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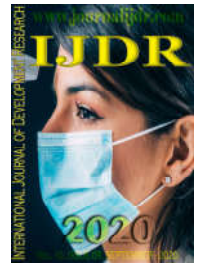
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RESEARCH ARTICLE

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PSYCHIC VIOLENCE AGAINST WOMEN IN THE WORK ENVIRONMENT

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ABSTRACT

The aim of this research is to analyze data collected in concrete situations, in relation to the different types of harassment suffered by Brazilian women within the work environment, as well as to analyze the historical evolution of the women role in the workplace and how the legislation and jurisprudence followed these advances. It also intends to demonstrate the invisibility of many women and the fundamental and personality rights harmed in this area, mainly after the Labor Reform. It is proposed, therefore, to analyze the role of women in the face of Labor Law, starting from comparative analyzes and historical methodology, in addition to studies of census data, which make it possible to substantiate the facts more clearly. The results found corroborate the premises established here.

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INTRODUCTION

Until the 1970s, women in Brazil played an invisible role, living in a society where gender inequality was not questioned. Regarding working conditions, the female figure had no rights because she was considered incapable, regardless of color or social class. After de 1970's such issues began to be debated through periodicals, which discussed the participation of women in class struggles and in political and union organization. However, even today, these problems persist making the figure of women invisible in the workplace and in the employee and employer relationship, such as moral and sexual harassment, in addition to the lack of equal payment for the same functions, a right that is ensured by CLT (Consolidation of Labor Laws) in Brazil. Considering that these problems still exist, mainly after the Labor Reform (Law 13.467/2017), this research was born with the aim of deepening the questions on this theme, from harassment to (no) visibility of women in professions considered to be male. Through bibliographic references such as Barreto (2003), Garbi (2017), Davis (2017), Silva (2020), among many others, in addition to analyzes of census data, such as the IBGE (Brazilian Institute of Geography and Statistics), it was possible to debate about the role of the female figure in the work environment. It is possible also to conclude that many of them have already suffered and still suffer from harassment in

this context, in addition to the discrimination in face of the gender factor being still very present in labor relations, which prevents many women from succeeding in their careers. In this way, it is expected to lead society to reflect and analyze the condition of Brazilian women within the Labor Law, observing the existing legislation and jurisprudence.

The review

This review is a theoretical research, in which data already collected by bibliographical references were analyzed. A statistical comparison and historical analyzes were carried out. The method used was inductive, with the main themes established, like: the moral harassment and the violence in everyday life (HIRIGOYEN, 2001), the conceptualization of the moral harassment suffered in the workplace (SILVA,). In addition, it is necessary to comprehend the women workers in the contemporary capitalism (GARBI, in: GARBI e BRISOLA, 2017), the question about the women, culture and politics (DAVIS, 2017) which allowed us to analyze the historical evolution of the feminist movement and its contribution for the labor rights that have been achieved by women over the decades. Census data were also consulted, through research carried out by IBGE (Brazilian Institute of Geography and Statistics), in addition to the analysis of the legislation after the Labor Reform (Law 13.467 / 2017) and jurisprudential data. Thus it was possible to conclude that, even

with countless advances and achievements by women in the sphere of the labor legislation, women are still considered to be inferior and less capable. Regarding the violence suffered in the work environment, it was observed that women constitute the majority of victims when it comes to sexual harassment, according to Nilton da Silva Correia, president of the National Social Rights Commission of OAB (Organization of Brazilian Lawyers) [NEVES, 2019]. It was possible also to observe that within the concept of moral harassment and sexual harassment there are different species and classifications. Moral harassment, according to Hirigoyen (2001), is defined as any abusive conduct (gesture, word, behavior, attitude) that attempts, through its repetition or systematization, against a person's psychological or physical dignity or integrity, threatening employment or degrading the work environments. In its classification, it is divided into three modalities: vertical moral harassment, horizontal moral harassment and mixed moral harassment. (HIRIGOYEN, 2001, 2002 – see Figures 1 and 2).

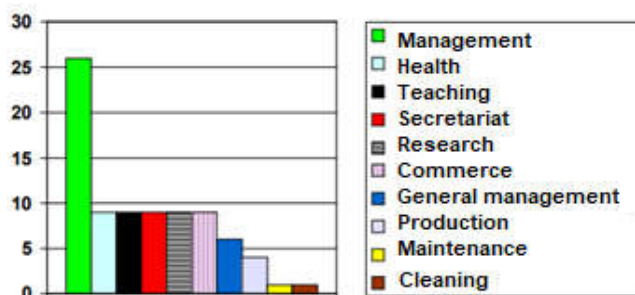


Fig. 1. Harassed by employment area (HIRIGOYEN, 2002, p. 123-124)

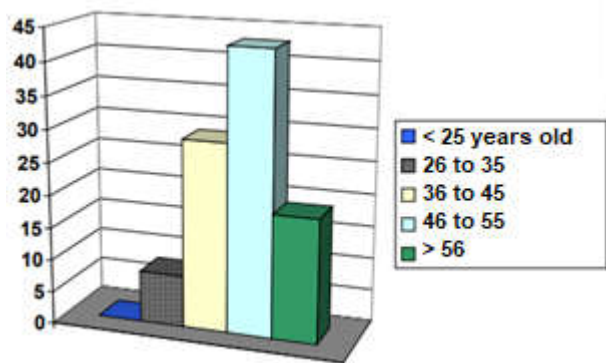


Fig. 2. Harassed by age group (HIRIGOYEN, 2002, p. 95)

Regarding sexual harassment, the International Labor Organization (ILO) defines it as acts, insinuations, forced physical contacts, impertinent invitations, and must have the following characteristics: be a clear condition for maintaining employment; influence the career promotions of the harassed person; impair professional performance, humiliate, insult or intimidate the victim; threaten and make victims give in for fear of reporting abuse; and offer of growth of various types or offer that disadvantages victims in academic and labor environments (fig.3). Sexual harassment is divided into two types, according to the author Alice Monteiro Barros: blackmail or intimidation. (BARROS, 1998). In relation to the historical evolution of women within Labor Law and the labor environment, an analysis is carried out from the 1970s to the present day, and it was from the military dictatorship (1964-1985) that the female function began to be seen differently, when women began to participate in armed struggle, a function, until then, designated only for the male figure,

tracing the path to emancipation. (GARBI e BRISOLA, 2017; SARTI, 2014). Throughout these decades, many rights were acquired, and in 1985 the Ministry of Justice of the National Council for the Rights of Women was created, which dealt with various issues related to women at work and discrimination, where more than a thousand workers signed the Charter. of Women to the Constituent Assembly. (ANDREUCCI, 2012; GARBI e BRISOLA, 2017). The Federal Constitution of 1988 also addressed in its text issues related to women's rights, in its article 7, protecting the labor market of the female figure and treating it as a matter of public order, as well as prohibiting discrimination in all forms in this sense. However, even in the face of many advances, we still face setbacks and the invisibility of women within this environment. The Labor Reform (Law n° 13.467 / 2017) appeared attacking rights already acquired by the female struggle: an example is art. 394-a, which started to provide for the possibility of pregnant women working in unsanitary conditions of a minimum or medium degree, presenting the health certificate of a doctor they trust who authorizes such circumstance. The new rule, for violating constitutional precepts, was overturned by the STF on May 29, 2019. The Reform also added to art. 223-g, which determined in its paragraph 1 and respective items that the moral damages claimed by the employees must be proportional to the salary received by each one, which directly affects the female sex, since women have a much lower salary than the men in all occupations (difference of 20.5%), according to a survey conducted by IBGE in 2018. Consequently, the compensation received by them would be much lower, which gives the idea that the constraints suffered by women are less important than those faced by males.



Fig. 3. Sexual harassment in Brazil (LIBÓRIO apud BRASIL, 2019)

Census data collected by IBGE through the National Continuous Household Sample Survey (PNAD), conducted in 2016 and released in 2017, were also analyzed, showing that inequality among black people is extremely higher than among white people, this level being even higher among black women. This discrepancy reflects directly on the job market, with 39.8% being the index of black women who make up the group subjected to precarious working conditions; 31.8% of black men; white women, 26.9%; and, finally, white men, 20.6%. These data demonstrate that we are still far from racial equity in the workplace, especially for women.

Conclusions

This research allowed us to conclude that, despite many advances in labor legislation, women continue to be invisible

in the workplace. This discrepancy can be observed in the harassment suffered, where the majority of the victims are women, as well as in the non-equalization of wages for the same positions and functions in relation to the male figure and, still, the absence of racial equivalence, mainly for the black woman. The Labor Reform also showed several setbacks in relation to the women's struggle for equal rights within the labor environment, making us conclude that we are still far from being able to celebrate equality between women and men in this area.

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