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Collective bargaining for non-tenure track faculty: an analysis of the Brazilian model

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Brazilian model of collective bargaining for adjunct faculty in private sector negotiations

Objective:

The paper reflects on the consequences of the Brazilian model of collective bargaining in dealing with the dichotomy research/teaching

Corporatist trade union structure

- One legally recognized trade union;
- Representation by category of employees and employers' of a specific economic sector;
- Workers and employers (members or not) are covered by the collective agreements;
- Mandatory trade unions dues.

Higher Education Picture

Types of Institutions	#	PRIVATE INSTITUTIONS		# OF STUDENTS	IN PRIVATE INSTITUTIONS		# OF PROFESSORS	IN PRIVATE INSTITUTIONS	
		#	%		#	%		#	%
UNIVERSITY	193	85	44.04%	3,812.491	2,175.002	57.05%	203,295	67,500	33.20%
COLLEGE	139	129	92.81%	1,085.576	1,063.704	97.99%	38,357	36,478	95.10%
FACULTY	2,044	1,898	92.86%	2,027.982	1,901.606	93.77%	123,753	114,587	92.59%
TECHNICAL SCHOOL	40	-	-	111.639	-	-	13,534	-	-
TOTAL	2,416	2,112	87.42%	7,037.688	5,140.312	73.04%	378,939	218,565	57.68%

Universities

- According to the LDB, universities must offer teaching, research and university extension.
- Universities must meet minimum requirements:
1/3 of the faculty of PhD.s; 1/3 of full-time professors; and develop 4 graduate programs (Masters and / or PhD -at least one a Ph.D program).

The State as the main regulator

- Higher education is a public service.
- Private institutions need the Federal Government authorization to exist and must comply with their rules.
- Educational Guidelines and Bases Law- LDB, Law No. 9394 of 1996.
- Ministry of Education and Culture (MEC)

MEC's institutional evaluation

Management policies have an important role, which correspond to 20% of the grade given to a university, considering:

- Professors' types of contracts;
- Professors' educational qualification
- Professors' career plan;

Professors' types of contracts

There are 3 types:

- full-time professor (no tenure);
- part-time professor;
- adjunct faculty (*horista*).

MEC's institutional evaluation

- University indicators are better the more full-time professors it hires
- In all cases, professors are employees (Labour Code) of the University and are part of a career plan.
- The LDB also establishes a rule on professors' dismissal, which universities do not comply with.

Professors' career plans

- Traditional structure:
 - I) Adjunct Professor;
 - II) Assistant Professor;
 - III) Associate Professor; and
 - IV) Full-Time professor.

Criteria for promotion: merit and seniority

They all have the same employment status.



Brazil is a country of continental dimensions, with 8,515,767,049 km² (47% of the South America), with a population of approximately 202 million inhabitants, distributed among 27 states.

Picture of Collective bargaining

- Adjunct faculties are represented by the same trade union as Assistants, Associates and Full-Time Professors, and covered by the same CA.
- 7 states from all Brazilian regions;
- 19 usual collective bargaining items usually negotiated.

Items negotiated	São Paulo (Capital)	Rio de Janeiro (capital)	Rio Grande do Sul	Brasília - DF	Bahia	Ceará	Pará
Extra activity hour	YES, 5%	NO	NO	YES, 2,1%.	NO	NO	YES, 1 hour/month per course.
Participation on the Institution's profits and results	YES 24% of the wage/paid once a year	YES 8% of the wage/paid once a year	NO	YES 10% of the wage/paid once a year	NO	NO	YES (being negotiated)
Years of Employment Premium	NO	YES 3% every 3 years	YES 3% every 4 years	NO	NO	NO	YES 1% every 3 years
Title Premium – masters degree	NO	YES 5%	YES 10%.	NO	NO	NO	NO
Title Premium – Ph.D	NO	YES 10%.	YES 15%.	NO	NO	NO	NO

Additional to Social Security benefits	NO	YES until a 180 days	NO	NO	NO	NO	NO
Grant/undergrad courses/professor	YES Full grant	YES From 50% to 100%, according to the professor's hours of work	NO	NO	YES the grant varies	YES 50%.	YES Full grant
Grant/Graduate courses (master & Ph.D)/professor	YES Full grant, limitade to 30% of the course	NO	YES 50%.	YES 50%	YES the grant varies	YES 50%.	YES One Full grant for course
Grant/undergrad courses/professors' dependents	YES Full grant	YES 50% to 100%, according to the professor's hours of work	YES 20% to 80%, according to the professor's hours of work	YES Up to 80%, according to the professor's hours of work	YES the grant varies	YES 50%.	YES Full grant
Private Health Care Insurance/	YES 90% paid		YES 50% paid by the				

Private Health Care Insurance/ professors & dependents	YES 90% paid by the Institution	NO	YES 50% paid by the Institution	NO	NO	NO	NO
Daycare additional – beyond 6 months old	NO	NO	YES up to 4 years old	NO	NO	NO	NO
Wage guarantee/semester	YES	YES	NO	YES	NO	NO	NO
Professors’ career plan	NO	YES	NO	YES	NO	NO	YES
Extension of pregnancy stability	YES More 60 days	YES More 150 days	YES More 90 days	YES More 60 days	NO	NO	YES More 30 days

Stability pre-retirement	YES 2 years	YES 2 years	YES 3 years	NO	NO	YES 1 years	YES 1,5 years
Limits to hours of work reduction for adjunct faculty	YES	NO	YES	YES	NO	YES	YES
No-paid sabbatical	YES	NO	YES	NO	NO	YES	YES
Private Retirement plan	NO	NO	NO	NO	NO	NO	NO
Professional Minimum Wage	NO	YES	NO	YES	NO	NO	YES

Brazilian model of collective bargaining and the higher educational system

Despite MEC's requirements, most higher education institutions hire mostly part-time and adjunct faculty.

Year	Master degree	PhD	Full-time
2005	40,16%	12,33%	16,57%
2012	45,42%	17,79	24,19%

The dichotomy research/teaching

- Private higher education institutions tend to focus on teaching more than on research (lack of tradition on research, less costs & attracts more students).
- Even though MEC's evaluation imposes minimum standards to universities concerning research and full-time professors, these rules are still mostly perceived as bureaucratic demands.
- There is still no consolidate channel through which research brings prestige and resources.

The dichotomy research/teaching

- The equal treatment (through law & collective bargaining) among full-time, part-time and adjunct faculty guarantees a more isonomic working environment.
- But it also reveals the institutions' option to base its activities on the work of adjunct faculty.