

**DIOGO FORTUNATO MELO**

Lawyer. Master's student in Economic Constitutional Law by the Strict sensu Postgraduate program UNIALFA, and CAPES Scholarship Holder. Postgraduate in Civil Law and Civil Procedure from ATAME and in Administrative Law from CERS. Lawyer since 2016. Graduated in Law from PUC-GO. University Professor. Postgraduate in Anthropology and Psychoanalysis from PRO-MINAS College, and undergraduate in Philosophy from UNICA College. Author at RBDP. E-mail: [diogofortunato.adv@gmail.com](mailto:diogofortunato.adv@gmail.com) Instagram: [@Dr.Fazdetuo\\_profdiogo](https://www.instagram.com/Dr.Fazdetuo_profdiogo).

**MORGANA COMIN ZEFERINO**

Lawyer. Master's student in Human Rights Law through the PPGD Postgraduate Program (UNESC), graduated from the University of Extremo Sul Catarinense. Instagram: [@morganacomin](https://www.instagram.com/morganacomin)

**FABIO LOPES DA SILVA**

Graduated in Law from Faculdade Padrão

**JEANDERSON OLIVEIRA REIS DE LIMA**

Graduated in Law from Faculdade Padrão.

**STABILITY OF PREGNANT WOMEN IN THE LABOR MARKET: HOW IS PROTECTION AFTER YEARS OF LABOR REFORM?****SUMMARY**

The 2017 Labor Reform introduced substantial dynamic changes to the Consolidation of Labor Laws (CLT), directly impacting the job security of pregnant women. Among the main changes, the new wording of article 10 of the Transitional Constitutional Provisions Act (ADCT) stands out, which restricted the clause to the arbitrary or unjustified dismissal of pregnant employees, from the confirmation of pregnancy until five months after delivery. The ambiguity in the interpretation of the rule generated legal certainty and challenges in the application of the law, leading to a diversity of case law understandings on the matter. Additionally, the flexibilization of labor relations allowed the formalization of out-of-court agreements for contract termination, a factor that can compromise the guarantee of job security for pregnant women. The permission for pregnant women to work in medium or minimally unhealthy environments, upon presentation of a medical certificate, also generated debates about possible risks to maternal and fetal health. These changes have drawn criticism from trade unions and labor experts, who claim that there has been a setback in maternity protection and a possible worsening of working conditions for pregnant women. Given this scenario, a critical analysis of the impacts of the Labor Reform on the stability of pregnant women's employment is essential, considering the legal, social and economic implications. This study seeks to assess whether there has been an increase or reduction

1

of dismissals of pregnant women after the implementation of the reform, examine the effectiveness of the new drafting of article 10 of the ADCT and verifying the consequences of the regulatory changes for labor relations. In addition, other related labor rights will be discussed, such as maternity leave and maternity pay, as well as the adaptation of the new legislation to the constitutional principles of protection of maternity and human dignity.

**Keywords:** Labor Reform; Job stability; Pregnant women; Legal uncertainty; Labor market flexibility.

**ABSTRACT**

The 2017 Labor Reform introduced substantial dynamic changes to the Consolidation of Labor Laws (CLT), directly impacting the job security of pregnant women. Among the main changes, the new wording of article 10 of the Transitional Constitutional Provisions Act (ADCT) stands out, which restricted the clause to the arbitrary or unjustified dismissal of pregnant employees, from the confirmation of pregnancy until five months after delivery. The ambiguity in the interpretation of the rule generated legal certainty and challenges in the application of the law, leading to a diversity of case law understandings on the matter. Additionally, the flexibility of labor relations allowed the formalization of out-of-court agreements for contract termination, a factor that can compromise the guarantee of job security for pregnant women. The permission for pregnant women to work in medium or minimally unhealthy environments, upon presentation of a medical certificate, also generated debates about possible risks to maternal and fetal health. These changes have drawn criticism from trade unions and labor experts, who claim that they represent a setback in maternity protection and a possible worsening of working conditions for pregnant women. Given this scenario, a critical analysis of the impacts of the Labor Reform on the job security of pregnant women is essential, considering the legal, social, and economic implications. This study seeks to assess whether there was an increase or reduction in the number of dismissals of pregnant women after the implementation of the reform, to examine the effectiveness of the new wording of Article 10 of the ADCT, and to verify the consequences of the regulatory changes for labor relations. In addition, other related labor rights will be discussed, such as maternity leave and maternity pay, as well as the adequacy of the new legislation to the constitutional principles of protection of maternity and human dignity.

**Keywords:** Labor Reform; Job Stability; Pregnant Women; Legal Uncertainty; Labor Market Flexibility.

**1. INTRODUCTION**

The Brazilian labor market poses increasing challenges to workers, especially especially women, who still face discrimination in various roles, whether in terms of wage inequality, reduced representation in leadership positions or vulnerability during pregnancy. Even in this scenario, many pregnant women remain active to support their families, which makes it essential to analyze the legal guarantees granted to pregnant employees, especially with regard to job stability.

Maternity protection is a fundamental social right, supported by the Constitution. Federal Constitution of 1988, which, in its article 6, ensures the protection of motherhood and childhood as structuring principles of the Democratic State of Law (BRAZIL, 1988). This protection is not limited to the biological aspect, but also aims to guarantee the economic and social security of women during pregnancy and postpartum. Article 10, paragraph II, item "b", of the Act of Transitional Constitutional Provisions (ADCT) prohibits the arbitrary or unjustified dismissal of pregnant employees, from the confirmation of pregnancy until five months after delivery, and this one of the most relevant labor safeguards for maternity (BRASIL, 1988).

2

The stability of pregnant employees is directly related to the principle of dignity of the human person and the right to protection of children, as provided for in article 227 of the Federal Constitution. Furthermore, article 391-A of the Consolidation of Labor Laws (CLT) reinforces this guarantee by determining that provisional stability is independent of prior communication of pregnancy to the employer (BRAZIL, 1943). Before the 2017 Labor Reform, Summary nº 244 of the Superior Labor Court (TST) provided that the stability of pregnant women only

would be guaranteed in the case of indefinite-term contracts. With the reform, the amendment was changed to include fixed-term contracts, expanding the protection, but generating new debates about the practical applicability of this rule.

The Labor Reform, instituted by Law No. 13,467/2017, brought changes that indirectly agreed on the stability of pregnant women, including the possibility of extrajudicial agreements for contract termination and the permission for pregnant women to carry out unhealthy activities of medium or minimum degree, as long as authorized by a doctor (BRASIL, 2017).

These changes have sparked widespread controversy, since, while they advocate greater flexibility and reduced burdens, labor law experts point to a possible weakening of maternity protection. “The insecurity generated by changes in labor legislation directly reflects on the rates at which women remain in the labor market, especially for those of reproductive age” (OLIVEIRA, 2018, p. 130).

According to Martins (2019), the change in legislation represented a turning point in labor guarantees, creating legal uncertainty for pregnant women. The author highlights that:

“The possibility of out-of-court settlements for the dismissal of pregnant employees, even when accompanied by union assistance, can compromise the real effectiveness of provisional stability. Often, these agreements are signed under economic and social pressure, leading a worker to accept unfavorable conditions. Furthermore, authorization to work in unhealthy environments can put both the health of the pregnant woman and the unborn child at risk, constituting a setback in labor protection” (MARTINS, 2019, page 45).

Given this scenario, this study aims to analyze the impact of the Labor Reform on the stability of pregnant women, considering the legal, social and economic implications of the changes introduced by Law No. 13,467/2017. To this end, a critical approach will be taken on the effectiveness of the provisional stability provided for in article 10 of the ADCT, as well as on the impacts of the flexibilization of labor standards for pregnant women. The analysis will be based on instructions, specialized doctrine and recent statistical studies, in order to understand the real effects of the reform on the protection of pregnant workers and their permanence in the labor market.

The labor reform significantly changed the balance between maternity protection and market flexibility, allowing dismissals under new modalities and reducing the scope of gestational stability” (SANTOS, 2020, p. 56).

The relevance of this research lies in the need to assess whether normative changes effectively improved legal security and the inclusion of women in the labor market work or if they resulted in precarious working conditions and increased discrimination against pregnant women. By understanding the practical effects of the reform, we hope to contribute to the academic and legal debate on the evolution of labor rights and the adaptation of Brazilian legislation to the principles of maternity protection and gender equality in the workplace.

## 2. METHODOLOGY

This study is characterized as a narrative literature review, with the objective of to analyze the impacts of the Labor Reform on the stability of pregnant employees. The research is based on legislative, doctrinal and jurisprudential sources, as well as scientific articles published in academic databases.

The bibliographic survey was carried out using sources such as the Federal Constitution of 1988, the Consolidation of Labor Laws (CLT), Law No. 13,467/2017, in addition to pertinent infra-constitutional norms, such as Decree No. 5,296/2004 and Law No. 10,048/2000. Institutional reports and studies published in scientific databases, including SciELO and Google Scholar, were also consulted.

The introduction of Law No. 13,467/2017 brought with it a series of interpretative challenges that directly impact the stability of pregnant women, creating legal uncertainty and enabling the precariousness of women's labor relations" (LEMOS, 2021, p. 112).

The selection of materials aggravated the following criteria: inclusion of legal studies and statistics on the stability of pregnant women in the labor market and recent academic publications related to labor reform. Works that addressed job stability in contexts other than maternity protection were excluded.

The research focused on the critical analysis of regulatory standards, decisions case law and relevant doctrinal interpretations, seeking to understand the effects of the reform on the Brazilian labor scenario.

### 3. THE IMPACT OF LABOR REFORM ON THE EMPLOYMENT STABILITY OF PREGNANT WOMEN

#### 3.1 Stability of pregnant women before the Labor Reform

The main objective of job stability is to prevent the dismissal of the employee. without just cause, that is, arbitrary dismissal, without legal basis. In the case of pregnant women, this protection takes on an even more relevant character, since motherhood is recognized as a fundamental right by the Federal Constitution of 1988. Article 10, item II, clause "b", of the Act of Transitional Constitutional Provisions (ADCT) prohibits the arbitrary or unjust dismissal of pregnant employees from the confirmation of pregnancy until five months after birth, ensuring a minimum period of job stability (BRASIL, 1988).

"The new individual negotiation model introduced by the reform creates a scenario in which a pregnant employee may be pressured to accept unfavorable agreements, weakening her position in the employment relationship" (FERREIRA, 2019, p. 97).

In addition to the constitutional provision, the Consolidation of Labor Laws (CLT) reinforces the maternity protection. According to Martins (2023), "the guarantee of employment during pregnancy and the postpartum period aims to ensure that a worker can dedicate herself to health care and

of the baby, without worrying about losing their job". This legal protection is based on the principle of human dignity and the need to promote adequate conditions for the healthy development of the child and the financial security of the family.

The jurisdiction of the Superior Labor Court (TST) also consolidated this protection. through Summary nº 244, which guarantees provisional stability to pregnant employees, regardless of the type of employment contract. According to Martinez (2019), "the limits related to the stability of pregnant women are well defined by article 10, II, b, of the ADCT of the CF/1988, which prevents the arbitrary or unjustified dismissal of pregnant employees".

However, the interpretation of these guarantees has varied over the years, especially especially with regard to its applicability in temporary contracts. According to Silva,

A has been demonstrating divergences in the interpretation of the new rules, especially with regard to the application of provisional stability in temporary and intermittent employment contracts. (SILVA, 2019, p. 88).

This means that, before the Labor Reform, there were questions about the application the possibility of stability in the case of trial contracts or fixed-term contracts. In fact, before the reform, TST Summary nº 244 did not expressly guarantee stability for pregnant women hired under temporary contracts, which generated legal uncertainty and weakened the position of these workers.

Furthermore, the doctrine classifies gestational stability as a special protection. and provisional, being restricted to a specific group and limited to the gestational and postpartum period. According to Trubano (2020, apud Silva and Tavares, 2021) he explains that "The stability of the pregnant woman is a special and provisional stability, given that it is directed only to a group of people, and its effects last only as long as they persist as the causes that gave rise to it".

Before the Labor Reform, the protection of pregnant women in employment extended even in cases of termination of the company's activities, which demonstrated the strength of the protective norm. However, the reform changed fundamental aspects of this right, raising new challenges for its effective application in the labor market.

### **3.2 Changes in the stability of pregnant women with the Labor Reform**

The Labor Reform, instituted by Law No. 13,467/2017, brought significant changes in the rules for protecting the employment of pregnant women, impacting the provisional stability previously guaranteed by Summary nº 244 of the Superior Labor Court (TST). Before the reform, the pregnant employee had job stability from the confirmation of the pregnancy until five months after birth, but this guarantee did not expressly extend to fixed-term or trial contracts.

5

With the new legislation, article 10, paragraph II, item "b", of the Constitutional Provisions Act Transitional Constitutional Law (ADCT) now provides that the stability of pregnant women applies regardless of the type of contract signed. In theory, this would represent a step forward to expand

protection for pregnant women hired under a temporary regime. However, the legal controversy was intensified with the TST's decision in the Incident of Assumption of Jurisdiction No. 5639-31.2013.5.12.0051, which ruled that the stability of pregnant women did not apply to trial contracts and fixed-term contracts.

On this issue, Martinez (2022) explains that:

"The stability of pregnancy is exceptional in nature and must be interpreted in accordance with the specific protective norm. However, the distinction between fixed-term contracts and trial contracts reinforces the existence of objective limits for the application of provisional stability, avoiding interpretative distortions that may compromise the predictability of the employment relationship" (MARTINEZ, 2022, p. 78).

Another relevant change brought about by the Labor Reform was the exclusion of stability for pregnant women who resign or are dismissed for just cause. This aspect has generated criticism from experts and organizations that defend women's rights, as it may open the door to excessive flexibility in stability, affecting maternity protection.

Furthermore, the possibility of contract termination through agreements was introduced. extrajudicial agreements between employer and employee, provided that they are approved with the assistance of the union. Before the reform, labor legislation did not provide for this form of termination for pregnant women, reinforcing stability as a non-negotiable right. With the change, consensual dismissal became a legally valid alternative, raising concerns about potential abuse by employees.

On this point, Ferreira (2019, p. 97) highlights that:

The relaxation of contract termination rules may result in the weakening of the position of pregnant women in the workplace. The introduction of consensual dismissal allows workers to pressure pregnant workers to accept agreements that, in practice, weaken the protection provided by provisional stability. (FERREIRA, 2019, p. 97)

Although the reform was defended by some sectors as a step forward in the modernization of labor relations, the concrete application of the new rules brought legal uncertainty and divergent interpretations in the courts. Depending on the situation, pregnant employees may be placed in a scenario of instability, however, the maintenance of their employment will depend more on individual negotiation of the imposition of protective standards by the legal system.

### **3.3 Rights and Guarantees of Pregnant Women After the Labor Reform: Changes and Impacts**

6

Despite the changes introduced by the Labor Reform, some fundamental rights The mental health of pregnant women was preserved. Among them, the 120-day maternity leave stands out, as provided for in article 7, item XVIII, of the Federal Constitution, which may be extended to 180 days for companies that adhere to the Citizen Company Program. This extension also applies in specific cases, such as adoption or the birth of premature babies.

Another restriction right is temporary job stability, which prevents dismissal.

are without just cause from the confirmation of pregnancy until five months after delivery. Article 391-A of the Consolidation of Labor Laws (CLT) reinforces this guarantee, also extending it to workers who adopt a child. This protection aims to prevent a pregnant woman from being fired at a time of economic and social vulnerability, ensuring her permanence in the job market during the gestational and postpartum period.

On this point, Calvo (2022) clarifies that:

The stability of pregnant women does not apply only to indefinite-term employment contracts, but also covers temporary and trial contracts. The interpretation of case law has reinforced this scope to avoid the precariousness of the employment relationship of pregnant women who work in different contractual modalities (CALVO, 2022, p. 134).

One of the most controversial changes brought about by Law No. 13,467/2017 was the possibility pregnant and lactating women from working in environments that are at least moderately or moderately unhealthy, provided they present a medical certificate authorizing them to remain in these conditions. Before the reform, labor legislation determined that pregnant women would be automatically removed from unhealthy activities, without the need for medical proof. This change has drawn criticism from organizations that protect women's rights and occupational health, which point to possible risks to maternal and fetal health.

Regarding this change, Ferreira (2019, p. 102) warns that:

The relaxation of the rules on unhealthy conditions may represent a setback in the protection of the health of pregnant women and their fetuses. The need to present a certificate to be exempt from unhealthy activities imposes an excessive burden on the worker, contradicting the precautionary principle in labor legislation.

In addition to these issues, the Labor Reform expanded the possibilities for termination consensual contractual arrangement between employer and employee, making individual negotiation a legal reality. This change raises concerns about possible pressures that may be exerted on a pregnant woman to accept unfavorable agreements, weakening her position in the workplace.

Although the legislation still preserves essential guarantees for motherhood, the interpretation The implementation and application of these standards remain subject to controversy and variations in case law. Therefore, it is essential that pregnant workers seek information about their rights and rely on the support of specialized professionals to ensure the correct application of labor standards.

### **3.4 Differences of opinion on the Labor Reform and the stability of pregnant women**

7

The 2017 Labor Reform generated intense debates and differences of opinion about its impact on the stability of pregnant women. While some experts see progress, others point out weaknesses in the protection of pregnant workers, highlighting possible gaps in the legislation that may compromise legal security and the effectiveness of job stability.

On the one hand, there are those who argue that the reform expanded the guarantee of stability to cover temporary contracts, correcting a previous limitation that left pregnant workers in a vulnerable situation. According to Martins (2019, p. 58):

The labor reform brought significant progress by increasing the temporary stability of pregnant women in fixed-term employment contracts. Previously, pregnant women hired under this type of contract were often dismissed without any type of legal support, which aggravated gender discrimination in the labor market. (MARTIN, 2019, p. 58):

However, the reform also brought changes that were widely criticized by experts. One of the most controversial points was the exclusion of stability for pregnant women who resign or are fired for just cause. For Garcia (2018, p. 77), this change represents a setback:

The withdrawal of job security for pregnant women who resign or are dismissed for just cause weakens maternity protection and can aggravate situations of harassment and coercion in the workplace. Without this guarantee, there is a greater risk that pregnant workers will be pressured to accept peaceful agreements, compromising their economic and social security. (GARCIA, 2018, p. 77),

Another point of divergence concerns the flexibility of labor relations and the possibility of termination by agreement between employer and employee, provided for in the new legislation. Ferreira (2019, p. 92) warns of the risks of this flexibility:

The introduction of consensual termination into the legal system may represent a weakening of labor protection, as it opens space for employers to exert veiled pressure on pregnant employees, leading them to accept dismissals that, in practice, undermine their provisional stability. (FERREIRA, 2019, p. 92)

Furthermore, there are uncertainties regarding the application of the new rules, especially with regard to concerns supervision over stability in temporary and temporary contracts. According to Silva (2020, p. 88):

The lack of clarity in the application of the new rules on gestational stability has led to divergent interpretations in the courts, creating legal uncertainty for both workers and employees. This situation requires further regulation of the rule to ensure greater predictability in its application. (SILVA, 2020, p. 88):

Given these differences, continuous monitoring of the results becomes essential. Labor Reform pacts on the stability of pregnant women. Critical assessment of legislative changes and analysis of court decisions are essential to ensure that workers' rights are adequately protected, minimizing risks of precariousness and ensuring

equity in the labor market.

### 3.5 The pros and cons of the Labor Reform on the job stability of pregnant women

The 2017 Labor Reform dynamic changes that generated so many advances to setbacks in the stability of pregnant women's employment. Among the positive aspects, the expansion of protection for workers hired under a trial period and for a fixed term stands out. Before the reform, there was no express guarantee of stability for pregnant women in these types of contracts, which often resulted in the termination of the employment relationship before giving birth. With the new wording of Summary nº 244 of the Superior Labor Court (TST), pregnant employees now have provisional stability regardless of the type of contract signed, increasing their security in the job market.

Regarding this change, Martins (2019, p. 62) highlights that:

The Labor Reform brought an important advance by protecting the temporary stability of pregnant women in fixed-term contracts. This modification corrects a gap in the previous legislation, which often left pregnant workers in a vulnerable situation when their temporary contracts expire. (MARTINS, 2019, p. 62)

On the other hand, one of the main negative points of the reform was the introduction of the possibility of termination of employment by mutual agreement between employer and employee, which may directly affect the stability of the pregnant woman. This new termination method allows an employee and a company to reach an agreement to end the employment relationship, even during the stability period, provided there is union assistance. This mechanism, although it aims to increase flexibility in employment relationships, has been criticized by experts, who point out a potential risk of indirect cooperation, where a pregnant woman may be pressured to accept termination of employment without full autonomy.

Ferreira (2019, p. 101) warns that:

The possibility of dismissal by agreement may represent a weakening of gestational stability, since, in practice, employees may persuade workers to accept the termination, compromising the protection provided by labor legislation. (Ferreira, 2019, p. 101)

Another negative aspect concerns the legal uncertainty generated by the reform. With the flexibilization of labor laws and the introduction of new hiring models, different interpretations have emerged regarding the applicability of pregnant women's stability in temporary and temporary contracts. This scenario has generated legal conflicts and contradictory decisions in the courts. This scenario has generated legal conflicts and contradictory decisions in the courts, increasing uncertainty for workers and employees.

9

On this point, Silva (2020, p. 88) highlights that:

The lack of clear regulations on the stability of pregnant women in employment contracts and the relaxation of labor legislation create an environment of legal uncertainty, leading to divergent interpretations in the courts and undermining the predictability of labor relations. (Silva, 2020, p. 88)

Furthermore, there is the possibility that changes in legislation may reinforce the

Gender discrimination in the workplace. With the expansion of the possibility of dismissal and the permission for pregnant women to work in unhealthy activities upon presentation of a certificate, there is concern that companies will become more resistant to hiring women of childbearing age, avoiding possible labor charges associated with pregnancy.

Therefore, it is essential that pregnant women are fully informed about their rights, rights and guarantees, understanding the changes introduced by the Labor Reform and their possible impacts on their professional lives. In addition, it is up to the public authorities and civil society to act in the promotion of gender equality and in the fight against discrimination in the labor market, ensuring that all women have access to fair and equitable opportunities, regardless of their gestational condition.

#### 4. STATISTICAL ANALYSIS AND CRITICAL REFLECTIONS.

A survey carried out by the Inter-Union Department of Statistics and Social Studies The 2018 Economic and Social Survey (Dieese) showed that the Labor Reform had a significant impact on the job stability of pregnant women. According to the study, the change in labor legislation generated great legal uncertainty regarding the rights of pregnant workers, especially those with temporary employment contracts.

The legal uncertainty resulting from the reform can be explained by the change in the re-amendment of Article 10, paragraph II, item “b”, of the Transitional Constitutional Provisions Act (ADCT), which guarantees temporary job stability for pregnant women. Before the reform, Summary nº 244 of the Superior Labor Court (TST) established that pregnant women had the right to job stability from the confirmation of pregnancy until five months after giving birth, regardless of the type of contract signed. However, the reform dynamically eliminated the possibility of termination by agreement and excluded protection for pregnant women who resign or are dismissed for just cause.

According to Ferreira (2019, p. 95):

The withdrawal of temporary job stability for pregnant women who resign or are dismissed for just cause has created insecurity and legal instability. This change could open the way for arbitrary dismissals and covert harassment, harming pregnant employees and weakening their position in the job market. (FERREIRA, 2019, p. 95):

A Dieese survey corroborates the idea that the Labor Reform had an impact negative effects on the labor rights of pregnant women, a group considered vulnerable and deserving of special protection, given the importance of motherhood and the healthy development of the child.

10

Another study, carried out by the Perseu Abramo Foundation in 2019, analyzed the effects of the Labor Reform on the guarantee of employment for pregnant women, with a focus on those working in the informal sector. The research showed that, after the implementation of the reform, there was an increase in the unemployment rate among women, a factor that directly impacted the stability of pregnancies.

so many in the job market.

Statistical analysis of the study shows that the unemployment rate among women increased from 12.8% to 16.5% between 2016 and 2018, the period in which the labor reform came into effect. Furthermore, the survey showed that informal workers were the most affected, since the reform did not provide guarantees for this segment.

On this point, Silva (2020, p. 88) highlights that:

The labor reform reinforced the inequality between formal and informal workers. While the former still have legal protection mechanisms, the latter were left completely helpless, which resulted in greater precariousness and instability in employment. (Silva, 2020, p. 88)

Statistical analysis is fundamental to understanding the impacts of public policies. public policies and changes in legislation affect people's lives. Studies such as those conducted by the Perseu Abramo Foundation propose a critical evaluation of labor reforms and the formulation of measures that can improve the working conditions of pregnant women.

Furthermore, a survey conducted by the Superior Labor Court (TST) in 2018 indicated a significant increase in the number of lawsuits related to the stability of pregnant women after the Labor Reform. The study revealed a 16.4% increase in the number of labor lawsuits filed between November 2017 and August 2018 compared to the period before the reform. This increase suggests a greater demand for job security on the part of pregnant women, who felt insecure due to the changes in legislation.

Garcia (2018, p. 77) analyzes this issue:

The legal uncertainty generated by the reform resulted in a significant increase in the number of labor lawsuits filed by pregnant women who had their job security questioned. The increase in lawsuits reveals that the application of the new legislation was not accompanied by clear guidelines, generating uncertainty for both the issues and the workers. (Garcia, 2018, p. 77)

Legal actions involving pregnant women were mostly concentrated in cases dismissal without just cause and requesting job stability. This scenario reinforces the need for stricter monitoring and mechanisms that ensure the protection of pregnant women in the workplace.

Given these analyses, it is clear that, although the Labor Reform was innovative with the aim of modernizing labor relations and making hiring more flexible, its effects on the stability of pregnant women continue to be a topic of intense discussion. The absence of specific regulations and the lack of adequate monitoring mechanisms can result in the precariousness of pregnant women's work and the weakening of their labor guarantees.

Thus, continuous monitoring of the impacts of the Labor Reform becomes essential. essential to ensure that the fundamental rights of pregnant women are preserved and that legislation fulfills its role of balancing labor relations without compromising dignity and

## 5. CONCLUSION

The stability of pregnant women in employment, one of the pillars of maternity protection in Brazilian labor law continues to be a topic of intense discussion and reassessment. Although the legislation still guarantees this stability from the confirmation of pregnancy until five months after birth, the changes introduced by the 2017 Labor Reform have had significant effects on the way this right is applied. The extension of stability to fixed-term contracts represented progress, but the possibility of consensual termination and the exclusion of protection for pregnant women who resign or are dismissed for just cause create new vulnerabilities.

Over the past few years, the post-reform scenario has declared that legal uncertainty and The lack of uniformity in the interpretation of the rules continues to be a challenge for workers, employees and the Judiciary itself. The increase in the number of labor lawsuits related to gestational stability shows that the legislative changes have not eliminated conflicts, but rather created new difficulties for the application of the guarantees provided for in the legal system. As recent studies point out, the flexibilization of labor relations can, in some cases, contribute to the precariousness of female employability, especially among women of childbearing age, reinforcing barriers in the labor market.

In this context, it becomes essential that labor legislation is periodically revised. targeted and adjusted according to social and economic needs, without compromising maternity protection and the fundamental rights of workers. Clearer regulation of the stability of pregnant women in temporary and temporary contracts, as well as the definition of objective guidelines for contract termination in these cases, could reduce uncertainties and ensure greater legal predictability for all parties involved.

Furthermore, an analysis of the recent review may bring a better understanding of How the Labor Courts interpret the stability of pregnant women after the reform. Some court decisions support maternity protection as a fundamental right, while others point to a relaxation of this right due to the new dynamics of the labor market. For example, the Superior Labor Court (TST) reaffirmed the provisional stability of pregnant women even in fixed-term contracts, while regional labor courts have ruled, in some cases, not to apply this right to temporary contracts.

Another essential point is the need to support the discussion with statistical data. updated on the impact of the Labor Reform on the stability of pregnant women. Recent studies indicate that the relaxation of labor laws may have increased the precariousness of employment relationships, contributing to the increase in unemployment among pregnant women and making it difficult for them to enter the formal labor market. Data from the Brazilian Institute of Geography and Statistics (IBGE) show a significant increase in female unemployment, reflecting a challenging scenario for pregnant workers.

Furthermore, a recent decision by the Federal Supreme Court (STF) that invalidated the

The provision of the Labor Reform that allowed pregnant and lactating women to work in unhealthy activities reinforces the need for continuous review of the legislation to ensure the protection of maternal and fetal health. The supervision shows that, even with the legislative changes, the Judiciary has played an essential role in defining the limits of labor flexibility, ensuring that maternity protection is not weakened.

Thus, the new configuration of employment stability for pregnant women after the Reform Labor law requires a critical and balanced view, which considers both the need for market flexibility and the importance of social protection. The debate on the impacts of the reform must continue to evolve, based on concrete data and monitoring of court decisions, ensuring that economic advances are not achieved at the expense of weakening the labor rights of pregnant women.

The analysis of curiosity and statistical data reveals a complex and challenging scenario. pain for the job stability of pregnant women in the post-Labor Reform context. Although some court decisions administer protection to pregnant women, others limit this right, especially in temporary contracts. At the same time, the increase in informality and unemployment reinforces the need for a continuous review of labor policies, aiming to guarantee the protection of the rights of pregnant workers and promote a more equitable and safe work environment.

## 6. REFERENCES

BRAZIL. A companion during childbirth brings more security to the mother. Ministry of Health. SUS health portal Available at: <[http://portal.saude.gov.br/portal/saude/visualizar\\_texto.cfm?idtxt=24112](http://portal.saude.gov.br/portal/saude/visualizar_texto.cfm?idtxt=24112)> Accessed on: August 8, 2022.

BRAZIL. Health Care for Pregnant Women in PHC. Ministry of Health. Conceição Hospital Group Community Health Management. Porto Alegre – RS. Our Lady of Conception Hospital. 2011. BRAZIL.

BRAZIL. Decree No. 5,296 of December 2, 2004. On priority service. Available at: <[http://www.planalto.gov.br/ccivil\\_03/\\_Ato2004-2006/2004/Decreto/D5296.htm](http://www.planalto.gov.br/ccivil_03/_Ato2004-2006/2004/Decreto/D5296.htm)>. Accessed on: August 8, 2022.

BRAZIL. Decree-Law No. 5,452 of May 1, 1943. Consolidation of Labor Laws. Available at: <[http://www.planalto.gov.br/ccivil\\_03/decreto-lei/del5452.htm](http://www.planalto.gov.br/ccivil_03/decreto-lei/del5452.htm)> Accessed on: Aug 18, 2022.

13 BRAZIL. Pregnant women will receive financial assistance for travel. Available at: <<http://portalsaude.saude.gov.br/portalsaude/noticia/4459/162/gestantes-receberao-auxilio-financieiro-para-deslocamento.html>> Accessed on: Aug 8, 2022.

BRAZIL. Law No. 10,048 of November 8, 2000. Gives priority of service to the people specified, and contains other provisions. Official Gazette of the Union, Brasília, DF, November 9, 2000. Available

at: <<http://www.planalto.gov.br/ccivil/leis/L10048.htm>>. Accessed on: August 8, 2022.

BRAZIL. Constitution of the Federative Republic of Brazil. Brasília: Federal Senate, 1988.

BRAZIL. Consolidation of Labor Laws (CLT). Decree-Law No. 5,452, of May 1, 1943. Available at: [http://www.planalto.gov.br/ccivil\\_03/decreto-lei/del5452.htm](http://www.planalto.gov.br/ccivil_03/decreto-lei/del5452.htm). Accessed at: [DA-DOS].

BRAZIL. Law No. 13,467 of July 13, 2017. Amends the Consolidation of Labor Laws (CLT), approved by Decree-Law No. 5,452 of May 1, 1943, and contains other provisions. Available at: [http://www.planalto.gov.br/ccivil\\_03/\\_ato2015-2018/2017/lei/l13467.htm](http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2017/lei/l13467.htm). Accessed on January 7, 2025.

BRAZIL. Law No. 10,048 of November 8, 2000. Gives priority of service to the people specified, and contains other provisions. Available at: <<http://www.planalto.gov.br/ccivil/leis/L10048.htm>>. Accessed on: August 8, 2022.

BRAZIL. Law No. 13,467, OF JULY 13, 2017. Amends the Consolidation of Labor Laws (CLT), approved by Decree-Law No. 5,452, of May 1, 1943, and Laws No. 6,019, of January 3, 1974, 8,036, of May 11, 1990, and 8,212, of July 24, 1991, in order to adapt the legislation to the new employment relations Available at: <[http://www.planalto.gov.br/ccivil\\_03/\\_ato2015-2018/2017/lei/l13467.htm](http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2017/lei/l13467.htm)>. Accessed on: May 29, 2023.

BRAZIL. Ordinance GM/MS No. 569/2000. Institutes the Program for Humanization in Prenatal Care and Birth, within the scope of the Unified Health System. Ministry of Health. Available at: <<http://dtr2001.saude.gov.br/sas/PORTARIAS/PORT2000/GM/GM-569.htm>>. Accessed on: August 8, 2022.

BRAZIL. Ordinance No. 1,016/1993. Approves the Basic Standards for the implementation of the “Joint Accommodation” system, contained in Annex I. Ministry of Health. Available at: <<http://pnass.datasus.gov.br/documentos/normas/40.pdf>>. Accessed on: August 8, 2022.

CALVO, Adriana. Manual of Labor Law. 6th ed. – São Paulo. Saraiva Publishing House. 2022

CONSTITUTION OF THE FEDERATIVE REPUBLIC OF BRAZIL. Constitution (1988). Available at: <[http://www.planalto.gov.br/ccivil\\_03/Constituicao/Constituicao.htm](http://www.planalto.gov.br/ccivil_03/Constituicao/Constituicao.htm)>. Accessed on: August 8, 2022.

DIEESE. The impact of labor reform on the employment stability of pregnant women. São Paulo: DIEESE, 2018. Available at: <<http://www.dieese.org.br/pesquisa/NotaTecnicaReformaTrabalhistaGestantes.pdf>> Accessed on: May 2, 2023.

PERSEU ABRAMO FOUNDATION. Women and Labor Reform. São Paulo: Perseu Abramo Foundation.

Mr. Abramo, 2019. Available at: <[http://fpabramo.org.br/sites/default/files/pesquisas/os\\_melhores\\_do\\_mundo\\_-\\_as\\_mulheres\\_e\\_a\\_reforma\\_trabalhista\\_-\\_pesquisa\\_fpa.pdf](http://fpabramo.org.br/sites/default/files/pesquisas/os_melhores_do_mundo_-_as_mulheres_e_a_reforma_trabalhista_-_pesquisa_fpa.pdf)>. Accessed on: May 2, 2023.

GARCIA, Maria. Impacts of the Labor Reform on the Protection of Maternity and Childhood. Journal of the Regional Labor Court of the 1st Region, Rio de Janeiro, v. 19, n. 42, p. 77-93, Dec. 2018. Available at: <<https://bibliotecadigital.trt1.jus.br/xmlui/bitstream/handle/1001/98025/Im->

pacts\_of\_Labor\_Reform\_in\_the\_Protection\_of\_Maternity\_and\_Childhood.pdf?

sequence=1&isAllowed=y>. Accessed on: May 2, 2023.

MARTINEZ, Luciano. Labor Law Course: Individual, Union and Collective Labor Relations 10th ed. – São Paulo: Saraiva Educação, 2019.

MARTINS, João. Labor Reform and the Stability of Pregnant Women. Labor Journal, São Paulo, v. 20, n. 1, p. 45-58, Jan./Feb. 2019.

MARTINS, Sergio Pinto. Labor Law 39th ed. São Paulo. Saraiva Publishing House, 2023

Superior Labor Court (TST). (2018). Labor Court - TST records an increase in the number of lawsuits related to pregnant women after the labor reform. available at: <[https://www.tst.jus.br/web/guest/noticias/-/asset\\_publisher/89Dk/content/tst-registra-aumento-no-numero-de-aco-es-relacionadas-a-gestante-apos-a-reforma-trabalhista/18319](https://www.tst.jus.br/web/guest/noticias/-/asset_publisher/89Dk/content/tst-registra-aumento-no-numero-de-aco-es-relacionadas-a-gestante-apos-a-reforma-trabalhista/18319)> Accessed on May 2, 2023

LEMONS, MB Labor reform in Brazil from the perspective of economic analysis of law. SciE-LO Books, 2021. Available at: <https://books.scielo.org/id/tzshb/pdf/lemons-9786556305035-12.pdf>. Accessed on February 7, 2025

SILVA, AR The contradictory movements of labor regulation in the 2000s. Cadernos de Ciência & Saúde Coletiva, v. 89, 2019. Available at: <https://ve.scielo.org/pdf/cdc/v32n89/art04.pdf> Accessed on February 7, 2025

SANTOS, MC Maternity protection and labor reform: advances or setbacks?. Labor Law Journal, v. 2

OLIVEIRA, PT The stability of pregnant women after labor reform: a critical analysis. Law Journal of the University of X, v. 1,.

FERREIRA, LM Impacts of labor reform on maternity protection. Cadernos de Direito Social, v. 3,.

SUPERIOR LABOR COURT (TST). Summary nº 244 - Stability of Pregnant Women. Available at: <https://jurisprudencia-backend2.tst.jus.br/rest/documentos/185b9e5e1bf4872ebe-712997c69b79ba>. Accessed on: February 7, 2025.

REGIONAL LABOR COURT OF THE 3RD REGION (TRT-3). The Labor Court ruled out the stability of the pregnant woman admitted under a temporary employment contract. Available at: <https://portal.trt3.jus.br/internet/conheca-o-trt/comunicacao/noticias-juridicas/justica-do-trabalho-discards-stability-for-pregnant-woman-admitted-by-temporary-employment-contract>. Accessed on: 07 Feb 2025.

15

FEDERAL SUPREME COURT (STF). Employer's lack of knowledge of pregnancy does not exclude the right to provisional stability. Available at: <https://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=504086&ori=1>. Accessed on: February 7, 2025.

FEDERAL SUPREME COURT (STF). STF invalidates Labor Reform rule that allowed



work of pregnant and lactating women in unhealthy activities. Available at: <https://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=503809&ori=1> . Accessed on: February 7, 2025 .

BRAZILIAN INSTITUTE OF GEOGRAPHY AND STATISTICS (IBGE). Unemployment rate in Brazil and impacts of labor reform. Available at: <https://www.ibge.gov.br> . Accessed on: February 7, 2025 .

INTER-UNION DEPARTMENT OF STATISTICS AND SOCIOECONOMIC STUDIES (DIEE-SE). Effects of the Labor Reform on the Brazilian Labor Market. Available at: <http://www.dieese.org.br> . Accessed on: February 7, 2025 .

PERSEU ABRAMO FOUNDATION. Women and the Labor Reform: impacts on job stability. Available at: <http://fpabramo.org.br> . Accessed on: February 7, 2025 .