

Resilience in Times of Need: Educational and Social Measures Adopted by the Regional Labour Court of Goiás During the Pandemic

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Abstract

Quarantine, lockdown, social distancing and facemask policies are measures that have been taken worldwide to reduce COVID-19 transmission. In Brazil, while the Executive administration has downplayed the threat of coronavirus infection, the response of Judiciary to COVID-19 crisis occurred immediately after the confirmation of the first cases. Different courts implemented a set of institutional arrangements to mitigate the impact of the pandemic within Brazilian society. By ensuring the constitutional right to health and social protection, one of the crucial decisions of the Brazilian Judiciary was also to interfere with the government's anti-scientific stance on vaccines. Apart from this essential role mostly played by higher courts, the Regional Labour Court of Goiás (TRT-18), located in Central Brazil, has also specifically invested in social solidarity actions towards local communities (i.e., expanding the scope of pre-procedural mediation for conflicts between employees and employers, allocating millions of pounds for COVID-19 care and distributing basic-needs grocery packages to unprivileged families). In addition, TRT-18 has developed educational initiatives, via remote learning, by offering training in health care and teleworking. My paper presents these actions to the international audience evincing the 'additional gains' achieved by this specialised court as part of its policies aimed at fostering institutional resilience in a context of health emergency. From this perspective, I examine the judicial activism these actions represent not as a practice by judges of disallowing policy choices by governmental officials, but as a substantial support measure to overcome social inequalities and attenuate structural problems intensified by the pandemic.

Keywords: Institutional Resilience, Judicial Activism, Brazilian Judiciary, Regional Labour Court of Goiás (TRT-18), Covid-19 Pandemic

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Introduction

In late December 2019, a highly contagious infectious disease emerged from Wuhan, China, resulting in the outbreak of a febrile respiratory syndrome caused by a new unidentified virus. Very rapidly,¹ that mysterious pneumonia characterized by fever, dry cough and fatigue would spread to all continents compelling the World Health Organisation (WHO) to declare it a global pandemic. As one of coronavirus-associated diseases, SARS-CoV-2 (the causative agent for COVID-19)² became a public health emergency of international concern especially due to its increased risk transmission and developing complications.³

As the COVID-19 disease continued to be disseminated at record speed, governmental authorities began to take a wide range of measures in response to the new pandemic context. Social-distancing strategies were the primary non-pharmaceutical sanitary policies adopted by several government worldwide to minimise human-to-human transmission; it would shortly become evident that political leadership would play a key role in handling the coronavirus crisis.

In Brazil, the largest country of Latin America and the fifth largest in the world, the federal government's denial of science and, consequently, of the seriousness of the pandemic led to a blatant failure to coordinate, promote and finance internationally sanctioned public health measures (Ferigato et al., 2020). Apart from Brazil's longstanding poor management of the public health care system⁴ and disparities between public and private health care infrastructure, the country's president opted out of actions recommended by experts with scientific credentials; instead, he promoted knowingly inefficient medications for COVID-19 treatment (hydroxychloroquine and ivermectin), spread fake news about the pandemic and, among others, continuously delayed/hindered a nationwide vaccination plan (Boschiero, 2021).⁵ As comparatively demonstrated in Figures 1 and 2, the ideologically-based stance of federal government in the direction of blocking needed actions contributed to transform the country very quickly into a major repository for SARS-CoV-2 and its variants.

¹ Less than two months later, on 11 March 2020.

² A viral infection caused by the new coronavirus strain Severe Acute Respiratory Syndrome (SARS)-Coronavirus-2 (Boschiero et al., 2021).

³ In early February 2020, a total of 28,276 confirmed cases with 565 deaths were documented by the World Health Organisation, involving at least 25 countries (WHO, 2019).

⁴ Sistema Único de Saúde (SUS). Brazil's public health system is the largest in the world and provides universal coverage without any cost to patients being accessible nationwide and providing community-based primary health care to more than 70% of the population (Ferigato et al., 2020).

⁵ President Jair Bolsonaro repeatedly criticised social-isolation measures and falsely claimed that social-distancing measures would not work (Ferrante et al., 2021; Neiva et al., 2020). For instance, he frequently had contact with the public without using a mask and encouraged his followers to do the same.

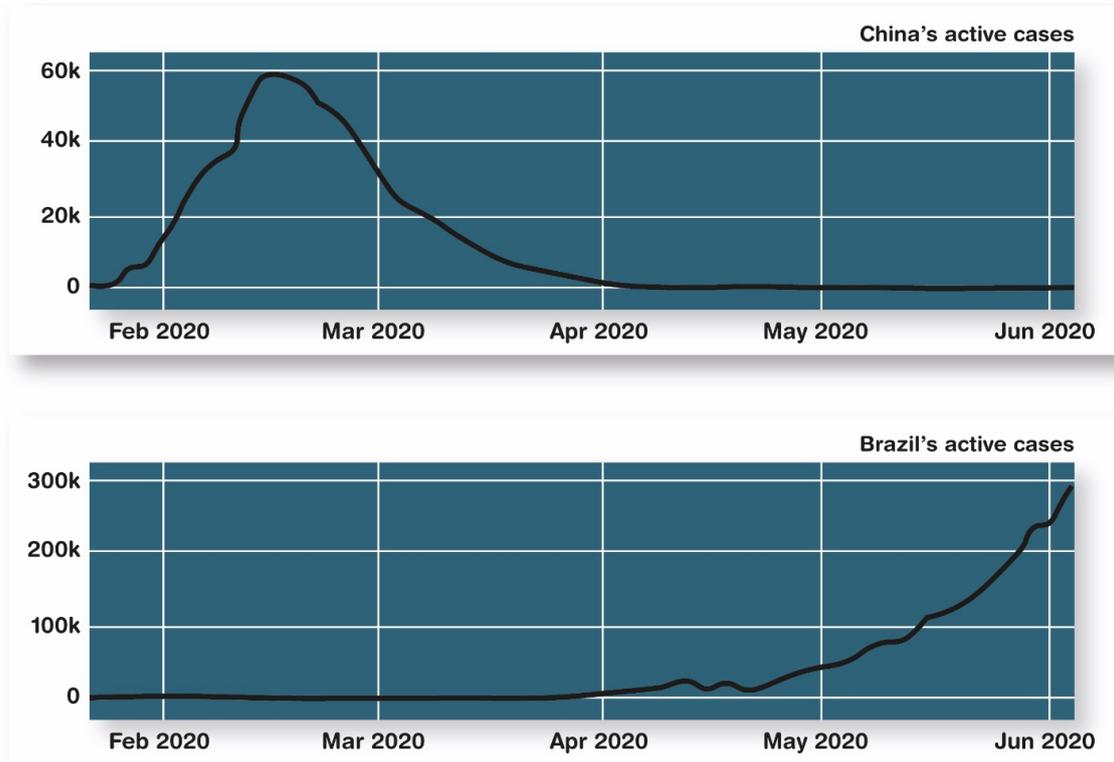


Figure 1: Comparison between China and Brazil in the fight against COVID-19. Adapted from Neiva et al. (2020)

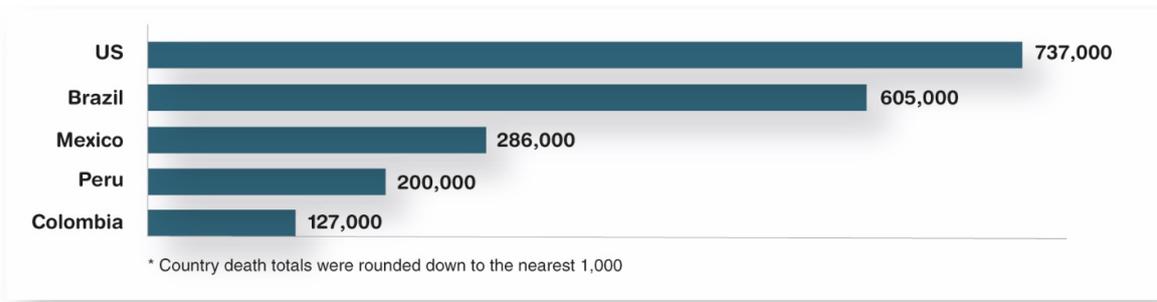


Figure 2: Some American countries' recorded deaths from January 2020 to October 2021. Adapted from Johns Hopkins University and available at Gov.uk.

In that context of political instability due to the negative effects of governmental decisions, the Brazilian Judiciary started to intervene by adopting a series of measures that aimed not only the maintenance of judicial services but also the constitutional right to health and social protection. Judicial oversight in Brazil was firstly a matter of checking whether governmental decisions were based on medical and virologist evidence in the context of COVID-19 pandemic. But furthermore, even beyond its role to operationalise justice and safeguard the rights upon which democracy is predicated, the Brazilian justice system mobilised to minimise the impact of the pandemic on both internal and external audiences (Sátiro et al., 2021).

In light of this, my study contributes to a growing intellectual endeavour to understand how courts in Brazil have responded to the pandemic and how effective these responses have

been. The paper therefore concentrates on a regional experience providing evidence for my thesis that the Regional Labour Court of Goiás (TRT-18), besides having acted within the scope of its judicial competence, also offered substantial support measures for the State to overcome social inequalities and attenuate structural problems intensified by the pandemic.

On this basis, the paper starts off by briefly presenting an overview of the judicial system in Brazil to then particularise the crucial role of the Regional Labour Courts in maintaining effective social protection by regulating employment relations and establishing case prioritisation principles during the pandemic. From a stricter approach, I review four major dimensions (organisational, physical, technological and procedural) encompassed in the Brazilian courts' initiatives within the recent context of health emergency. In conjunction with this, I particularly expand on two additional dimensions (social and educational) the Regional Labour Court of Goiás excelled at during the pandemic. Finally, I argue whether the social and educational practices adopted by this specialised court in Brazil should be an evidence of judicial activism since these interventions, conducted to guarantee fundamental rights, ended up urging a judicial solution erstwhile subject to political resolution (Anderson, 1990).

The organisation and management of the Brazilian Judiciary

In accordance with the doctrine of separation of powers, the government is divided into three organs: the Executive, the Legislative and the Judiciary. The model of governance of the judicial system in Brazil is based on the Judiciary's responsibility to protect individual, collective and social rights. Guided by the principle of celerity and efficiency, it possesses administrative and financial autonomy directly determined by the 1988 Federal Constitution.

In terms of structure, the Brazilian Judiciary operates on federal and state levels.⁶ As a multifaceted system, it is organised into the Legal Justice System, comprising federal and state courts, and the Specialised Justice System, which consists of the Labour Justice System, the Electoral Justice System, and the Union Military Justice System. Article 92 of the Federal Constitution lists the components of the Brazilian Judiciary as follows:

- The Federal Supreme Court (STF);
- The National Council of Justice (CNJ);⁷
- Superior Courts, including the Superior Court of Justice (STJ); the Superior Labour Court (TST), the Superior Electoral Court and the Superior Military Court (STM);
- Regional Courts, including the Federal Regional Courts (TRFs) and Federal Judges; the Regional Labour Courts (TRTs) and Labour Judges; the Regional Electoral Courts (TREs) and Electoral Judges;
- The Courts and Judges of the States and of the Federal District and Territories.

Chart 1 systematises more clearly how it is organised. At the apex, the Federal Supreme Court (STF) is the guardian of the Brazilian Constitution.⁸ The Special Justice is represented

⁶ Municipalities do not have their own justice system.

⁷ Implemented on December 8, 2004, the Constitutional Amendment 45 created the CNJ as a control body of the Judiciary responsible for supervising the administrative and financial performance of the courts. Composed of representatives of the Judiciary, the public ministry, lawyers and civil society, it has the purpose of ensuring the autonomy of the Judiciary in line with the constitutional principles of public administration (Sátiro et al., 2021).

by superior courts and their respective regional courts with each of them being responsible for their respective specialised matters.

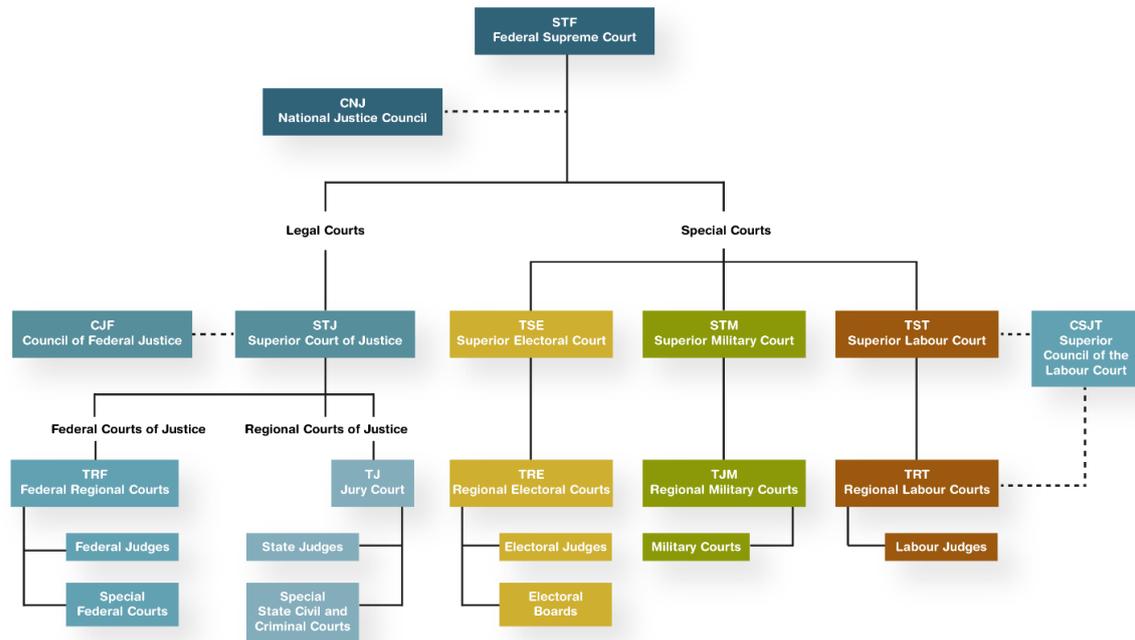


Chart 1: The Brazilian Justice System. Extracted from Fernandes and Ouverney, 2022.

Succinctly, besides the common justice system, there are specific judicial structures to deal with issues related to the electoral, labour and military fields. This division in specialisations aims to improve the law enforcement and the adjudication of cases addressed to each branch, contributing to speed up lawsuits and to reconcile them with a correspondent legal principle.

The Labour Courts in Brazil

As part of a system to initially regulate industrial relations, the Brazilian Labour Courts⁹ were created in 1939 in a moment when the body of labour legislation was being systematised by president Getúlio Vargas, who would shortly promulgate the Consolidation of Labour Law (CLT), in 1943.¹⁰ The CLT established a constituent labour court structure rooted in the so-called Conciliation and Trial Boards (labour forums), where workers' demands were formerly received, validated and processed. It was, however, almost 40 years later that these courts

⁸ It has exclusive jurisdiction to declare laws unconstitutional, order extradition requests from foreign States and rule over cases decided in sole instance courts where the decision may have violated the Constitution (STF, 2022).

⁹ One of the most long-lasting specialised justice in Brazil, the Labour Judiciary is composed of 24 courts divided into jurisdictions: (1) Rio de Janeiro; (2) São Paulo; (3) Minas Gerais; (4) Rio Grande do Sul; (5) Bahia; (6) Pernambuco; (7) Ceará; (8) Pará and Amapá; (9) Paraná; (10) Federal District and Tocantins; (11) Roraima and Amazonas; (12) Santa Catarina; (13) Paraíba; (14) Acre and Rondônia; (15) Campinas; (16) Maranhão; (17) Espírito Santo; (18) Goiás; (19) Alagoas; (20) Sergipe; (21) Rio Grande do Norte; (22) Piauí; (23) Mato Grosso; (24) Mato Grosso do Sul.

¹⁰ At that time, existing labour laws were extended and new labour regulations unified into a single document — the CLT. It organized the Brazilian system of labour relations around the idea of a formal job, under a legally valid employment relationship that endowed employers and employees with rights and duties, including social insurance, low-income housing, among other government initiatives (Coslovsky et al., 2017).

achieved national notoriety with the 1988 Federal Constitution, which significantly extended their power.

In the context of an international repertory of congeneric experiences, such as observed in the Italian and French judicial system, the labour courts are specialised in employment-related issues and recognised as being the most expeditious justice in Brazil.¹¹ In summary, they are comprised of:

- Lower Labour Courts, or courts in the first-degree, where a judicial process begins and a judge sitting alone decides the outcome of the case if conciliation is unsuccessful;
- Regional Labour Courts, or courts in the second-degree, where magistrates judge some new applications (e.g., injunctions and collective labour bargaining processes) or receive appeals against decisions of the courts in the first-degree; and
- The Superior Labour Court, or the court of final appeal, where ruling of the courts in the second-degree is referred to.

Especially across the less-developed world, minimum wage rates, social security, occupational health and safety regulations are issues mandatory to be enacted by public administration. These regulations are usually *de jure* universal and inalienable, and they aim to suppress basic labour rights violations. Considering the essential nature of remuneration, when labour rights are infringed, workers must be adequately compensated; the appropriate way for them to do that is to take legal action through labour courts.¹²

The role of the Brazilian Courts during the COVID-19 pandemic

Owing to the outbreak of the coronavirus pandemic, the Brazilian Judiciary was abruptly faced with the need to adapt to the safety guidelines pronounced by the World Health Organisation, in special social distancing, lockdown and facemask protocols. Initially, judges, servants, lawyers and other members of the Brazilian Judiciary had to rethink how to operationalise justice in order to keep it minimally accessible to all citizens.

As a preliminary measure, the justice system adopted a set of procedures for prevention, control and surveillance of infection by COVID-19 in all courts for this main purpose of maintaining the availability and continuity of services. As in most countries (Propelier, 2020; Baldwin et al., 2020; Polischuk and Fay, 2020; Sourdin and Zeleznikow, 2020; Almeida and Pinto, 2020), these prior procedures included: identifying essential functions to be performed and defining the respective staff to continue essential court operations; eliminating, as much as possible, in-person practices, except for those strictly related to essential services; operationalising an emergency video-conferencing platform as well as other remote tools for holding hearings and trial sessions over the period of social isolation; broadening the scope of alternative dispute resolution mechanisms during the pandemic, and so forth.

¹¹ As an average, lawsuits take three years to be closed; the length depends on the complexity of the case and whether it is taken to the Superior Labour Court.

¹² According to Campos (2019), no less than 73.7% of decisions issued by labour courts involve credit claims, in most of which (46.5%) the litigation refers to respondents (generally, the companies) not complying spontaneously with the payment order. It is important to notice that monetary costs involved in taking disputes to the Brazilian Labour Courts are different for employees and employers (low or no cost for the former and higher cost for the latter). This difference is basically associated with the employees' protection principle, under which workers are considered to be a less privileged party (or in a relatively vulnerable position) in a formal employment relation; employers, on the other hand, hold the economic power of profitability.

Furthermore, an extensive list of norms was issued by the National Justice Council (CNJ) and all Superior Courts to determine and regulate case prioritisation. Fernandes and Ouverney (2022) have recently analysed, by type and categorisation, priority rulings of the Federal Supreme Court (STF) from the first Brazilian registered case,¹³ as systematised in Table 1.

STF collegiate decisions during the pandemic		
Type	Category concept	Number
Policies and health services	Directly related to actions, programs and, especially, public policies and health services	9
Regulation and territorial management	Includes administrative actions and measures, norms, decrees, or laws incident to the organization of services and federative relationships in the public administration spheres	9
Employment and income	Linked to actions, programs, or policies aimed at generating employment and guaranteeing income	9
Public Finance	Concerns administrative actions and measures, rules, decrees, or laws with a direct impact on investment accounts and financial expenses of the public administration spheres	3
Others	Decisions that do not fit into the previous categories because they have different natures or specificities	3

Table 1: STF decisions during the pandemic by type.
Adapted from Fernandes and Ouverney (2022).

Beyond that, as the federal government was not only slow to react but deliberately inattentive to the seriousness of the pandemic,¹⁴ the Federal Supreme Court decided that state governors could restrict economic activities and adopt other social-distancing measures to combat COVID-19, irrespective of president Jair Bolsonaro's inept handling of the coronavirus crisis (STF, 2020).¹⁵

Regarding the context in which effective labour protection urged to be enforced, the government, exercising its extraordinary legislative power during the first state of emergency, was compelled by both the Senate and the Federal Supreme Court to adopt some critical amendments by introducing special provisions with the aim of helping companies preserve jobs so that employees could be prevented from precarious living conditions. These provisions included (but were not limited to):

¹³ The first reported case in Brazil was on February 26, 2020, and the first reported death was on March 12, 2020.

¹⁴ There are numerous examples of declarations made by president Jair Bolsonaro in which he openly downplayed the pandemic, such as referring to it as 'little flu', publicly discrediting epidemiological findings, expressing disbelief over reported COVID-19 deaths, promoting untested pseudo-scientific treatments and, among others, dissenting from the stay-at-home orders proclaimed by the Minister for Health Henrique Mandetta, who would be rapidly replaced by another minister, and this one by another, until the president could find a leader, Eduardo Pazuello, from the military forces, as sceptical about the pandemic as he had been in order to justify limited government intervention.

¹⁵ The range of autonomy for local government was adjudged by STF with its ruling on Direct Unconstitutionality Suit No. 6341/2020, which reinforced the role of local public administrators in the adoption of legislative measures and administrative rules to fight COVID-19.

- the adoption of teleworking modalities, which in practical terms meant that the employer could unilaterally order teleworking for the employee;
- the reduction of working hours and wages; and
- the implementation of an Emergency Aid of 102 GBP (600 BRL) per month for five months to informal workers, individual micro entrepreneurs, self-employed and unemployed people;

These basic provisions resumed a minimum protection in core aspects of employment-related agreements, albeit with a limited scope. Considering the fact that courts play an important role to keep the government accountable, especially when drastic measures are issued, with most rules ensuring ‘emergency flexibility’ new aspects and types of workplace conflicts came out in Brazil; the rich existing case law had then to be subject to a careful assessment of all the individual circumstances of the cases as they arose, including *vis maior* — *force majeure* — clauses (Halmos, 2021).¹⁶ Labour Courts in every jurisdiction had to adopt methods for interpreting the pandemic-based provisions being especially attentive to the negative economic conditions that led many companies to be unwilling to perform their contractual obligations.¹⁷

The responses of the Regional Labour Court of Goiás to the COVID-19 pandemic: social and educational measures to ensure institutional resilience

In general, the unprecedented endeavour of the Brazilian Labour Courts to prevent and control COVID-19 was divided into four major dimensions: physical, organisational, technological and procedural.

(1) The *physical dimension* encompassed either the reorganisation of workspaces or the availability of personal protective equipment (PPE) to ensure adequate healthy, safe and working conditions for magistrates, servants, lawyers, other professionals and the parties.

(2) The *organisational dimension* constituted a series of administrative rules and institutional ordinances implemented to both prevent the internal spread of coronavirus infection and safeguard the functioning of justice; these normative acts included the limitation of face-to-face contact with the public and the adoption of teleworking regime.

¹⁶ *Force Majeure* is a common clause in a construction contract drafted to protect the parties from liabilities if these parties are prevented from performing their contractual obligations due to circumstances beyond control (Halmos, 2021). *Force Majeure* excuses then what would possibly be a ‘breach’ by suspending temporarily an obligation to perform the works (Miller, 2020). Among other authors, Judge Szilvia Halmos (2021) assessed the increased necessity of effective enforcement of labour law during the COVID-19 pandemic in Hungary; her findings evinced the endeavours of Hungarian Labour Courts to guarantee the safe maintenance of litigation in labour cases, which equalled the significant efforts the Brazilian’s Labour Courts made to ensure the enforcement of right to access to justice in the world of labour.

¹⁷ To particularly permit the application of *force majeure* in the context of coronavirus pandemic, the Brazilian Labour Courts would have to determine whether COVID-19 constituted a foreseeable contingency as alleged by several employers. The majority of Brazilian Labour Courts were inclined to understand that the institute of force majeure could not be applied during the pandemic, notwithstanding its prevision in the chief 2020 Emergency Procedure Government Decree 927 and even in 1943 Consolidation of Labour Law (Mota, 2021). Based on common law Doctrines of Impossibility and Impracticability, the general assessment was to disprove *force majeure* event because the pandemic did really not make performance impossible or impracticable to the point of excusing non-performance; as a matter of fact, businesses could conduct many of their normal activities, nevertheless in a very limited way.

(3) The *technological dimension* was firstly associated with pre-existing technological infrastructure in the Brazilian Labour Courts (i.e., the complete digitalized judicial proceedings known as PJe); secondly, the provision of a video-conferencing platform to enable fully functioning virtual hearings rooms and the adoption of remote access to all judicial proceedings were indispensable from the first reported case in the country.

(4) The *procedural dimension* involved, among others, the regulatory suspension of legal deadlines during the ‘state of emergency’ induced by the pandemic.

The Regional Labour Court of Goiás (TRT-18) had at first a particular interest in ensuring case initiation and the continuous availability of hearings and trial sessions. Considering that in 2013 the Electronic Judicial Proceedings (PJe) became the Brazilian Judicial System’s official procedural tool,¹⁸ TRT-18 was able to respond very quickly to social-distancing protocols induced by the COVID-19 pandemic, for which reason the Court could enable the provision of digital services to parties and the holding of hearings and trial sessions by electronic means. In that context, a very important measure was to expand the scope of pre-procedural mediation for conflicts between employees and employers.

In a technical sense, the Court’s President Judge convened the Information Technology personnel, especially user support technicians, to provide plaintiffs, defendants, witnesses and other participants with a framework for online hearings; they could join with their own devices through a web link sent by the Court. However, if a participant reported that he/she could not meet some videochat requirements, the Court would take appropriate measures, including the interruption and/or rescheduling of the procedural act.

Deciding on an equitable basis, Ordinance No. 678¹⁹ established that justified omissions could not trigger sanctions (e.g., the existence of respiratory symptoms even without a positive test amounted to sufficient justification of absence). Further, a webpage²⁰ was promptly designed for daily news; in a practical sense, TRT-18 Coronavirus Information Centre contributed to guarantee ‘trust’ and ‘transparency’ practices for communication with the parties.

Besides this essential role aligned with the four above-mentioned dimensions, the Regional Labour Court of Goiás (TRT-18) specifically invested in social solidarity actions towards local communities as a substantial support measure to attenuate some structural problems intensified by the pandemic. The Court allocated millions of pounds for COVID-19 care under the scope of public-interest litigation (commonly known in Brazil as ‘public-interest civil actions’); the very first allocation was on March 23, 2020, when judge Maria das Graças Oliveira, from Goiânia, the capital of the State of Goiás, determined the instant transfer of 100,000 BRL (approximately 18,000 GBP).²¹ A few days later, on March 26, at the behest of

¹⁸ In over a decade, non-electronic (‘paper-less’) processes have become an exception; electronic processes now constitute the bulk of all processes.

¹⁹ Ordinance No. 678 promulgated on March 18, 2020 [Portaria TRT18 GP/SCR N° 678/2020]. Available from https://bibliotecadigital.trt18.jus.br/bitstream/handle/bdtrt18/16863/Portaria_TRT18_678_2020.PDF?sequence=1&isAllowed=y.

²⁰ Indicators such as ‘productivity’, ‘pandemic-related ordinances’ and ‘epidemiological framework’ were included. Other subjects were also easily obtainable on the webpage, including ‘mandated home office instructions’, ‘funds to combat COVID-19’, ‘returning-to-work guidelines’, among others. Available from <https://www.trt18.jus.br/portal/covid19>.

²¹ Available from <https://www.trt18.jus.br/portal/transferecia-fundo-coronavirus>.

the Labour Prosecution Office TRT-18 committed 600,000 BRL (approximately 100,000 GBP) to the Rio Verde City Hall (South-West of Goiás); the amount was utilised to prevent and combat the pandemic in the town.²²

Among other major decisions, on March 27, 2020, the Court allocated 2,000,000 BRL (approximately 350,000 GBP) for the Public Health Care System maintained by Goiás' State Government to purchase personal protective equipment, including masks, gloves, sanitizers, and other gear to be distributed to emergency medical service employees.²³ On July 2020, researchers from the Federal University of Goiás obtained up to 1,000,000 BRL (approximately 170,000 GBP) to develop COVID-19 rapid test kits; this substantial sum was transferred by TRT-18 on July 2020.²⁴ At that time, TRT-18 had already allocated 7,000,000 BRL (approximately 1,200,000 GBP) to reduce COVID-19-related social disparities while the normative provisions, resolutions and other administrative statements taken by the Court were around 2,8 million.²⁵

The Court also stood out as an assistance provider for communities in situations of greater social vulnerability by adopting direct income transfers — almost 500,000 BRL (approximately 90,000 GBP)²⁶ to distribute basic-needs grocery packages to unprivileged families through the Central Union of the Slums [Central Única das Favelas] and the Organisation of Women Volunteers from State of Goiás [Organização das Voluntárias de Goiás].²⁷ The staple food baskets included rice, beans, pasta, powdered milk, soybean oil, flour, manioc flour, cornflakes and corn meal.

In addition, TRT-18 developed educational initiatives, via remote learning, by offering training in health care and teleworking. Organised by the Court Judicial School (Ejud-18),²⁸ numerous webinars were held in 2020 and 2021 on a range of COVID-19 topics. Doctors and psychologists from the Court gave practical guidance about symptom management and discussed the mental health impact of the pandemic, sharing knowledge related to loneliness, anxiety, stress and burnout.²⁹ 'Occupational diseases' and 'Challenges for people with

²² Available from <https://www.trt18.jus.br/portal/justica-do-trabalho-em-goias-destina-r-600-mil-para-o-combate-a-covid-19-em-rio-verde-go>.

²³ Available from <https://www.trt18.jus.br/portal/justica-do-trabalho-libera-mais-r-2-milhoes-para-a-rede-publica-de-saude-em-goias>.

²⁴ Available from <https://www.trt18.jus.br/portal/ufg-teste-rapido-covid>.

²⁵ Available from <https://www.trt18.jus.br/portal/produtividade-trabalho-remoto-pandemia>.

²⁶ Available from <https://www.trt18.jus.br/portal/justica-do-trabalho-entrega-mais-de-4-200-cestas-basicas-a-entidades-filantropicas>.

²⁷ Central Única das Favelas (Cufa) is a Brazilian non-government organisation recognised nationally and internationally for its political, social, sporting and cultural support in slums communities; it has existed for more than 20 years. Organização das Voluntárias de Goiás (OVG) was Founded on October 30, 1947, OVG emerged from the initiative of a group of women and carried out by Ambrosina Coimbra Bueno, first lady of the State at that time; the group gathered to sewing trousseaus, bedding and school uniforms to be donated. Available from <https://cufago.com.br/site> and <https://www.ovg.org.br/site>.

²⁸ TRT-18 Judicial School, currently presided by Judge Lara Teixeira Rios, provides onsite and online training for judicial officials, including magistrates, judges and clerks of court. During the coronavirus pandemic, onsite courses were promptly interrupted as the webinars, broadcasted live, were openly accessible and free to view without registration.

²⁹ Available from <https://www.trt18.jus.br/intranet/live-vai-abordar-cuidados-com-a-saude-mental-em-tempos-de-pandemia>.

disabilities' during the pandemic were other crucial topics extensively addressed on workshops promoted by the Court in cooperation with medical and law experts.³⁰

Excelling in a time of challenges and changes, Ejud-18 invested in online-based training all over the COVID-19 crisis. Particularly in 2021, the Judicial School exceeded the goals of its professional qualification programs designed for the Court's personnel (4,147 servants and 735 judges joined in) and also increased the number of learners from the external audience (2,047 participants).³¹

All these 'additional measures' adopted by the Regional Labour Court of Goiás instituted two other dimensions in the Brazilian Judiciary's fight against COVID-19: a *social dimension* and an *educational dimension*. Both evinced that this specialised court invested in a variety of policies aimed at fostering institutional resilience in a context of health emergency.

Conclusions

Food and nutritional security was affected by the social and economic impacts of COVID-19. Considering social, economic, gender and ethnic-racial inequalities in Brazil, exceptional social protection measures for informal workers, individual micro-entrepreneurs, self-employed and unemployed Brazilians³² were indisputably unsatisfactory. Learning losses also exacerbated pre-existing education disparities by reducing the opportunities for society as a whole, especially for the most vulnerable populations.

Faced with the urgency of actions, programs, and policies (not only in health, but also in other areas such as education, employment and income), for whose implementation the federal government was responsible and in which the Brazilian president was omitted, the Regional Labour Court of Goiás was necessarily driven to move more proactively.

Considering that the effects of the pandemic for those already living in food insecurity increased severe malnutrition and that the education disruption similarly had substantial effects during the coronavirus crises, TRT-18 adopted, beyond the scope of its judicial competence, social strategies to attenuate structural problems intensified by the pandemic and developed educational solutions to support education continuity, including the investment in distance learning courses and the delivering of quality training for both the internal and external audience.

³⁰ Respectively available from <https://www.trt18.jus.br/intranet/ejud18-promove-segunda-live-com-o-tema-covid-19-como-doenca-ocupacional> and <https://www.trt18.jus.br/intranet/desafios-da-pessoa-com-deficiencia-na-pandemia-19-11>.

³¹ Available from <https://www.trt18.jus.br/portal/ejud-18-supera-numero-de-vagas-ocupadas-e-cumpre-metas-de-capacitacao-com-folga>.

³² Various issues were involved in this 'financial transfer to the poorest' adopted by the Federal Government, especially a set of difficulties in accessing it, including the requirement to register online to obtain the benefit (26% of Brazilians were still not connected to the Internet and 16% of illiterates or those with low education did not use it), along with the fact that 46 million Brazilians lived without a banking account and an active Individual Taxpayer Registration (CPF), which hindered access to applications or money withdrawals from banks. Another problem came out when the president vetoed the payment of aid to vulnerable groups, such as artisanal fishermen, family farmers, land reform settlers, taxi drivers, drivers, and application deliverers (Gurgel et al., 2020).

These measures can point to an evidence of *judicial activism*,³³ which is characterised as a set of proceedings that affect a large number of people who allege a violation of their rights and involve structural injunctive remedies — e.g., enforcement orders whereby courts instruct various government agencies to take coordinated actions to protect the entire affected population and not just the specific complainants in the case (Rodríguez-Garavito, 2011). It is embodied most clearly by judicial intervention in structural cases that address widespread fundamental social problems such as hunger, illiteracy and/or lower educational levels.

Despite the fact that it is not a monolithic concept but controversial, judicial activism is a dynamic process of judicial outlook in a changing society or in times of crises whilst considering the dynamic and pragmatic societal factors (Mehta and Maheshwari, 2020). Judges use their *judicial vista* to correct injustices; the core prospects include either law interpreted and applied according to ongoing changes in conditions and values of the time prevailing or social decision-making by courts as a useful adjunct to democracy.

It became clear that the Regional Labour Court of Goiás made a great number of interim orders to ensure the destination of available amounts to the fight against COVID-19 and to allocate funds to minimise pandemic-related social and educational disparities from the very first confirmed cases of infection. These measures set up two additional dimensions in the Brazilian Judiciary's fight against COVID-19, amounting to six major ones: physical, organisational, technological, procedural, social and educational.

It seems thus fair to say that the coronavirus pandemic brought the opportunity of envisioning creative ways for developing innovations and overcoming difficulties. As a positive result, I highlight the Regional Labour Court of Goiás' proactivity in coping with COVID-19, which evinced its assertive, zealous and efficient performance and culminated in the improvement of its institutional resilience all over the pandemic.

³³ The term was coined by historian Arthur Schlesinger Jr. in 1947, in an article titled 'The Supreme Court: 1947' featured in *The Fortune Magazine*.

References

- Alves, D. (2021). Business Representation in the Brazilian Labor Justice from the Corporate Forms Concepts Perspective. *Beijing Law Review*, 12, 27-44. Available from https://www.scirp.org/pdf/blr_2021021914584616.pdf
- Anderson, D. L. (1990) Note. When Restraint Requires Activism: Partisan Gerrymandering and the Status Quo Ante. *Stanford Law Review*, 42(6).
- Boschiero, N., Palamin, C. V. C., Ortega, M. M., Mauch, R. M., & Marson, F. A. L. (2021). One Year of Coronavirus Disease 2019 (COVID-19) in Brazil: A Political and Social Overview. *Annals of Global Health*, 87(1): 44, 1–27.
- Coslovsky, S., Pires, R., & Bignami, R. (2017). Resilience and Renewal: The Enforcement of Labor Laws in Brazil. *Latin American Politics and Society*, 59(2): 77–102. Available from <https://wagner.nyu.edu/files/faculty/publications/laps12019.pdf>
- Ferigato, S., Fernandez, M., Amorim, M., Ambrogi, I., Fernandes, L. M. M., & Pacheco, R. (2020). The Brazilian Government's mistakes in responding to the COVID-19 pandemic. *The Lancet*, 396.
- Fernandes, F. M. B. & Ouverney, A. L. M. (2022). Supreme Court rulings at the onset of the Covid-19 pandemic: impacts on Brazilian federalism? *Saúde Debate*, 46(1), 48–60. Available from <https://scielosp.org/pdf/sdeb/2022.v46nspe1/48-61/en>
- Ferrante, L., Duczmal, L., Steinmetz, W. A., Almeida, A. C. L., Leão, J., Vassão, R. C., Tupinambás, U., & Fearnside, P. M. (2021). How Brazil's President turned the country into a global epicenter of COVID-19. *Journal of Public Health Policy*, 42, 439–451. Available from <https://link.springer.com/content/pdf/10.1057/s41271-021-00302-0.pdf>
- Gurgel, A. M., Santos, C. C. S., Alves, K. P. S., Araujo, J. M., & Leal, V. S. (2020). Government strategies to ensure the human right to adequate and healthy food facing the Covid-19 pandemic in Brazil. *Ciência & Saúde Coletiva*, 25(12):4945–4956. Available from <https://www.scielo.br/j/csc/a/fKJKgrTtT7rg6xGHdCQtyC/?format=pdf&lang=en>
- Halmos, S. (2021). Access to Justice in Labour Cases in Hungary during the Covid-19 Pandemic. *Italian Labour Law e-Journal*, 14(1): 147–167. Available from <https://illej.unibo.it/article/view/13375/12958>
- Mehta, R. & Maheshwari, S. (2020). Indian courts during Covid: focusing judicial activism in trying times of pandemic 2020. *International Journal of Law*, 6(3): 330–332.
- Miller, J. (2020). Coronavirus and Construction Contracts. Available from: <https://www.fenwickelliott.com/research-insight/articles-papers/covid-19/coronaviruscovid-19-construction-contracts>

- Mota, M. R. (2021). Rescisão e negociação do contrato de trabalho na pandemia: cenários jurídicos complementares à legislação trabalhista emergência. *Revista da Escola Judicial do TRT4*, 3(6): 213–248. Available from <https://rejtrt4.emnuvens.com.br/revistaejud4/article/view/161>
- National Justice Council (2022). *Justice 4.0 Program*. Brasília: PNUD. Available from: <https://www.cnj.jus.br/wp-content/uploads/2022/05/justice-4-0-program.pdf>
- Neiva M. B., Carvalho, I., Costa Filho, E. D. S, Barbosa-Junior, F., Bernardi, F. A., Sanches, T. L. M., Oliveira, L. L., Lima, V. C., Miyoshi, N. S. B., & Alves, D. (2020). Brazil: the emerging epicenter of COVID-19 pandemic. *Journal of the Brazilian Society of Tropical Medicine [Revista da Sociedade Brasileira de Medicina Tropical]*, 53, 1–8. Available from <https://www.scielo.br/j/rsbmt/a/8FzbQZY57WRTwYL9MnBKBQp/?lang=en>
- Rodríguez-Garavito, C. (2011). Beyond the Courtroom: The Impact of Judicial Activism on Socioeconomic Rights in Latin America *Texas Law Review*, 89, 1669–1698.
- Rogers, T. D. & Dabat, C. R. (2012). “A Peculiarity of Labor in This Region”: Workers’ Voices in the Labor Court Archive at the Federal University of Pernambuco. *Latin American Studies Association*, 47, Special Issue, 163–178.
- Sátiro, R. M., Martins, J. V., & Sousa, M. M. (2021). The Courts in the Face of the COVID-19 Crisis: An Analysis of the Measures Adopted by the Brazilian Judicial System. *International Journal for Court Administration (IJCA)*, 12(2), 1–18. Available from <https://www.iacajournal.org/articles/10.36745/ijca.382/galley/389/download>.
- Sousa, M. M. & Guimarães, T. A. (2018) Resources, innovation and performance in labor courts in Brazil. *Brazilian Journal of Public Administration*, 52(3): 486–506. Available from <https://www.scielo.br/j/rap/a/Fb3WCCbyjptBxNctgdKhnmq/?lang=en&format=pdf>
- Spadaro, A. (2020). COVID-19: Testing the Limits of Human Rights. *European Journal of Risk Regulation*, 11, 317–325.
- STF — Brazilian Federal Supreme Court (2020). Ministro assegura que estados, DF e municípios podem adotar medidas contra pandemia. *Notícias do STF*, online. Available from <https://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=441075&ori=1>

Ordinances and Administrative Rules Promulgated by the Regional Labour Court of Goiás during the COVID-19 Pandemic

Administrative Rule No. 5 (2020). [PROVIMENTO TRT18 SCR 5/2020]. Available from https://bibliotecadigital.trt18.jus.br/bitstream/handle/bdtrt18/17724/Provimento_TRT18_5_2020.PDF?sequence=1&isAllowed=y

Ordinance No. 678 (2020). [Portaria TRT18 GP/SCR N° 678/2020]. Available from https://bibliotecadigital.trt18.jus.br/bitstream/handle/bdtrt18/16863/Portaria_TRT18_678_2020.PDF?sequence=1&isAllowed=y

Ordinance No. 758 (2020). [Portaria TRT18 GP N° 758/2020]. Available from https://bibliotecadigital.trt18.jus.br/bitstream/handle/bdtrt18/17184/Portaria_TRT18_758_2020.PDF?sequence=1&isAllowed=y

Ordinance No. 797 (2020). [Portaria TRT 18ª GP/SCR N° 797/2020]. Available from https://bibliotecadigital.trt18.jus.br/bitstream/handle/bdtrt18/17425/Port_2020_00797_comp%28Port_2020_00810%29.pdf?sequence=7&isAllowed=y

Ordinance No. 812 (2020). [Portaria TRT18 SCR n° 812/2020]. Available from https://bibliotecadigital.trt18.jus.br/bitstream/handle/bdtrt18/17502/Portaria_TRT18_812_2020.PDF?sequence=1&isAllowed=y

Ordinance No. 855 (2020). [Portaria TRT 18ª GP/SCR N° 855/2020]. Available from https://bibliotecadigital.trt18.jus.br/bitstream/handle/bdtrt18/17722/Portaria_TRT18_855_2020.PDF?sequence=1&isAllowed=y

Ordinance No. 1008 (2020). [Portaria TRT18 SGGOVE/GP N° 1008/2020]. Available from <https://bibliotecadigital.trt18.jus.br/handle/bdtrt18/18061>

Ordinance No. 1011 (2020). [Portaria TRT18 GP N° 1011/2020]. Available from https://bibliotecadigital.trt18.jus.br/bitstream/handle/bdtrt18/18062/Portaria_TRT18_1011_2020.PDF?sequence=1&isAllowed=y

Ordinance No. 1526 (2020). [Portaria TRT 18ª SGP N° 1526/2020]. Available from https://bibliotecadigital.trt18.jus.br/bitstream/handle/bdtrt18/19527/Portaria_TRT18_1526_2020.PDF?sequence=1&isAllowed=y

Ordinance No. 1532 (2020). [Portaria TRT 18ª SGP N° 1532/2020]. Available from <https://www.trt18.jus.br/portal/arquivos/2020/11/Portaria-Implementacao.-Etapa-Laranja.-Compilacao..pdf>

Ordinance No. 12 (2021). [TRT18 SGP N° 12/2021]. Available from <https://bibliotecadigital.trt18.jus.br/handle/bdtrt18/20006>

Ordinance No. 333 (2021). [Portaria TRT18 GP/SGP N° 333/2021]. Available from https://bibliotecadigital.trt18.jus.br/bitstream/handle/bdtrt18/20604/Portaria_TRT18_333_2021.PDF?sequence=1&isAllowed=y

Ordinance No. 20 (2022). [Portaria GP/SGP N° 20/2022]. Available from
<https://www.trt18.jus.br/portal/arquivos/2022/01/PA-8507-2020-MANTEM-O-ANEXO-DA-PORTARIA-TRT-18-GP-SGP-N-1035-2021-em-10.1.2022.pdf>

Ordinance No. 53 (2022). [Portaria TRT18 SGP-SCR N° 53/2022]. Available from
<https://www.trt18.jus.br/portal/arquivos/2022/01/PORTARIA-TRT-18a-SGP-SCR-No-53-2022.pdf>

Ordinance No. 142 (2022). [Portaria SGP/SCR N° 142/2022]. Available from
<https://www.trt18.jus.br/portal/arquivos/2022/01/PORTARIA-TRT-18a-SGP-SCR-No-142-2022.pdf>

Ordinance No. 252 (2022). [Portaria TRT18 GP/SGP N° 252/2022]. Available from
<https://bibliotecadigital.trt18.jus.br/handle/bdtrt18/24643>

Ordinance No. 817 (2022). [Portaria GP/SCR N° 817/2022]. Available from
<https://www.trt18.jus.br/portal/arquivos/2022/05/817.pdf>

Ordinance No. 1763 (2022). [Portaria TRT 18ª GP/SGP N° 1763/2022]. Available from
<https://www.trt18.jus.br/portal/arquivos/2022/08/PORTARIA-1763-2022-1.pdf>

Ordinance No. 1850 (2022). [Portaria TRT 18ª GP/SGP N° 1850/2022]. Available from
<https://www.trt18.jus.br/portal/arquivos/2022/08/Portaria-TRT-18a-GP-SGP-No-1850-2022.pdf>