implementation process, and the inspection by the Work will only begin on May 26, 2026". On the same occasion, the launch was announced of the Information Guide on Work-Related Psychosocial Risk Factors.

To ensure clarity and combat misinformation, the Director of the Department of Security and MTE's Occupational Health, Rogério Araújo, reported that a manual with guidelines detailed techniques will be made available within 90 days. This material will be intended to clarify procedures and regulated aspects, preventing the action of professionals who can benefit from the lack of information. The ordinance that makes these definitions official will be published in the next few days (BRAZIL, 2025).

It is understood that major changes require time for companies to adapt. and the workers themselves, which justifies the granting of transition periods. However, when these changes are due to important and urgent negative effects on health of the worker, such as the increase in mental health problems in teleworking, evidenced



due to isolation and overload, the extension of these deadlines becomes a critical point. Faced with already significant and growing consequences, it is imperative that immediate care and health protection of affected workers are prioritized and implemented more swiftly. Slowness in fully implementing the rules can result in a high human cost, reinforcing the need to balance the gradualness of adaptation with the urgency of measures protective (BRAZIL, 2025).

## FINAL CONSIDERATIONS

From what was exposed through this work, it can be inferred that the study achieved its objective, as it analyzed the existence of impacts on work modalities resulting from 2017 labor reform and presented the impacts in the context of the COVID-19 pandemic. It was possible to see that there were transformations that caused significant changes that influenced new work modalities, such as a certain flexibility in relation to the workplace, change in the working hours, caused by the withdrawal of the displacement of the worker, but they also had the negative impacts that caused an illness among a large number of Brazilian workers, who were forced to isolate themselves in their homes and work under great pressure and without the proper conditions of work.

Changes in legislation that took place before the pandemic with the 2017 labor reform and was strengthened during the pandemic period, and has lasted until today, generating a need for updates, the most recent being the publication of NR 01 which aims to define guidelines for occupational risk management, highlighting the psychosocial risks, it requires companies to implement a continuous process of identification of hazards, risk assessment and adoption of control measures to protect the health and safety of workers. With the aim of preventing accidents and illnesses related to work, even if remotely, but NR 01 is in the process of being implementation, making it impossible to evaluate its effects on the life of the worker, who already suffers from illness resulting from their working conditions.

As far as law is concerned, it is clear that Brazilian legislation has demonstrated a effort to keep up with the changes and emerging demands of the dynamic world of work. There is a recognition of the need to adapt standards to protect workers facing new realities. However, this adaptation, although commendable, presents



a worrying paradox: the extended deadlines for the full implementation of legislation which aim to protect the health of workers.

It was possible to see that labor legislation tries to keep up with changes in the world labor, but it does not guarantee that the employee is protected, it needs more supervision by part of the Ministry of Labor to monitor these changes and the worker feels protected by the legislation.

This legislative surveillance is crucial so that Brazil not only complies with legal requirements, but also stay ahead in preventing occupational diseases and promoting well-being. Continuous dialogue between regulatory bodies, experts, companies and workers is essential to identify gaps, propose adjustments and ensure that public policies and risk management practices are aligned with emerging challenges. The ability to adapt standards to new realities is what will guarantee the effectiveness of actions health and safety, protecting the workforce and contributing to the development fairer and more sustainable socioeconomic environment.

Finally, as this is a topic that emerges in contemporary times, it can be expected that this research has continuity and contributes to future research on the subject worked.

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