



The working day and commute time in Brazil: reconciling economic efficiency and protecting human dignity

The working day and commute time in Brazil: reconciling economic efficiency and protecting human dignity

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SUMMARY

This article examines the workday and commute time in Brazil (*tempo in itinere*) from the perspective of the 1988 Federal Constitution, the Consolidation of Labor Laws (CLT), and the modifications introduced by the 2017 Labor Reform. It is based on the hypothesis that the elimination of commute time as part of the workday, combined with the urban conditions of large capital cities, marked by heavy traffic and population growth, violates human dignity and compromises workers' rights. The research adopts a qualitative approach, based on normative, jurisprudential (especially from the Superior Labor Court (TST) and the Supreme Federal Court (STF), and legislative analysis, highlighting proposals such as Constitutional Amendment Proposal No. 148/2015 and Constitutional Amendment Proposal No. 8/2025, which address the reduction of the weekly workweek. Reducing the workweek, combined with mobility policies and business practices that recognize and value workers, establishes an indispensable resource for reconciling economic development, social protection, and the consolidation of human dignity.

Keywords: human dignity. Working hours. Urban mobility.
Labor reform; Time *in itinere*.

ABSTRACT

This article examines the working day and commuting time in Brazil (*tempo in itinere*) from the perspective of the 1988 Federal Constitution, the Consolidation of Labor Laws (CLT), and the changes introduced by the 2017 Labor Reform. It is based on the hypothesis that excluding commuting time from the calculation of the workday, combined with the urban conditions of major cities—marked by heavy traffic and population growth—violates human dignity and undermines workers' rights. The research adopts a qualitative approach, grounded in normative, jurisprudential (particularly from the TST and STF), and legislative analysis, highlighting proposals such as Constitutional Amendment Bill (PEC) No. 148/2015 and PEC No. 8/2025, which address the reduction of the weekly workday. The reduction of working hours, associated with mobility policies and business practices that recognize and value workers, is considered an indispensable means of reconciling economic development, social protection, and the consolidation of human dignity.

Keywords: human dignity. Working hours. UrbanMobility. Labor reform. Time *in itinere*.

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1. INTRODUCTION

The dignity of the human person, upheld by the Federal Constitution of 1988 (article 1, paragraph III) the foundation of the Republic, cannot be seen merely as an abstract formula, since it acts concretely in the elaboration of public policies and in the interpretation of norms that organize social life. In the field of Labor Law, this principle gains special emphasis, especially when it comes to managing time dedicated to work and travel to the place of execution.

In Brazilian metropolises, the daily commute between home and work highlights urban inequalities: the working class faces long hours in precarious transport, characterizing unpaid work that affects health, reduces rest and limits social interaction family. This period is known as time in itinere, and has already been recognized by the legal system legal as relevant, until it was excluded by the 2017 Labor Reform (Law No. 13,467/2017).

The reform prioritized a logic of flexibility aimed at efficiency and reduction costs, relegating the human dimension of work relations to the background. This then arises, the central question: how to balance the economic objectives of companies with the need to protect fundamental rights, especially the dignity of workers? The disregard for tempo in itinere exemplifies a legal model that is still reluctant to recognize the time of worker as a legal asset essential to the full exercise of citizenship.

Given this scenario, the present study proposes a critical analysis of the working day and travel time in Brazil, with special attention to the changes brought about by the Reform Labor. This analysis adopts a normative and jurisprudential approach, aimed at constitutional interpretation of social rights and investigation of urban impacts resulting from the exclusion of travel time in itinere. Specifically, the aim is to: examine the journey as a fundamental right; reconstruct the normative evolution and case law on the subject; assess the social impacts of prolonged commutes; discuss the tension between productivity and dignity; and analyze legislative proposals in processing, such as PECs nº 148/2015 and nº 8/2025, which deal with the reduction of the weekly working day.

The methodology is structured around three axes: bibliographic survey, analysis regulations of the Federal Constitution of 1988, the CLT and Law No. 13,467/2017, and study jurisprudence based on paradigmatic decisions of the STF and the European Court.

These sources are complemented by technical reports from national and international organizations.

international institutions, such as IBGE and ILO, which offer statistical data and comparative parameters, expanding understanding of the social and labor impacts of excluding time in itinere.

The decisions were selected for thematic relevance, functioning as precedents advisors, without any intention of exhausting the subject matter.

By bringing to light the concrete reality of urban workers and the limits of a model that prioritizes productivity at any cost, the study seeks to strengthen a conception of Labor Law committed to social justice. More than treating the time as a simple measure of production, seeks to rescue it as an essential dimension of life dignified, ensuring the worker the full exercise of citizenship, inside and outside the space labor.

2. THE PRINCIPLE OF HUMAN DIGNITY AND ITS IMPLEMENTATION IN LABOR RELATIONS

The dignity of the human person, enshrined in Article 1, paragraph III, of the Constitution Federal Constitution of 1988, occupies a central position in the Brazilian legal system. In the field of labor relations, its normative force guides both the drafting of laws and the performance of the courts, serving as an interpretative parameter to ensure working conditions compatible with fundamental rights.

In labor relations, human dignity is a principle normative of concrete application, guiding the interpretation and effectiveness of rights fundamental labor rights. It is embodied in constitutional provisions that guarantee limits to the working day, paid rest, vacations, leisure and health, are elements that make up a standard minimum level of social protection. These rights, provided for in Article 7 of the Constitution, are function to preserve the physical, mental and emotional integrity of the worker.

According to Delgado (2023, p.45), dignity constitutes “the core principle of the Law of Work, giving it a social and protective function, aimed at limiting economic power and preservation of the physical, mental and moral integrity of the worker”. Cassar (2023) states that worker dignity constitutes an essential core of labor protection, imposing limits constitutional to regulatory flexibilities.

In this sense, discussing the time spent on urban travel, especially in major Brazilian capitals, goes beyond the sphere of logistics. It is about recognizing that this time can represent a silent extension of the journey. Ignoring this time spent in

displacements compromise the constitutional duty to protect the dignity of the worker in your everyday life.

3. WORKING HOURS IN THE BRAZILIAN LEGAL SYSTEM

The working day, the core of Labor Law, corresponds to the time made available from the worker to the employer, governed by the Federal Constitution (article 7, items XIII and XIV) and by the Consolidation of Labor Laws (article 4, caput) which sets daily limits and weekly, in addition to allowing compensation or reductions through collective agreement.

In Brazil, the Consolidation of Labor Laws (CLT), since 1943, establishes rules clear information about working hours, breaks, and overtime pay. These mechanisms aim to ensure that the time allocated to work does not exceed reasonable limits. Martins (2023) notes that the establishment of maximum working hours represented one of the greatest advances in Labor Law, as it broke with the logic of unlimited exploitation and ensured protection for health and social life of the worker.

The legislative change promoted by the 2017 Labor Reform resulted in relevant flexibility of rights, notably by excluding the time in itinere from the calculation of journey. Even when traveling at the employer's expense or to hard-to-reach locations, this period is no longer recognized as working time. This change disregards the concrete condition of workers living in peripheral regions, subjected to extensive daily commutes. A fair analysis of the journey must cover not only the records formal, but also the time actually dedicated to the work, including the route, being an indispensable condition for preserving the productivity, health and dignity of workers.

The CLT itself provides, for example, intra-shift and inter-shift breaks, remuneration of overtime with additional and limit for night work, demonstrating that the regulation of working time is an instrument of social justice and promotion of quality of life. As Delgado (2023) observes, such standards not only protect the worker individually, but also contribute to economic and social stability, avoiding overload that compromises collective performance.

It is essential that flexibility does not translate into social regression, but preserves the balance between contractual freedom and safeguarding the health, safety and dignity of the employee. Thus, the issue of working hours transcends the technical aspects of Law, situated within the social horizon of human rights and distributive justice.

4. COMMUTING TIME AND CONTEMPORARY URBAN CHALLENGES

The time it takes for workers to travel to work is now one of the main challenges of labor relations in Brazil. According to data from IBGE (2019), the average time weekly spent by workers aged 15 or over on commuting between home and work was 4.8 hours, including the round trip. This factor, although excluded from the formal journey through the Labor Reform, continues to directly affect the quality of life of who works.

Before 2017, the CLT provided that travel time in transport provided by company, in places that are difficult to access or without regular public transport, should be included in the working day. The repeal of this rule transferred responsibility to the worker for a period of time which, in many cases, is beyond your control and consumes a large part of your day. The problem worsens with the disorderly growth of cities, the precariousness of public transport and the lack of effective mobility policies. This situation has concrete effects, such as chronic fatigue, stress, mental disorders, and reduced productivity. The Organization The International Labour Organization (ILO, 2019) warned about the harmful impacts of long working hours. long and excessive displacements. Nascimento (2017) reinforces that the legal protection of working time is not limited to the hours of actual work, but also covers periods related activities that, although unpaid, have a significant impact on welfare conditions. social status of the employee.

Furthermore, excessive time in transit increases the actual journey, even if it does not registered. Many workers begin their journeys before dawn and return only at night, depriving them of personal and family life. This routine compromises fundamental rights and violates the principle of human dignity. The legal system, ignoring this dimension of time perpetuates inequalities and deepens the gap between norm and reality.

The Court of Justice of the European Union recognized displacement as an integral part of working hours in specific situations when judging the Tyco case (2015). This positioning, at an international level, reinforces the need to reevaluate the treatment legal framework of time in itinere in Brazil, especially in light of constitutional commitments and international projects aimed at labor protection.



5. CURRENT CASE LAW AND LEGISLATIVE PROPOSALS

The removal of in itinere time from the journey has sparked intense debate. On the one hand, human dignity and constitutional social rights are defended; on the other hand, the business demands for productive flexibility, supported by the Labor Reform of 2017.

Before the Labor Reform, the Superior Labor Court (TST) recognized the time in itinere as part of the working day, as long as certain requirements were met requirements. These requirements were stipulated in Summary No. 90 of the TST, which was revoked with the legal amendment of article 58, §2, of the CLT; with this, the judicial understanding began to follow strictly with the provisions of the new wording of the CLT, restricting the recognition of this time as provided for in collective agreements.

SUMMARY Nº 90 - "IN ITINERE" HOURS. SERVICE TIME

I - The time spent by the employee, in transport provided by the employer, to a workplace that is difficult to access, or not served by regular public transport, and to return is counted as part of the working day.

II - The incompatibility between the start and end times of the employee's workday and those of regular public transport is a circumstance that also generates the right to "in itinere" hours.

III - The mere insufficiency of public transport does not give rise to the payment of hours "in itinere".

IV - If there is regular public transport for part of the route traveled by company transport, the paid "in itinere" hours are limited to the section not covered by public transport.

V - Considering that the hours "in itinere" are counted as part of the working day, the time that exceeds the legal working day is considered as overtime and the corresponding additional amount must be applied to it.

CLT, Art. 58 - The normal working hours for employees in any private activity shall not exceed 8 (eight) hours per day, unless another limit is expressly established. § 1. Time variations in the time recording that do not exceed five minutes will not be discounted or computed as overtime, subject to the maximum daily limit of ten minutes. § 2. The time spent by the employee from his/her residence to the actual occupation of the workstation and for his/her return, walking or by any means of transportation,

including that provided by the employer, shall not be computed in the working day, as it is not time at the employer's disposal.

In the Federal Supreme Court (STF), the issue was analyzed from the perspective of constitutionality. In the judgment of ADI 5,826 (2018), the STF validated the exclusion of time in itinere, based on legislative prerogative. Despite this, votes like those of Ministers Rosa Weber and Edson Fachin highlighted the need to respect the dignity of the worker and the international commitments assumed by Brazil.

Summary: CONSTITUTIONAL AND LABOR LAW. DIRECT ACTIONS OF UNCONSTITUTIONALITY. INTERMITTENT EMPLOYMENT CONTRACT. RULES ESTABLISHED BY LAW NO. 13,467/2017 AND PROVISIONAL MEASURE NO. 808/2017.

ADEQUACY
TO THE TEXT CONSTITUTIONAL. ACTIONS
JUDGED

UNFOUNDED. I. CASE UNDER EXAMINATION 1. Direct actions of unconstitutionality proposed against arts. 443, caput and § 3º 452-A, and 611A, VIII, of the Consolidation of Labor Laws, as amended by Law No. 13,467/2017, as well as with the amendments introduced by Provisional Measure No. 808/2017. 2. The requesting party alleges a violation of the principles of human dignity, the social value of work, the prohibition of social regression and legal certainty. II.

ISSUE UNDER DISCUSSION 3. The issue under discussion is whether the contested regulations, which regulate intermittent work, are compatible with the principles and rights set forth in the Federal Constitution, especially with regard to worker protection and the guarantee of decent working conditions.

III. REASONS FOR DECISION 4. The regulation of intermittent contracts, as established by the disputed regulations, is validly based on Articles 1, IV, and 170, caput, of the Federal Constitution, which enshrine free enterprise and the social value of work. 5. The flexibility promoted by the Labor Reform aims to expand the labor market, without prejudice to the minimum guarantees assured by the constitutional labor order. 6. Since intermittent hiring observes specific criteria for remuneration and labor rights, respecting private autonomy and the limits of state intervention, it does not constitute an offense to the dignity of the worker or the principles of equality and proportionality. IV.

DEVICE 7. Direct actions of unconstitutionality deemed unfounded.

(ADI 5826, Rapporteur: EDSON FACHIN, Rapporteur for the Judgment: NUNES MARQUES, Full Court, decided on 12/16/2024, PROCESS

ELECTRONIC DJe-s/n DISCLOSED 12-02-2025 PUBLISHED 13-02-2025)

This jurisprudence reveals a point of tension: the reform is accepted from the point of view formal, but questions remain about its adequacy to the constitutional principles that govern labor protection.

Proposals to rebalance labor relations are being processed in the National Congress, given the current legislative deficiencies, such as:

- PEC No. 148/2015, by Senator Paulo Paim (PT-RS), proposes the gradual reduction from 44 to 36 hours of the working week.
- PEC nº 8/2025, proposed by deputy Érika Hilton (PSOL-SP), provides for a 36-hour workweek distributed over four working days and three off days rest, aiming to reconcile productivity with quality of life.
- Bill No. 236/2025, presented by Congressman Patrus Ananias (PT-MG), proposes that travel time on transport provided by the employer is considered as part of the working day, in cases where the workplace be located in an area with restricted access or that is covered by public transport.

These proposals seek to recognize that the length of the working day, added to the time of displacement, has negative effects on health, leisure and family relationships. Configuring as a way of transferring to the worker the burdens arising from circumstances organizational measures established unilaterally by the employer. However, these measures face resistance from economic sectors that argue about increased costs and impact on competitiveness.

The legislative debate, therefore, remains open. The dispute between economic efficiency and social protection remains at the center of the labor agenda, requiring careful analysis of human, social and productive impacts of a more balanced journey.

The joint analysis of case law and legislative proposals highlights a paradox. The Judiciary, especially after the Labor Reform, has restricted the scope of worker protection regarding travel time. The National Congress proposes to reduce the journey, but without directly addressing the challenge of urban travel. Thus, the challenge lies in recognizing that travel time, imposed by the conditions urban areas, is part of the working day, integrating it as essential to human dignity and constitutional social rights.

On the other hand, organizations such as the National Confederation of Commerce (CNC, 2024) and the National Confederation of Industry (CNI, 2024) warn that the reduction of working hours

labor can lead to increased operating costs, especially (in sectors with low economic return, the creation of jobs in the immediate future and affecting the competitive capacity.

6. PRODUCTIVITY X HUMAN DIGNITY: A PERSISTENT TENSION.

Labor Law emerged to limit the excesses of an economic model focused exclusively on productivity. Since its inception, this discipline has sought to ensure that economic development does not occur at the expense of the health, time and integrity of the worker.

In Brazil, this tension intensified with the 2017 Labor Reform, which worsened the precariousness of labor guarantees by reducing historical protections and removing the recognition of time in itinere as a contractual right of the employer. Such a measure transferred the burden of organizational structural conditions to the individual, weakening their protection and compromising social justice.

Article 170 of the Federal Constitution establishes that the economic order must prioritize the appreciation of human work, expressing a normative commitment to a model that seeks balance between production and protection.

In practice, this balance is far from being achieved. Workers who face routines with long commutes and long working hours have severely limited free time compromised. The result is a limitation of the right to rest, family life, and life outside of work. This situation directly affects the worker's quality of life and puts in defiance of the constitutional principles that govern the labor universe.

International experiences demonstrate that reducing the weekly working hours can result in benefits for health, well-being, and even productivity. Countries that have tested four-day weeks, for example, saw increases in performance and motivation among workers (LIMA, 2025). These results suggest that dignity is not opposed to productivity, on the contrary, can be its sustaining condition.

However, Brazil still operates under a legal and economic culture that values productive time at the expense of personal time. Changing this scenario requires not only legal changes, but also a new understanding of the role of work in people's lives people.

7. PATHS TO IMPROVEMENT: LEGISLATION, MOBILITY AND BUSINESS PRACTICES

Overcoming the problems analyzed requires a set of integrated actions, which go beyond the simple reform of labor legislation, demanding consideration of the conditions urban areas, displacements and shared responsibility between the State, companies and society. The review of the legal framework is, in this sense, fundamental. The approval of the PECs that reduce the working day to 36 hours, along with the bill that recognizes the time of displacement in adverse conditions, will symbolize significant progress in promoting greater balance between work life and human dignity, strengthening the social protection of workers. Even if they do not eliminate displacement, such measures would curb its impacts, increasing the time available to the worker.

Reevaluate the regulation of time in itinere and reintroduce devices that legally recognize displacement, at least in situations of vulnerability, as well constitutes a necessary measure to reestablish coherence between norms and social reality.

The time a person spends commuting should be seen at the same time as a workers' rights and as a transportation problem in cities. In this context, investments in quality public transport, modal integration, including buses, subway, train and cycle paths, as well as housing policies that promote proximity between housing and work hubs, can contribute to a significant reduction in travel time (MOURA, 2024). Urban mobility, therefore, must be conceived as a policy of valorization of work, since reducing the time spent in transit means, in practice, increasing the worker's lifetime.

Companies also play a strategic role in building this model. Adoption flexible shifts, encouraging teleworking when possible, offering transportation quality corporate and the implementation of well-being programs contribute to improve working conditions. By recognizing that productivity depends on health and of the balance between professional and personal life, the productive sector can become an essential ally in the search for a more sustainable organization of working time (GASPAR, 2017).

The sum of these measures: regulatory review, efficient urban mobility and practices Responsible business practices point to a possible path to rebalancing. The centrality of work in people's lives cannot result in their complete absorption by labor. It is

It is essential to ensure that, in addition to producing, the worker has the conditions to live fully, live socially and develop fully.

8. CONCLUSION

The study revealed that the sum of the working day and excessive travel time in Brazilian metropolises generates intense physical, emotional and social wear and tear, affecting dignity of the human person (art. 1, III, CF/88). The 2017 Labor Reform, by suppressing the calculation of time in itinere, worsened this scenario, eliminating protection intended to balance life and work.

In this scenario, reducing the weekly working hours emerges as a viable alternative and necessary to reconcile productivity with dignity. International experiences demonstrate that the adoption of shorter working hours, far from compromising efficiency economic, can result in greater engagement, health and well-being, reflecting positively in overall performance. The processing of proposals such as PEC No. 148/2015, which provides for the gradual reduction of the working week to 36 hours, PEC nº 8/2025, which also establishes suggests a 36-hour workweek, but distributed over four working days and three off days. rest, PL nº 236/2025, which defends travel in transport provided by employer integrates the workday in special cases. These procedures demonstrate that the issue is sensitive to the legislator's yard and that debate is necessary in Congress, despite of external resistance by the business class.

The research hypotheses were confirmed: the long journey, combined with the long displacements, compromises the effectiveness of fundamental rights; the suppression of time in itinere represented a social setback. Additionally, the reduction in working hours, combined with public policies on urban mobility, constitutes an essential device to reconstitute the work-life balance.

Therefore, more than a matter of legislative convenience, the reduction of the working day work in Brazil must be understood as a constitutional imperative to protect dignity, health and leisure, values inseparable from the notion of decent work. Alongside efficient transportation policies and innovative business practices, reduced working hours represents a decisive step towards ensuring that the Brazilian worker is not just a handyman productive work, but subject of rights, with effective time to fully live their citizenship.

Future research may assess whether reducing working hours in Brazil is feasible economically and how this affects society, relating quality of life, health and productivity. In this scenario, Labor Law reaffirms its protective role, with an emphasis in the worker's time.

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