



## Labor Prosecution Office and social articulation: Analysis of PRT-13's performance opposite to COVID-19

### *Fiscalía del Trabajo y articulación social: Análisis de la actuación del PRT-13 ante la COVID-19*

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**Abstract:** The study aimed to demonstrate how the work of the Labor Prosecution Office, as a social articulator, allowed the incitement and conduct of public policies to cope with the COVID-19 pandemic, as well as to prevent and minimize its effects on the labor world, specifically analyzing the performance carried out through the Regional Prosecutor's Office of Labor from the 13th Region (PRT-13). Through the use of a methodology consisting of exploratory research and indirect documentar technique, with documentar and bibliographic research modes, it was possible to verify that, by expanding its actions of a resolute nature, the Labor Prosecution Office represented a significant support for the working class in face of the pandemic. It was concluded, nevertheless, that this type of action still needs to be stimulated, considering that the Prosecution's Office performance continues to be notably demanding, therefore the expansion and structuring of a resolute Prosecution Office is needed.

**Keywords:** *Social articulation; COVID-19; Resolute prosecution office.*

**Resumen:** El presente trabajo tiene como objetivo demostrar de qué manera la actuación del Ministerio Público del Trabajo, como articulador social, permite incentivar y orientar las políticas públicas de lucha contra la pandemia del COVID-19, así como prevenir y minimizar sus efectos en el mundo del trabajo, analizando específicamente la actuación realizada por la Procuraduría Regional del Trabajo de la 13<sup>a</sup> Región (PRT-13). A través de la utilización de la metodología de investigación exploratoria y de la técnica documental indirecta, con las modalidades de investigación documental y bibliográfica, se pudo constatar que, al ampliar sus acciones de carácter resolutivo, la Fiscalía del Trabajo representó un importante apoyo para la clase trabajadora frente a la pandemia. Se concluyó que, a pesar de ello, este tipo de actuación aún necesita ser estimulada, pues la actuación del Ministerio Público sigue siendo notablemente exigente, por lo que es necesaria la ampliación y estructuración de un Ministerio Público del Trabajo.

**Palabras clave:** *Articulación social; COVID-19; Fiscalía Resolutiva.*

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## **INTRODUCTION**

The 1988 Federal Constitution abruptly transformed the profile of the Public Prosecutor's Office, giving it a new character, now more committed to the interests of society as a whole, and not merely to overseeing the application and enforcement of laws. Based on the reflections of Goulart (1998), one can delineate two models of constitutional action of the Brazilian Public Prosecutor's Office: the demanding and the remedial. The first, still predominant, privileges strictly judicial activity, so that the Public Prosecutor's Office presents itself as a procedural agent. From this perspective, the institution does not act directly towards the resolution of social problems, but rather transfers this responsibility to the Judiciary, being in charge of accompanying the judicial demand, either as plaintiff or intervening (*custos legis*).

On the other hand, the settlement model prioritizes extrajudicial activity, in order to allow the Public Prosecutor's Office to become an effective agent of social transformation, making use of the ample instruments at its disposal. This work is carried out primarily through three strands: the investigative activity, the extrajudicial composition of conflicts and the promotion of interests (LOPES, 2013, p. 12).

All this is - and could not be different - fully applicable and valid for the Labor Public Prosecutor's Office (MPT), specialized body of the Public Prosecutor's Office of the Union and imbued with the mission to defend the legal order, the democratic system and the social and individual interests for the realization of fundamental labor rights. Specifically regarding this set of attributions, resulting from its resolute function, the activities of the Labor Public Prosecutor's Office have become even more indispensable given the current context of economic, political, and social crisis that has directly affected Brazilian workers, as a result of the declaration of a state of public calamity due to the COVID-19 pandemic.

It is evident that the impacts of the spread of the coronavirus were devastating and provoked profound negative transformations in the social life of workers, so that we intend to demonstrate how this specific form of action by the Labor Prosecutor's Office allowed for the encouragement and guidance of public policies to confront the pandemic, as well as to prevent and minimize its harmful effects in the world of labor.

## **METHODOLOGY**

The present work intends to analyze the action of the Labor Prosecutor's Office as a promoter of social interests (or social articulator) in the face of the COVID-19 pandemic. For this purpose, the methodology of exploratory research and the indirect documental technique is used as a foundation, using the modes of documentary and bibliographical research, based on the hermeneutic reflection of the function of the Labor Public Ministry in the guarantee of the social rights of Brazilian workers affected by the dissemination of the "Sars-Cov-2" (coronavirus).

For this, delimiting the methodological space, a specific focus will be given to the actions of the Labor Prosecutions Office in Paraíba, carried out by means of the Regional Labor Prosecutions Office of the 13th Region (PRT-13), which has developed important actions during this pandemic moment, in order to promote the guarantee of rights and the preservation of workers' health.

## **RESULTS AND DISCUSSION**

### **The new (Labor) Public Prosecutor's Office**

According to the Constitution, the Public Prosecutor's Office is a "permanent institution, essential to the jurisdictional function of the State, which is charged with the defense of the legal order, the democratic system, and the social and individual inalienable interests" (art. 127, caput), with administrative, budgetary, and functional autonomy (art. 127, §2) and institutional principles of unity, indivisibility, and functional independence (art. 127, §1). It is also noteworthy that its prediction is found in its own section ("The Public Prosecutor's Office") of the chapter "Essential Functions of Justice", which concretizes once and for all the separation of the institution from any of the three powers.

For the Labor Public Prosecutor's Office, this was of even greater significance, since the agency - which, before the enactment of the constitutional text, was part of the Executive Branch - not only acquired institutional independence, but also had its powers broadly expanded, which were better defined after the enactment of Complementary Law No. 75/1993 ("Organic Law of the Federal Public Prosecutor's Office").

In this sense are the reflections of Almeida (2008, p. 28), for whom the constitution of the Public Prosecutor's Office as an entity of social relevance raises it to the condition of defender of society, democracy and democratic institutions, in the following terms:

[...] we understand that, of the conceptions about the institutional nature of the Public Prosecutor's Office, the one that best explains its institutional posture is the one that displaces it from political society, as a repressive organ of the State, to civil society, as the legitimate and authentic defender of society. This displacement would be justified for three fundamental reasons. The first is the social one, which originated with the vocation of the Public Prosecutor's Office for the defense of society: it has gradually assumed a commitment to society in the course of its historical evolution. The second would be the political, which emerged with the institution's vocation to defend democracy and democratic institutions. The third would be the juridical, which became effective with the 1988 Constitution, which granted it administrative, budgetary and functional self-management and conferred upon it several attributions for the defense of society's primary interests.

It is said, then, that from the new profile outlined constitutionally for the institution, the Public Prosecutor's Office is no longer a mere guardian of the law (*custos legis*) to become guardian of society (*custos societatis*) and the legal system as a whole (*custos iuris*) (ALMEIDA, 2008, p. 30).

It is based on this perspective that defends the overcoming of the paradigm of demand of the Public Ministry, in favor of the resolute, since the latter is more committed to the defense of fundamental rights of society in a broad way, without merely relegating them to the appreciation of the Judiciary - which is already overloaded with demands and therefore (but not only) often fails in achieving justice. It is necessary, therefore, that the Public Prosecutor's Office becomes an effective political agent, overcoming the merely procedural perspective of its actions (GOULART, 1998, p. 121), which is closely related to its function as promoter of interests, because, by putting it into practice, the Public Prosecutor's Office concretizes values that are proper to its purpose as a democratic institution.

It is a matter of making use of the instruments made available by the legal system - be it the civil inquiry, the term of adjustment of conduct, the public hearing, the recommendation, etc. - to put social values into effect, in a way that is effective to the public interest. - to put social values into effect, in an exercise that can and should preferably be preventive. This is because:

[...] many damages, especially those of a social dimension [...] are not possible to repair in natura. Therefore, in these cases, all that would be left is a repressive guardianship of the compensatory or punitive type, which is a kind of juridical guardianship that is limited, since it does not respond to the right, to a genuinely adequate juridical guardianship, in its condition of fundamental guarantee of the Democratic State of Law (1st, 3rd and art. 5th, XXXV, of CF/88). Now, if the Public Prosecutor's Office as an institution is responsible for defending the democratic system, it is primarily responsible for the preventive defense of society, because this is, again, the most genuine form of legal protection in the Democratic State of Law (ALMEIDA, 2008, p. 39).

Such situation is evident precisely in the case of the COVID-19 pandemic, which, being a public health issue, requires the most effective preventive fight possible, since it can lead to irreversible damage to citizens (sequels in their health or even the loss of their own lives).

Following this logic, it is clear that, although the Labor Prosecutor's Office can, for example, bring a public civil action against a company that has repeatedly refused to provide its employees, regularly and in sufficient quantity, with personal protective equipment (PPE) designed to prevent contagion from COVID-19, such a measure - which, of course, should not fail to be taken, because the company would need to be held responsible and punished for its serious conduct - cannot repair the damage to the health of

any workers who may have contracted the virus in the meantime, due to the company's reprehensible conduct.

To this evidence, in a prioritization of preventive action, in order to avoid the violation of mass rights, the Public Prosecutor's Office, as a "great mediator and peacemaker of social conflict", must assume a truly pedagogical posture, educating society in favor of the enforcement of social rights (ALMEIDA, 2008, p. 41).

This contributes to a constant and permanent social intervention by the Public Prosecutor, which, in this sense, can only favor the community, since it will be acting on behalf of the preservation of its interests, constituting itself as a true *custos societatis*.

This kind of intervention, specifically on the part of the Labor Prosecutor's Office, has been decisive in the face of the cruel pandemic scenario that Brazil (and the world) has faced.

It is necessary to reinforce the idea that the Public Prosecutor's Office, since the enactment of the Constitution, has taken on the arduous mission of safeguarding the fundamental rights of society. With the expansion of its attributions, the institution can no longer limit itself to exercising the same type of activity that it used to do in the past (that of a merely plaintiff), which has now become limited and not very effective.

Therefore, it must establish, once and for all, a model of solution-oriented action, which is "a necessary and very effective way for the Public Prosecutor's Office to fulfill its constitutional commitments to society and have its social legitimacy increased" (ALMEIDA, 2008, p. 55).

This social legitimacy is considerably expanded when the Public Prosecutor's Office acts as a promoter of social interests, since it acts "occupying new spaces and qualifying itself as a negotiator and formulator of public policies" (GOULART, 1998, p. 122), which, of course, is of high social interest.

It is exactly in this sense that the Labor Prosecutions Office - as will be discussed later - has acted to make the resolute paradigm increasingly real and effective. The MPT's resolute action acquires, therefore, great relevance, especially for the working society, which is protected by the agency, besides also contributing to the prevention and minimization of the effects of the COVID-19 pandemic in the labor world.

However, one cannot forget that the pandemic is still an urgent reality for Brazil and for most of the world, so it is important that these and other measures continue to be taken, but, mainly, a closer and more protective institutional performance is imperative. Moreover, the role of social articulator of the Public Ministry of Labor can assist the working class in multiple areas, as Almeida (2012, p. 34) reminds us:

The Labor Prosecutor's Office, in the new promotional role, has a greater institutional activism and imprints to its action an ethical-pedagogical character, inducing employers and workers, with the leadership conferred by its role, to a greater involvement with the resolution of labor conflicts.

It is possible, from this, to further reflect that:

The new promotional function of the Labor Prosecutor's Office in the extra-jurisdictional scope - as an agent of social articulation - can be a great instrument to solve not only the legal dispute, but also the sociological dispute, reaching the much desired social pacification in labor disputes (ALMEIDA, 2012, p. 27).

It can be seen, however, that it is necessary that this type of performance is stimulated, because, in fact, the actions of the Public Prosecutor's Office as a whole are still notably demand-driven, which leads to a reactive, reiterative, unreflective, bureaucratic action that does not bring about qualitative changes in the present reality (GOULART, 2016, p. 220), since it depends on a whole procedural path, which, although capable of generating some satisfactoriness, is still too bureaucratic, slow and expensive.

For this expansion and structuring of a resolute Public Prosecutor's Office, Goulart (2016) highlights, for example, the importance of the Corregedorias, but other "undertakings" in favor of this can also be cited, such as Almeida (2008, p. 50) when he mentions the advancement in functional planning and action strategies, the constitution of study centers and functional performance statistics, the expansion in the realization of inter-institutional partnerships, etc.

The important thing is that the agency, in general, be more and more committed to the promotion of the strategic interests of the Brazilian society, actively participating in the legal-practical defense of democracy and effectively assuming its role of *custos societatis*, leaving behind the paradigm of mere guardian of the law, which although it cannot be considered outdated, is insufficient before such a complex and increasingly vulnerable social conjuncture, especially in face of the social and sanitary changes imposed by the COVID-19 pandemic.

### **The impacts of the pandemic of COVID-19 in the world of work**

Today, the world population is already fully familiar with the concept of pandemic, and even though the reality of an epidemic of infectious disease disseminated on a large scale is nothing new in human history, it cannot be denied that the reality of devastation and death caused by "Sars-Cov-2" (new coronavirus) is unprecedented in recent history.

Similar epidemics have already occurred, such as the spread of bubonic plague, smallpox, cholera, Spanish flu, among other diseases, but the crisis caused by the coronavirus has demonstrated, first, the imbalance in globalization, which, due to the exorbitant interconnection of people, markets, transport, easily allowed the amazing global dissemination of a disease with deadly potential. In fact, as Harvey (2020, p. 16) points out, "one of the disadvantages of increasing globalization is that it is impossible to stop the rapid international spread of new diseases. We live in a highly connected world [...]. The human networks of potential diffusion are vast and open".

Thus, the economic and demographic impact caused by the spread of the virus has increasingly exposed the fissures and vulnerabilities existing in the dominant economic models (HARVEY, 2020, p. 16), and, as devastating as its effects may be, it is evident that some social groups are in significantly worse circumstances than the majority.

Thus, the COVID-19 pandemic, besides natural or biological issues, shows itself as an eminently social crisis (MASCARO, 2020, p. 04). In this sense, it can be said that the coronavirus caused a triple crisis: health, economic and social (Cf. CONTI, 2020). Dealing more specifically with the latter, it has been possible to evidence, in a clearer way, the neglect of recent economic policies towards the working class. We can see that the mechanisms of labor exploitation are placed under a new morphology (even more serious) in the face of global transformations and, particularly, in the context of the global pandemic.

With the coronavirus, the myth that "infectious diseases do not recognize class or other social barriers and limits" (HARVEY, 2020, p. 21) was deconstructed. On the contrary, as Santos (2020, p. 15) points out, certain groups suffer from "a special vulnerability that precedes quarantine and worsens with it. In this sense, it is possible to make clear cutouts of the effects and social impacts of the pandemic for different classes - more specifically, different classes of workers. Some, for example, have the prerogative of telecommuting (usually the more intellectualized professions), which allows greater prevention against the virus, but this is a privilege for the few.

Data from the latest Continuous National Household Sample Survey (PNAD Contínua - COVID19), released in March of this year by the Brazilian Institute of Geography and Statistics (IBGE), which has been monitoring the impacts of the pandemic in the Brazilian labor market, show that, by November 2020, only 0.3% of people with no education to incomplete elementary school, 0.9% of people with complete elementary school to incomplete high school, and 4.4% of people with complete high school to incomplete college education were put to work remotely. On the other hand, in a blatant discrepancy, about 27% of people with completed college or graduate school were working remotely.

On this, Santos (2020, p. 17) points out that:

The WHO's recommendation to work at home and in self-isolation is impractical, because it forces workers to choose between earning their daily bread or staying at home and starving. The WHO recommendations seem to be designed with a middle class that is a tiny fraction of the world's population in mind. What does quarantine mean for workers who earn day by day to live day by day? Will they risk disobeying the quarantine to feed their family? How will they resolve the conflict between the duty to feed their family and the duty to protect their lives and the life of their family? Die of viruses or starve to death, that is the choice.

Harvey (2020, p. 21) further reflects that:

This "new working class" is at the forefront and bears the burden of being the workforce that is most at risk of contracting the virus through their jobs or being unfairly fired because of the economic downturn imposed by the virus. [...] This exacerbates the social divide [...].

In fact, by doing a brief recapitulation, it is easy to see that the labor scenario even before the pandemic was not the most favorable, to say the least. Data from the PNAD Continuous, released in March, showed that in the mobile quarter ended in February, the number of informal workers reached 38 million, totaling 40.6% of the total of the Working-Age Population of Brazil. The percentage figure was still very close to the 41.4% marked in August 2019, representative of the record Brazilian informality rate so far (IBGE, 2020). In general, different forms of flexibilization and informalization of the workforce were becoming increasingly frequent.

In light of this situation, it is possible to recognize that, in view of the consequences of immeasurable scale of the spread of COVID-19, the uncertainties and instabilities to which workers are subjected have only been deepened. All of this has played a significant role in chilling the protective guarantees of social labor law, often depriving workers of the minimum for a decent life.

Proof of this is that, according to information from the latest PNAD Continuous, the average unemployment rate in the country in 2020 was 13.5%, the highest since 2012, which represented a record number of 14.3 million unemployed Brazilians. When taking into account the underutilized workers, the scenario is even worse: this contingent reached, at the end of last year, 31.2 million, an increase of 13.1% compared to 2019 (IBGE, 2021).

It should be noted that, according to the parameters adopted by IBGE, underutilized workers are understood as the unemployed, the underemployed (those who work less than 40 hours per week, with the potential for more), and the potential labor force (those who are not looking for a job), including the discouraged (those who have given up looking for an occupation in the market).

Thus, what can be seen with the pandemic, regarding the situation of workers around the world, is the reduction of their working hours, with the respective reduction in wages, and the reduction of jobs in general, which has pushed many to informality or even to the total absence of work, given the closure of public and private services, due to measures to prevent the spread of the coronavirus.

In the case of Paraíba, unfortunate records were also registered, with the state boasting its highest rate of unemployment (14.6%) in the last year. The level of occupation, in turn, was the lowest of all years: the survey indicated that, in 2020, less than half of the Paraíba population of working age was employed (40.9%). The indicator was also below the averages for the country (49.4%) and the region (41.3%) (IBGE, 2021).

In relation to the average income of workers, the picture is even worse, with Paraíba presenting the 6th worst monthly nominal household income per capita in the country, in the tiny amount of R\$ 892.00 (IBGE, 2021). According to the IBGE, this indicator is obtained by adding the income from work and other sources received by each resident in the reference period of the survey. The per capita household income is the division of household income, in nominal terms, by the total number of residents.

In light of all this, it is clear the position in which the Labor Prosecutions Office must find itself, attentive to the social moment and to the sanitary difficulties imposed by the pandemic, always committed to the constitutional values and precepts of human labor valuation and guarantor of the legal order based on social justice. The MPT, at the same time that it is part of a labor protection system, must face the brutal situation to which Brazilian workers are currently subjected and try, within the limits of its powers, to revert it or, at least, to cool down its cruel effects as best as possible.

It must be taken into consideration that, as seen, the impacts of COVID-19 strongly affect the work environment, consequently affecting both health and work itself, which are fundamental social rights related to it. Moreover, as can be seen from the data presented, the economic impacts of the pandemic have direct effects on employment and workers' income, with the consequent increase in poverty, social inequality, and labor irregularities.

Therefore, it is the State's duty to adopt social and economic policies that aim to reduce the risks and damages unleashed by the virus, as well as the universal and equal access to actions and services for its promotion, protection, and recovery, in the terms of art. 196 of the Federal Constitution. The actions of the Labor Prosecutors Office are also oriented in this direction, considering, moreover, that it is up to the office, more specifically, to continuously monitor and supervise public policies aimed at protecting labor rights and improving the social conditions of workers, which has demanded from the regional offices of the prosecutors an increasingly attentive and committed role in the preservation of labor rights and guarantees, so affected by the COVID-19 pandemic.

It is in this sense that we intend to present, in view of the pandemic in the state of Paraíba, the PRT-13's performance in the adoption of measures in favor of these purposes, aiming, also, to rationalize the activity of the Parquet as an agent of social transformation.

### **The PRT-13's performance: reflexes of the Labor Public Ministry's social articulation**

Since March 2020, when the coronavirus pandemic was declared by the World Health Organization (WHO), the PRT-13 has focused its efforts on preventing and combating the effects of the virus, in order to minimize its effects on the lives of workers, preserve jobs, and ensure compliance with occupational health and safety standards. In the execution of these objectives a strong resolute character has been perceived, establishing, as in the words of Goulart (2016, p. 219), true action:

[...] proactive, integrated, developed in multiple scales of spatial organization and marked by the search for efficacy. In this new model, the practical activities are guided by the knowledge of reality produced in the interlocution of the Institution with social movements and the scientific community, as well as by the exhaustive research of facts in procedural seat.

The performance of the Labour Prosecutions Office, within its performance in PRT-13, has been outlined mainly from the action plan drawn up by the agency to address the crisis caused by the pandemic, centered on two main axes: "Interinstitutional Articulation/Public Policies" and "Strategic and Finalistic Actions" (MPT-PB, 2020b, p. 02). Later, it also added the axes "Dissemination of technical standards, recommendations, and dissemination of information for broad awareness" and "Administrative measures to support the MPT's actions" (MPT-PB, 2020a). It is important to emphasize that such actions are fully in line with what Goulart advocates for the implementation of the role of the Public Prosecutor's Office as an agent of transforming political will, when he states that:

Because it is necessarily geared to achieving strategic objectives, the practical activity of the Public Prosecutor's Office cannot occur at random. It must be guided by institutional plans, programs and projects, and evaluated by their degree of effectiveness. In this sense, the activity of the Public Prosecutor's Office, as a political praxis, unfolds in teleological activity and cognitive activity. The first is related to the production of anticipatory purposes of the result to be obtained (the future reality; the new social order) [...] (GOULART, 2016, p. 222).

One can see, therefore, that, for the sake of a certain objective or social end, which is first anticipated (in this case, as already said, the prevention and combat of coronavirus, with the consequent minimization

of its effects on the lives of workers, ensuring the preservation of jobs and compliance with health and safety rules at work), the agency makes a strategic planning, in order to guide its activity and achieve this ideal result.

The next step, then, is to produce knowledge that, on the one hand, allows one to learn more about the social reality in which one intends to intervene (the present reality, the established order) and, on the other, enables the development of the means and instruments necessary for the transforming intervention. The result, then, is "the concretization of rights that give substantiality to the new social order" (GOULART, 2016, p. 222).

This was also a practice adopted by the Labor Prosecutor's Office in Paraíba, noticeable mainly through inter-institutional articulation, which led to the integrated engagement with several other entities, such as: (i) health authorities and local health managers (including state and municipal Crisis Offices), in order to monitor the orientative and supervisory measures that were being adopted; (ii) universities and technology institutes, in the search for alternative and innovative<sup>1</sup> solutions that would allow a more effective fight and prevention against the virus; and (iii) state regulatory bodies, for the dissemination of follow-ups and the adoption of measures to protect workers' health (MPT-PB, 2020a, p. 01). A constant dialogue was also maintained with state and municipal governments in order to promote assistance to contingency plans involving the protection of workers' health (MPT-PB, 2020b, p. 24).

One can also mention the development of educational campaigns, carried out in partnership with the Federal Public Prosecutor's Office (MPF) and the Public Prosecutor's Office of the State of Paraíba (MP-PB), such as the campaign on social networks about the emergency aid, also carried out with the Caixa Econômica Federal (CEF), to minimize the lines in the branches and ensure the protection of users and employees, as well as the campaign about the resumption of in-person activities of the National Institute of Social Security (INSS), aiming to inform the population about the electronic means of online service, in order to avoid the in-person attendance at agencies and the consequent exposure to risks, both, again, of users and employees (MPT-PB, 2020b, p. 03).

All this shows that, to face the pandemic, the PRT-13 has adopted an institutional policy attentive to social reality, keeping itself alert to the multiple problems (inherent to the pandemic context) that have arisen over time, in order not to lose perspective of the interests it must protect.

One can also perceive a strong capacity for political articulation, from the establishment of dialogue and contact between different agencies, always with the aim of anticipating relevant interventions, in favor of the integrity and health of citizens. In fact, a striking feature of the Labor Prosecutor's Office, as a

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<sup>1</sup> For example, the use of 3D printers for prototyping and the scale production of respirators, respirator spare parts, and personal protective equipment (PPE) (MPT-PB, 2020a, p. 01).

promoter of interests, is its insertion in a true labor protection system, in which it relies on the participation of several other bodies, whether public or private (LOPES, 2012, p. 25-26).

About this, it is worth adding that:

The role of the Labor Prosecutor's Office as defender of society is practically intertwined with the fight for the maintenance of the Rule of Law in the search for balance in labor relations, always marked by disputes and inequalities. For this action to be effective, it cannot be undertaken in isolation, especially considering the divergent interests that it seeks to reconcile. It is essential that there is articulation with other political agents and civil society, whenever they pursue goals of the same size (OLIVEIRA NETO, 2008, p. 99 apud LOPES, 2012, p. 26).

Thus, there could not have been a more appropriate time for the agency to adopt this more proactive and resolute stance, since, in the face of profound social changes that the spread of the coronavirus has triggered, all efforts needed to be employed on behalf of a guardianship that is primarily preventive, because, as previously stated, this is a situation that can erupt in irreversible damage for those affected.

Still within this scope of action, the Public Ministry of Labor in Paraíba issued, in 2020, a total of 222 recommendations to companies and public institutions on health and safety measures in the pandemic (MPT-PB, 2020b, p. 06), always seeking an effective protection of labor relations as a whole.

Moreover, a diagnosis was made of the specific categories most affected and with the need to adopt immediate measures, peculiar to the profession or activity, for the protection of their health, as well as the establishment of dialogue and support to the representative unions of these categories, in addition to regulatory bodies and agencies, for the adoption of special measures for the protection of employment and occupation. From this, a total of 31 promotional procedures were instituted in 2020 (MPT-PB, 2020b, p. 17), focused on various economic sectors affected by the crisis, in order to monitor the measures adopted by employers and governments.

About this specific form of extrajudicial activity, which has the purpose of promoting interests whose social relevance justifies ministerial protection, it is worth mentioning Enunciation N° 5 of the Symposium "The MPT and utopia: the paths to the realization of human rights"<sup>2</sup> held by the Superior School of the Federal Public Ministry (ESMPU) in 2015, which states:

STATEMENT 5: STRENGTHENING AND VALUING THE PROMOTIONAL PROCEDURE - Considering the ministerial action in actions for the realization of human rights, it is recommended the appropriate and non-restrictive regulation of the Promotional Procedure (PROMO), in order to guarantee,

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<sup>2</sup>The enunciations consolidated at the symposium are, in fact, proposals discussed and refined during the event by the participants, all members of the Labor Public Prosecution Service.

stimulate and value the possibilities of its use in the exercise of the promotional, preventive, prospective and resolute ministerial functions, in order to plan its action in the community, identify partners, diagnose the main problems, establish the common objectives, goals and the role of each one, with differentiated scoring (ESPMU, 2015, p. 48).

Thus, it is a valuable tool of the Public Ministry, which has been constantly used in the face of pandemic reality. When analyzing, therefore, the performance of the Labor Prosecutor's Office, at least within the state of Paraíba<sup>3</sup>, it is clear that it has increasingly established its role as an agent of transformative political will (GOULART, 2016, p. 222), a role assumed by this entity since the promulgation of the 1988 Federal Constitution.

The adoption of this active stance to change the social reality is mainly related, as already said, to an extrajudicial action of the Public Prosecutor's Office, as a promoter of interests and social articulator, so that the importance of this function is evident, even more so in the face of the serious pandemic context that has been faced.

The "resolutivity" of the Public Prosecutor's Office, however, did not extend only in this direction, and other forms of extrajudicial action (in the sphere of investigative activity and out-of-court settlement of disputes) were also extensively employed. Labor claims have not been neglected in this area either.

Thus, one of the first actions of PRT-13 after the suspension of in-person activities due to the pandemic was the implementation of a "Denunciation Duty Call" service to serve the population (MPT-PB, 2020b, p. 21). The team was also expanded to support the new service, which proved to be essential, since the increase in complaints compared to 2019 was about 10%, precisely because of the sequelae caused by the spread of the coronavirus. In total, 2,665 denunciations of labor irregularities were registered in the year 2020, 44% of which were related to COVID-19 alone (MPT-PB, 2020b, p. 05). In the same period, the agency also opened 450 civil inquiries or investigations on the topic, besides having signed 314 terms of conduct adjustment (TACs) and amendments.

Also relevant was the creation, nationwide, of the "COVID-19 (Coronavirus)" Thematic Coordination, in order to guide in a more structured and effective way the Labor Prosecutors' Office's actions to reduce the impacts of the coronavirus for workers. In this regard, it should be noted that:

To cope with the increasing demands and responsibilities delegated to the Labour Prosecutors, national thematic coordinators were created, based on [...] matters elected as priorities by the College of Prosecutors [...]. The main purpose of

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<sup>3</sup>It is noticeable, however, when looking at data at the national level, that this line of action has been adopted in general, and is not an exception in PRT-13, which was selected for the evaluation for reasons of methodological strategy, in the spatial delimitation of the scientific investigation.

the Coordinatorships is to enable the exercise of the institutional attributions of the MPT members, in a harmonious and articulated way, in the search for an equitable solution to common problems faced in all the Regional Prosecutors' Offices (DE MELO, 2014, p. 17).

Thus, since the themes of the Thematic Coordinatorships created within the scope of the Labor Prosecutions Office indicate the main vectors of its actions (DE MELO, 2014, p. 17), it is clear that emphasizing the fight against the pandemic from this perspective was essential.

Finally, it is emphasized that the greater evidence of a Public Prosecutor's Office does not mean the disqualification of its claimant character, even because its role as "procedural agent that promotes fair decisions" (GOULART, 2016, p. 219) remains, so that the work in the judicial sphere continues to be of great importance for the defense of rights, the achievement of justice in concrete cases and the resolution of social problems in general.

## **CONCLUSIONS**

The proposed evaluation, as can be glimpsed, derives from the constitutional profile outlined for the Brazilian Public Prosecutor's Office - more specifically, in the form of the Labor Prosecutor's Office - as of 1988. The institution, assuming the function of *custos societatis*, now has as one of its main attributions the transformation of social reality, from a paradigm of resolute action.

Taking into consideration the attacks that the labor protection system has been suffering - with the maculation of the social labor legislation and the weakening of the unions, for example -, aggravated by the deep crisis situation unleashed by the COVID-19 pandemic, it is evident that there is a greater urgency than ever for the generalized implementation of this new character of the institution.

To this extent, in order to materialize the democratic project defined by the Constitution, the actions of the Public Prosecutor's Office must be permanently guided by institutional plans, programs, and projects, so as to have well-defined objectives to be achieved, as well as the social values to be promoted through its activity. In the situation under analysis, for example, there is the "ACTION PLAN TO COMBAT/PREVENT COVID-19", developed by the Regional Labor Prosecutor's Office of the 13th Region (as well as other similar action plans developed by other regional labor prosecutors offices).

It is necessary to emphasize, moreover, that, as the Labor Prosecutors are not mere representatives of the institution, but rather its presenters, their actions are equivalent to those of the body itself, so that it is necessary to count on the individual performance of these members in favor of the resolute paradigm, especially with regard to the promotion of social interests.

In fact, the unity, indivisibility, and functional independence were guaranteed to the members of the Labor Prosecutions Office precisely so that the office could get rid of any political ties that could limit its activity and prioritize an action focused on the accomplishment of its own institutional principles, especially regarding the defense of the legal order, the democratic system, and the social and individual inalienable interests.

Therefore, there should be the propagation of initiatives such as the initiation of promotional procedures, valuable extrajudicial instruments that are not so commonly used, but that, because they have the purpose of promoting socially relevant interests, have been more widely used since the outbreak of the pandemic.

It is also important to recognize the role of the Corregedorias and the Coordination and Review Chambers, which, once in charge of the control and of the evaluation, orientation, and inspection of the other organs and agents of the institution, must be guided by the "resolutive purpose", particularly in the sense of transformation of the social order, always seeking a greater institutional effectiveness.

Therefore, it is necessary that, in face of the devastating impacts of the coronavirus, the College of Prosecutors of the Labor Prosecutors Office carries out frequent "performance diagnostics", learning what has been done useful and effective by the institution and what could still be done or improved, in order to maintain a constant and efficient action in favor of fighting the virus. In fact, this is something that can be done in relation to the most varied social demands and shows an attentive posture of the Parquet in relation to social reality. The important thing is to prioritize the protection of labor rights and the improvement of workers' social conditions, also leading, beyond the performance made by the agency itself, to the encouragement of public policies in favor of these purposes.

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