
**THE NEW CROSSROADS OF PORT WORK IN TIMES OF THE
COVID 19 PANDEMIC****AS NOVAS ENCRUZILHADAS DO TRABALHO PORTUÁRIO EM
TEMPOS DE PANDEMIA DA COVID 19****LA NUEVA ENCRUCIJADA DEL TRABAJO PORTUARIO EN
TIEMPOS DE PANDEMIA DEL COVID 19**

Maria de Fátima Ferreira Queiróz¹
fatima.queiroz@unifesp.br

Ricardo Lara²
ricardolarauf@gmail.com

Thiago Pereira de Barros³
thiagobarros.evke@gmail.com

Leandro Nunes⁴
leccinunes23@hotmail.com

João Renato Silva Nunes⁵
joresimao@gmail.com

Abstract

The global pandemic necessitated the implementation of social isolation measures and safety protocols to curb the spread of the virus. However, this condition severely disrupted work, a central element in sustaining the capitalist mode of production, as it became challenging to maintain pre-pandemic norms. Despite this, workers, including those in the port industry, were deemed essential. This article aims to provide a reflection on port work within the context of the Covid-19 pandemic. The article begins by offering a brief overview of port work on a global scale and its specific realities in light of the pandemic. It then delves into the historical transformations of port work in Brazil, influenced by the adoption of neoliberal policies. Lastly, the article addresses the situation faced by Brazilian port workers during the pandemic. In the concluding remarks, it is emphasized that even during this critical moment in Brazil's

¹ Professor at the Department of Public Policy and Collective Health at the Federal University of São Paulo. PhD in Worker's Health and Public Health at the University of São Paulo. Post-doctorate at the Institute of Contemporary History at the NOVA University Lisbon.

² Professor at the Department of Social Work at the Federal University of Santa Catarina. PhD in Social Work at the São Paulo State University. Post-doctorate at the Institute of Contemporary History at the NOVA University Lisbon. CNPq research with productivity grant. Editor-in-Chief of the *Katálysis Journal*.

³ Teacher at the Taubaté/SP Education Department. PhD in Geography at FCT/UNESP, Presidente Prudente.

⁴ Master and PhD candidate in Social Work at the Federal University of Santa Catarina.

⁵ Master in Education in Health Sciences at the Federal University of São Paulo. Stevedore at the Port of Santos, SP.

history, marked by a public health crisis, the well-being and working conditions of port workers are not prioritized on the agendas of businesses or the government. Consequently, port workers face an arduous path of struggle to reclaim and improve their working conditions within national ports.

Key words: Pandemics. Covid-19. Working Conditions. Occupational Health. Port Worker

Resumo

A pandemia levou a população mundial a adotar regras de isolamento social e normas de segurança que têm por objetivo “impedir” a disseminação do vírus. Nessa condição pandêmica, o trabalho, como central para reprodução do modo capitalista de produção foi severamente afetado pela impossibilidade de se manter nos moldes anteriores ao processo pandêmico. Trabalhadores foram declarados como essenciais, incluindo os portuários. Assim, este artigo tem como objetivo refletir sobre o trabalho portuário no contexto da pandemia de Covid-19. O artigo apresenta um breve contexto do trabalho portuário em nível mundial e suas respectivas realidades frente à pandemia e, por conseguinte, o trabalho portuário no Brasil, suas transformações históricas sucedidas com a adoção das políticas neoliberais, e finaliza abordando a situação dos trabalhadores portuários brasileiros em tempos de pandemia. As considerações finais indicam que mesmo o país passando por um dos momentos mais críticos de sua história, imerso numa crise de saúde pública, o interesse com a saúde e condições de trabalho dos portuários não é a pauta no meio empresarial e do Estado. Nesse cenário, os trabalhadores portuários têm no horizonte um caminho ainda mais intenso de luta e, portanto, de recomposição de seu trabalho nos portos nacionais.

Palavras chaves: Pandemias. Covid-19. Condições de Trabalho. Saúde do Trabalhador. Trabalhador Portuário.

Resumen

La pandemia ha llevado a la población mundial a adoptar reglas de aislamiento social y normas de seguridad que apuntan a “prevenir” la propagación del virus. En esta condición el trabajo, como eje central de la reproducción del modo capitalista de producción, se vio severamente afectado por la imposibilidad de mantenerse en los moldes previos al proceso pandémico. Los trabajadores fueron declarados esenciales, incluidos los portuarios. Este artículo tiene objetivo reflexionar sobre el trabajo portuario en el contexto de la pandemia. El artículo presenta un breve contexto del trabajo portuario a nivel mundial y sus respectivas realidades frente a la pandemia y, por tanto, del ejemplo brasileño, sus transformaciones históricas ocurridas con las políticas neoliberales y finaliza analizando los impactos para estos trabajadores. Las consideraciones finales indican que si bien el país atraviesa uno de los momentos más críticos de su historia, inmerso en una crisis de salud pública, el interés por la salud y las condiciones de trabajo de los trabajadores no están en la agenda del ámbito empresarial y estatal. En este escenario, los trabajadores portuarios tienen en el horizonte un camino aún más intenso de lucha y de recomposición de su trabajo en los puertos.

Palabras Clave: Pandemias. Covid-19. Condiciones de Trabajo. Salud Laboral. Trabajador Portuario

Introduction

The COVID-19 pandemic, acknowledged as a global health crisis by the World Health Organization (WHO), has brought about significant transformations in labor relations. In

response to this unprecedented situation, people worldwide have embraced social distancing measures and safety protocols to curb the transmission of the SARS-CoV-2 virus.

Amidst the concerning backdrop of the health crisis, the Brazilian context witnessed the relaxation of public health measures in addressing the virus. The federal government's approach to managing the crisis seemed more focused on safeguarding corporate interests and maximizing profits⁶ rather than adhering to the guidelines set forth by the World Health Organization. This dilemma placed the Brazilian population at a difficult juncture, forcing them to choose between venturing outside and risking exposure to the virus or remaining in social isolation without adequate support from the state.

Consequently, in response to the pandemic, a set of Provisional Measures (MP) were introduced by the Brazilian Federal Government in mid-April 2020. These measures primarily aimed to address the needs of businesses, namely, ensuring the continuity of the workforce and facilitating the generation of surplus labor (surplus value and profit). Regrettably, this approach entailed potential exposure of the working class to the virus and its associated health consequences, prioritizing economic interests over the well-being and safety of the labor force. One notable government action during this period was the issuance of MP No. 936/20, which subsequently transformed into Law No. 13,979/20 (Brazil, 2020). This legislation classified several labor activities as essential, including port operations, which serves as the focus of this article's analysis. In light of these developments, the purpose of this essay is to explore and reflect upon the significance of port work within the context of the Covid-19 pandemic.

This article adopts a theoretical and documentary methodology, drawing upon conceptual and theoretical insights from diverse disciplines such as sociology, social work, history, geography, law, collective health, and others. It also incorporates official documents, legislation, and inputs from relevant industry organizations to analyze the recent transformations within the port sector amidst the Covid-19 pandemic. By employing this interdisciplinary approach, the article aims to provide a comprehensive examination of the changes that have occurred in the port industry during this challenging period.

Moreover, it is important to note that research on port workers in Brazil remains relatively limited, particularly concerning their experiences during the Covid-19 pandemic. This article, therefore, serves as a foundational essay, shedding light on the impacts of the changes

⁶ Accordingly, the five largest banks in the country (Bradesco, Bank of Brazil, Itaú Unibanco, Federal Savings Bank and Santander) achieved profits of R\$79.3 billion in 2020 (approximately 15.373 billion US dollars, considering 2020 exchange rate) (DIEESE; REDE BANCÁRIOS, 2020). On the other hand, these institutions laid off approximately 13,000 workers and closed approximately 1,400 branches, especially Bradesco (NUZZZI, 2021).

introduced in the labor sphere and their consequences for these individuals within the port industry. By acknowledging the dearth of existing literature on this specific topic, the article aims to contribute to the understanding of the challenges faced by port workers and the broader implications of the pandemic on their lives and livelihoods.

Dockworkers Worldwide During the Covid-19 Pandemic

Since January 2020, port workers have been acutely aware of the impact of the Covid-19 pandemic on their work. Their daily interactions with individuals from various nations during the loading and unloading of goods make them particularly vulnerable to infection by the coronavirus.

It is crucial to highlight that the port sector, driven by the interests of large shipowners and transnational maritime operators, has undergone neoliberal counter-reforms in recent decades. These measures have had detrimental effects on the social rights of port workers. They have experienced a series of transformations that erode their rights, including job reductions, changes in employment contracts, and a weakening of their collective organization. Furthermore, there have been investments aimed at restructuring the relationship between capital and the state within the port industry. Consequently, port workers find themselves caught in a paradoxical situation characterized by contradictions and changes driven by capitalist interests. The overarching goal has been to introduce greater flexibility and precariousness into labor relations within the sector. This reality poses significant challenges for port workers, as they grapple with the ongoing transformations shaped by capital's agenda.

Throughout the pandemic, port workers found themselves in circumstances characterized by “heightened exposure to specific risks or uncertainties, coupled with limited capacity to safeguard themselves and mitigate the adverse consequences” (ILO, 2003, p. 45, apud BARALDI et al., 2009). In this context, port workers have remained vulnerable as they continue to fulfill their essential duties without adequate conditions to address the social determinants of illness.

In some ports, workers implemented diverse strategies of resistance, including short-term strikes, aimed at addressing concerns regarding protection against the coronavirus. While dockworkers acknowledged the presence of the pandemic, many unresolved issues and uncertainties persisted until the present moment. The response in ports was comparatively slow, considering the urgent need to contain the global spread of the virus during its initial stages.

This included a lack of information provided by port operators regarding accurate data on Covid-19 cases and casualties within the ports. In certain ports, such as the Spanish port of Algeciras, labor unions promptly reported the challenging conditions resulting from the pandemic. In March 2020, amid the “state of alarm” declared by the Spanish government in response to the health crisis, port workers organized a strike due to a shortage of staff. Consequently, container handling operations were suspended. The lack of available workers was directly linked to the measures implemented by the government to combat the pandemic, which involved the withdrawal of 30% of the port’s workforce (CAÑAS, 2020). The Coordinadora Estatal de Trabajadores del Mar, the Spanish dockworkers’ union, identified the lack of workers during shifts as a consequence of understaffing issues. They further elaborated that over 400 employees had been laid off, often due to being placed in quarantine after coming into contact with individuals infected with the coronavirus.

In Australia, the Maritime Union of Australia (MUA, 2020), the representative body for maritime and port workers, revealed in April 2020 that container terminal operator Hutchison Ports at Port Botany in Sydney had failed to disclose information regarding Covid-19 cases. Despite a worker testing positive for the virus, the operator continued normal operations at the terminal. It was discovered that the infected worker had worked six shifts at the terminal since March 24. Shockingly, the operator did not communicate this information to other workers, thus exacerbating the risk of transmission within the workplace.

As of August 2020, the East Coast ports in the United States reported significant Covid-19 cases among members of the International Longshoremen’s Association (ILA-UNION, 2020, p. 17). A total of 97 workers had tested positive for the virus, with an additional 49 in quarantine due to close contact with confirmed cases. Tragically, 10 workers lost their lives to the virus. In response to the pandemic, the ILA took proactive measures to educate its members about preventive measures against the coronavirus (ILA-UNION, 2020), aiming to mitigate the spread of the virus among their workforce.

In March 2020, the International Longshore and Warehouse Union (ILWU), representing members from ports on the West Coast of the United States and Canada, openly recognized Covid-19 as both a “medical and economic disaster.” The union expressed concern that President Trump disregarded the recommendations of public health experts, failing to take proactive measures to prepare for and address the prevention and containment of the virus (ILWU-UNION, 2020, p. 3).

The impact of Covid-19 on dockworkers in Afro Latin America mirrored that of their counterparts in major ports worldwide. As early as the beginning of 2020, the emergence of the pandemic became evident in these ports, raising a red flag for port unions. The occurrence of a fatality in Panama and two confirmed cases in Peru prompted the International Transport Workers Federation (ITF) to express its deep concern. Edgar Díaz, Secretary of the Americas Region, stated that they were “implementing protocols and providing support to affiliated unions in their demands for health and safety measures” (NT-NOTTTRANS, 2021). The ITF’s response highlighted the urgent need to protect and prioritize the well-being of dockworkers in Afro Latin America amidst the ongoing health crisis.

César Luna, the Afro Latin America delegate to the International Dockworkers Council (IDC), emphasized the ongoing risks faced by dockworkers worldwide. Luna stated, “The world’s ports continue to risk our lives and families; we are an integral part of the Supply Chain, with 80% of world trade passing through ports” (NT-NOTTTRANS, 2021).

As of October 2020, Chile’s ports reported a total of 83 confirmed cases of Covid-19 among port workers out of a workforce of 6,320 individuals. Tragically, one death was recorded due to the virus⁷.

Based on the information provided, it appears that the port sector has not effectively mobilized to contain the spread of the coronavirus within their work environments. There seems to be a lack of sufficient measures to ensure the safety of port workers and a failure to adequately inform workers’ representative entities and health control authorities about cases of contamination.

In Brazil, the situation of dockworkers is similar to the global scenario, but with additional factors stemming from the current political-economic situation and its agenda of undermining labor and social rights. These factors have been exacerbated since 2017 with the implementation of labor reforms. Law No. 13.467/17 (BRASIL, 2017), commonly known as the labor counter-reform, has had a significant impact. Additionally, other normative measures such as Law No. 13.429/17 (BRASIL, 2017), which allowed for full outsourcing, further contributed to the erosion of workers’ rights. These laws were enacted and revised during the reform debate, alongside efforts to standardize the interpretation of labor law. Moreover, the rise to power of Jair Messias Bolsonaro, who represents reactionary bourgeois factions connected to financial capital, agribusiness, and international interests, has intensified the assault on workers’ rights. Examples of this include the pension counter-reform and attempts to

⁷ Figures provided to the researchers by the Unión Portuaria de Chile (2020).

privatize the administration of Brazilian ports. Ports such as Santos (state of São Paulo), and those of the Espírito Santo and Bahia states, among others, are currently undergoing privatization processes (GOVERNO FEDERAL, 2021).

According to the National Federation of Stevedoring Workers, the Labor Management Body of the ports of Espírito Santo reported that from March 2020 to November 2021, there were a total of 238 confirmed cases of Covid-19 among 1,212 active seaport workers. Unfortunately, this period also witnessed five deaths due to the virus⁸.

Transformations in Brazilian Port Work

To comprehend the present conditions faced by workers in Brazilian ports, it is essential to delve briefly into the transformative shifts that have shaped the national port system and subsequently impacted labor relations. Recognizing the longstanding historical significance of port work, wherein workers autonomously managed their labor force through closed-shop arrangements, sets the foundation for understanding subsequent developments. However, since the 1990s, the adoption of neoliberal policies has triggered substantial transformations in labor relations within the port sector.

Throughout the early 19th century, the nature of port work in Brazil was characterized by its occasional and casual nature, primarily involving the handling and arrangement of goods aboard ships. Workers themselves took charge of organizing these tasks related to the cargo. As highlighted by Queiróz, Lara, and Mariano (2015, p. 46), “this approach proved advantageous for capitalism at the time, as it allowed for labor to be employed solely when there was cargo to be handled. Payments were made on a per-day basis without entailing any labor or social obligations towards the dockworkers”.

During the mid-1970s and 1980s, a significant transformation took place in port work, primarily driven by the widespread adoption of shipping containers as a key mode of transportation. This shift brought about changes in the nature of temporary work, primarily due to the increasing mechanization of cargo movement and the incorporation of new equipment. Consequently, the composition of workers involved in port work also underwent a transformation, reflecting the evolving work processes and requirements brought about by containerization.

⁸ Figures provided by the National Federation of Stevedoring Workers, Brazil, in November 2021

The transformations in labor within the port sector are closely intertwined with the emergence of globalized capital. According to Chesnais (1996, p.13), globalization represents not just a new phase of internationalization, but rather “a new configuration of world capitalism with its own mechanisms of performance and regulation”. This process has significantly altered commercial transactions and the regulation of exploitation, particularly in the southern hemisphere, where large business groups exert control and influence, consolidating the power dynamics of the global north.

Despite the challenges posed by the globalization of capital, port workers persisted in their autonomous and self-managed approach to their work, a tradition that had been established for over a century. The management of port tasks and the payment of workers remained the responsibility of class representatives and unions. The tech-based demands were overcome by the skilled port workers, with learning based on expertise [*savoir faire*] and union organization, both at work and in struggles and resistances.

A notable characteristic of port work worldwide was the division of labor into distinct port classes, organized and regulated by their respective unions. Workers would gather at specific locations on the wharf, known as “walls” in Brazil, at predetermined times during the day. These time slots corresponded to the shifts or assignments they would be engaged in. It is important to highlight that the port operations would only continue uninterrupted if the stevedoring entity desired it to be so, as they held significant control over the work schedule and operations.

Since 1993, Brazilian ports have transitioned to operating continuously, 24 hours a day, with the implementation of four work shifts. The “walls” where workers used to gather were not just spaces for assigning positions on the wharf and aboard ships; they also served as *locus* for fostering relationships among the workers. These walls became a place where the group formed an identity around a collectively constructed *habitus* (NAKAMURA; COUTO; MACHIN, 2015, p.137). The disruption of these *habitus* of gatherings, due to the pandemic, has been one of the challenges faced by the workers. Initially, they experienced isolation due to the pandemic’s containment measures, and subsequently, there was a permanent prohibition of these gatherings enforced by law. The impacts of these changes will be further analyzed in this paper.

Also in the year of 1993, Law No. 8.630 (BRASIL, 1993) was enacted, which brought significant changes to port relations and redefined the role of ports in the context of globalization of capital. These changes had a profound impact on the workers, particularly in

terms of their labor organization. The landmark legislation marked the end of the closed-shop system and established the Manpower Management Body (OGMO), an institution comprised of Port Operators, which took over responsibility for the selection of workers, thereby diminishing the influence of unions in this process. Advocates of the law argued that one of its main objectives was to “break the monopoly held by unions”. As a result, port work was structured into three types of contracts: indefinite term contracts regulated by the Consolidation of Labor Laws; contracts without the mediation of OGMO (applicable to private use terminals outside the organized port area), which may also employ workers assigned by OGMO; and contracts registered with the agency.

Furthermore, the implications of Law No. 8.630 extended beyond labor rights and encompassed the concession of port areas to the private sector, aligning with neoliberal goals and policies. While conveniently labeled as the “Port Modernization Law” by the business sector and the government, it can be more accurately characterized as a “port privatization law” disguised under the guise of modernization. Rather than focusing on technological advancements, which had already been occurring in national ports since the 1970s, the law primarily aimed to consolidate the control of large port operators over port management and operations (DIÉGUEZ, 2016, p. 45).

Law No. 8.630/93 remained in effect until 2013 when it was replaced by Law No. 12,815, commonly known as the “New Ports Law”. The process leading up to this new law was marked by tumultuous times and widespread protests from by the port community and within the halls in Brasília. MP No. 595, introduced in 2012, underwent significant modifications and eventually emerged as Law No. 12.815/13 (BRASIL, 2013), reflecting the interests and influence of the businessmen. This landmark legislation repealed Law No. 8.630/93 and aimed to safeguard and expand the interests of capital over Brazilian ports. While retaining several provisions of its predecessor, it also introduced new elements, particularly concerning the involvement of the private sector in national ports.

The introduction of Port Terminals for Private Usage (TUP) both within and outside the Organized Port area brought about a significant change in the labor force dynamics. Port operators gained the freedom to directly hire workers without the involvement of the OGMO, including individuals without prior experience in the port sector. This led to the emergence of a hybrid labor contract model within port complexes. For instance, the TUP of Pecém (state of Ceará, Brazil) serves as an example where companies employ different forms of labor hiring, even for workers performing similar job tasks such as longshoremen (BARROS, 2021).

Furthermore, according to Maciel et al. (2015, p. 175), within this terminal, one company remunerates its workers through fixed salaries while another company follows a similar remuneration structure to that found in organized ports, based on production and cargo handling characteristics. Taking advantage of the provisions outlined in the 2013 law, contracting companies at the Pecém terminal impose contracts that prioritize the interests of capital, thus establishing contracts based negotiated terms over legal provisions, which predominantly favors capital over labor.

The conflict between capital and labor in national ports leads to the erosion of working conditions for Temporary Port Workers (TPWs). Despite not having formal employment contracts, TPWs have managed to secure a range of labor rights. However, in the present context of capital expansion in ports under neoliberalism, port operators no longer find these rights acceptable as they impose constraints on capital interests within the port industry.

Navigating the Pandemic: Transformations in Brazilian Ports

The lack of sufficient information regarding Covid-19 cases in Brazilian ports was a notable concern and the driving force behind the preparation of this essay. There is a scarcity of data, and most instances of Covid-19 are known through word of mouth among the workers. They rely on reports from their colleagues and the unfortunate loss of fellow workers to the virus to understand the extent of its spread within the ports. As a result, a sense of insecurity prevails among the workers, as official data or reliable sources from public or private port institutions are not readily available.

Law 13.979 of 2020 ambiguously declared importance of port workers in the country by designating port work as essential during the pandemic. Subsequently, Provisional Measure 945/20 was enacted, later converted into Law 14.047/20 (BRASIL, 2020), bringing changes in the port sector that go beyond the immediate concerns of the pandemic. Given this scenario, our reflections encompass not only the condition of port workers during the pandemic, but also the broader context of the ongoing crisis in the port sector. The health crisis further exacerbated the already compromised working conditions that had been undermined and disenfranchised since the 1990s, as discussed earlier.

Article 1, clause I of Law No. 14.047/20 introduces specific measures aimed at safeguarding port operations during the Covid-19 pandemic. One of the key provisions of this

law is the prohibition of OGMO (Manpower Management Body) from hiring temporary port workers exhibiting symptoms associated with Covid-19, such as dry cough, sore throat, breathing difficulties, fever, runny nose, among others. Additionally, the law prohibits the employment of workers who are in isolation due to close contact with a Covid-19 positive individual, workers above 60 years of age, and those diagnosed with chronic illnesses. These measures seek to prioritize the health and safety of port workers and prevent the spread of the virus within the port environment.

During the period of temporary suspension of work, the affected worker is entitled to receive a monthly compensation. The compensation amount should correspond to seventy percent of their regular wages. It is important to highlight that, according to Article 3 of the law, this compensation is considered as an indemnity and not as regular payment. As a result, it is not subject to calculation for taxes such as the Length-of-Service Guarantee Fund, income tax, or other social security contributions. The calculation of the compensation is based on the wages received by the worker between April 2019 and March 2020. It is worth noting that the compensation received during this period does not count towards the worker's length of service, which may impact their pension contributions and the number of years required for retirement eligibility.

According to Article 3, paragraph 1, the compensation will be paid by the port operator that contracted the workers through OGMO (Manpower Management Body). In return, the port operator will receive equivalent discounts on customs tariffs, corresponding to the amount of compensation paid to the workers. However, as outlined in item 7 of Article 3, workers who are unable to work due to the reasons mentioned earlier do not have the right to receive this compensation if they are already receiving any public social security benefits, have their own social security benefits, or receive social assistance benefits as stipulated in Article 10-A of Law No. 9.719/98 (BRASIL, 1998). As a result, workers who relied on these benefits as a supplementary income in the port sector during the pandemic no longer had access to that additional support, significantly impacting their daily lives and the well-being of their dependents.

Another concern revolves around the termination of employment for workers deemed vulnerable to the coronavirus. Brazilian ports, with their particular work organization and the historical prevalence of an aging workforce, have a significant number of workers who are 60 years old or older. It is worth noting that according to Article 41, Paragraph 3 of Law No. 12.815/13, registration in the port worker registry is no longer terminated upon retirement but

only upon death or cancellation. As a result, the Port Operators and OGMOs still have retired port workers on their rosters who continue to compete for work assignments. This situation has led to a decrease in the pool of available workers in the ports. Franzese (2021, p. 83) states that:

[...] In the port of Santos, the mandatory retirement of temporary port workers had a significant impact, affecting nearly 50% of the skilled workforce. Specifically, equipment operators saw approximately 48% of their workforce disqualified as a result of the Provisional Measure. Cargo checkers, on the other hand, experienced a substantial reduction of 68% in their regular labor force.

Furthermore, this situation has resulted in an increased workload for the remaining workers, exposing them to a higher risk of contracting the coronavirus. The intensification of work is directly linked to the growing movement of goods, as even during the Covid-19 pandemic, port operations have expanded. A prime example is the Port Complex of Itajaí and Navegantes in Santa Catarina, which recorded a total of 15,655,812 tons moved in 2020, marking a 15% increase compared to 2019 (MUNICÍPIO DE ITAJAÍ, 2020). A similar trend was observed at the Port of Santos, where 12.98 million tons were handled in May 2020, and this number increased to 14 million tons in May 2021, representing a 7.3% growth compared to the same month in the previous year (SANTOS PORT AUTHORITY, 2020).

These data demonstrate that the cargo movements in two major Brazilian ports not only continued during the Covid-19 pandemic, but also saw an increase in their respective outputs. This growth came at the expense of intensified work and the absence of a portion of the workforce due to Covid-19-related comorbidities and illnesses.

Indeed, while certain measures were implemented to address the challenges posed by the pandemic, the ports did not decrease their workload or halt their activities deemed essential. As a result, the existing workforce was subjected to increased strain and insecurity. One potential solution from a business perspective would be to hire new workers outside the OGMO system, which aligns with the long-standing desire for such changes since the Modernization Law (Law 8.630). This approach would effectively challenge the exclusivity of temporary port workers once and for all.

Furthermore, Law No. 14.047/20, despite primarily focusing on temporary measures to address the pandemic's impact on port work, also delves into the issue of port concession to the private sector, specifically addressing the public bidding process. The law grants increased authority to the National Agency of Waterway Transport (ANTAQ), allowing the agency the

option to bypass bidding processes for the concession of port areas to private initiatives if it deems it necessary.

Another noteworthy aspect is that the law does not include any provisions regarding the protection of workers concerning vaccination, despite categorizing them as part of the essential workforce during the pandemic. Port workers were not initially prioritized to receive the vaccine. It was only after persistent demands and struggles from the port worker community that they were included in the vaccination campaign, with the inoculation taking place in May/June 2021 (GOVERNO DO BRASIL, 2021).

Furthermore, it is worth noting that the articles of the law bring about progress in terms of economic interests. For instance, paragraph 3 of Article 3 stipulates that the OGMO is responsible for calculating and transferring the compensation amount to the beneficiaries. However, in the same article, paragraph 4 states that if the increase in costs related to the temporary port worker's compensation impacts previously signed lease contracts, these contracts should be altered to achieve an economic and financial rebalancing. It is important to highlight that this financial rebalancing primarily concerns the port operators rather than the workers. The compensation for Covid-19 and the risk of contracting the virus was set at 70% of the monthly average received between April 1st and March 31st, 2020. It becomes evident that the government's focus was not primarily on ensuring the workers' financial stability in their daily lives but rather on the concerns of the lessees of port terminals in Brazilian ports.

Another aspect of Law No. 14.047/20, outlined in Article 4, pertains to the authorization granted to port employers to freely hire workers outside the OGMO system if, for any reason, the worker is unavailable when requested by the OGMO. This provision directly violates the right of temporary workers to have an exclusive right to request labor, as guaranteed by Law No. 12.815/13. Additionally, the first paragraph of Article 4 further infringes upon a historically acquired right of workers—the right to strike and suspend work—by stating that one of the reasons for the free hiring of workers by port operators is the possibility of strikes organized by workers' representative entities. The second paragraph of Article 4 specifies that this free hiring period by port operators lasts for 12 months. This provision raises concerns regarding the potential reduction in job opportunities for temporary port workers during this time and the potential conflicts that may arise regarding the renewal or permanent hiring of these workers by port operators (BARROS, 2021).

Simultaneously, in an effort to prevent the spread of the virus, Article 5, paragraph 1, grants the OGMO the authority to electronically assign workers, eliminating the need for

workers to physically go to assignment stations as was previously required. The prohibition of face-to-face assignments is emphasized in paragraph 3 of Article 5. This represents a significant change in the way workers interact with each other, as daily in-person meetings during on-site assignments are now terminated, as previously described.

The language used in paragraph 3 of Article 5 regarding the electronic assignment process is somewhat ambiguous. In the past, since the enactment of Law No. 8.630/93, workers were electronically selected by the OGMO, but the selection process took place at kiosks located in the OGMO's selection point. The current article suggests that workers would use their own electronic devices, such as mobile phones, tablets, or computers, utilizing digital technology. While this approach could potentially avoid overcrowding during the pandemic, it could be more effective if a staggered scheduling system were implemented. The law came into effect upon its publication in August 2020, but it did not specify a specific duration for pandemic-related issues as it did with provisional measure 945.

The intentions behind the Provisional Measure extended beyond the immediate needs of pandemic prevention. This viewpoint is supported by Franzese's (2021) analysis: "the provisional measure was not well received by the TPWs [...] being easy to understand the reasons, since the legislative initiative was not limited to 'temporary' measures, as it also changed in a definitive way other several laws, in matters that had nothing to do with the pandemic".

From this perspective, it becomes apparent that the actions of the government, in collaboration with influential port stakeholders, both domestic and international, aimed to further erode the rights of Brazilian port workers. The pandemic was utilized as an opportunity to impose labor setbacks that not only impact the rights of workers but also undermine their representative entities.

Final remarks

Even before the pandemic, the situation for port workers was far from ideal. However, in the face of the health crisis, it is evident that the measures implemented by the state were aligned with the interests of capital rather than prioritizing the well-being of the workers. Examples of such measures include the introduction of electronic scheduling, the revocation of the right to strike, and the freedom for port operators to hire workers outside the established system.

Despite the country and the world facing one of the most critical moments in history, with the devastating impacts of the public health crisis affecting the population, the health and working conditions of dockworkers were not a priority for the business community. Instead, the state has assumed the role of promoting neoliberal policies within the port sector. As a result, workers are faced with an even more challenging struggle ahead, particularly in the face of the advancing policies of neoliberal flexibilization and precarious work in the industry.

To initiate a project aimed at transforming the conditions of workers, it is crucial to delve into the historical context of temporary work and examine the specific ways in which workers are affected by regulatory changes, particularly in their role as temporary employees. For instance, in the perspective of dockworkers, port operators seek to eliminate the independent work mode, thereby eradicating the very essence of stevedoring work.

Furthermore, it is worth noting that there is a lack of available data on the incidence of Covid-19 among port workers during the pandemic. This absence hampers a comprehensive understanding of their working conditions and health status. Consequently, it is imperative to conduct further research that delves into the intersection of the pandemic, health, and labor within the port industry. These investigations can provide valuable insights to inform interventions that directly address the working and living conditions of workers in Brazilian ports.

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