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McDonald's public hearings will be held to discuss the legality of the working mobile

The journey taken by the mobile and floating restaurant chain McDonald's is being questioned by lawmakers after the airing of a video report denouncing the illegality of the practice.

McDonald's journey takes the mobile as a clause in the contract of employment. It states that workers be paid by the hour worked and will not have a fixed workday, being available from the company's needs. According to the petition made by the video report of the Union of Workers in Hotels and Restaurants of St. Paul (Sinthoresp), the practice is illegal and carries a lot of harm to workers.

The video report was aired for the first time in the parliamentary Commission on Human Rights and Participative Legislation of the Senate, on October 10, during a public hearing on the implementation of Electronic Point Register (REP). It was later sent to MPs, senators and the offices of the International Labour Organization (ILO) in Brazil. In Sao Paulo, the video was sent to the Legislative Assembly of São Paulo (Alesp), the City Council of capita

The disclosure of the complaint against mobile journey taken by McDonald's resulted in the convening of public hearings to discuss the legality of this type of work. The deputies Eudes Xavier (PT-CE) and Sabino White Castle (PTB-AM), members of the Working Committee, Public Administration and the House of Representatives, requested a hearing with the participation of President of the Golden Arches, McDonald's franchiser 's in the country and Latin America, Woods Staton, the

Congressman Eudes Xavier explains that the purpose of the meeting is to hear all the segments involved in the complaint in order that they be clear about what is really happening. "Let's listen to the workers, unions and representatives of McDonald's. If the complaints get proven, the company will bear all responsibilities," he says.

In the evaluation of parliamentary complaints against McDonald's are very serious and should be investigated with any rigor. "Allegations were made by the employees of the network in Sao Paulo, and realize excessive working hours, maltreatment, hiring minors and called mobile journey the company has around the country with work hours set at \$ 2 , 52, often less than the minimum monthly wage," he warns.

Debate

According to the president of Sinthoresp in all chambers where the video was made public hearings are scheduled. As the Legislative Assembly of São Paulo. The dates of

the hearings were not marked, but for Lacerda, the debate generated with the airing of the video is good for you to create an awareness of the illegality of the day mobile and the damage it causes to the worker. The same opinion is shared by Henry Nelson Calandra, president of AMB. For him, "the

The President of Sinthoresp explains that the aim of the complaint through the video is, precisely, to give visibility to irregularities committed by McDonald's journey with the use of mobile and "sensitize the authorities on the subject."

Moreover, according to Lacerda, with the video (available on Youtube , [http://www.youtube.com / user / jornadacriminosa](http://www.youtube.com/user/jornadacriminosa)) Also seeks to inform the public about the precarious working conditions imposed on officials of the network fast food . "People who are seen at McDonald's do not know what that workers experience in their day-to-day," he says.

Irregularities

The average age of staff in the network is between 16 and 24. By not setting a fixed working hours, McDonald's makes it impossible for these young people plan their lives in the long term, because they never know exactly when to go to work.

The union complained that, at times when the flow of customers at McDonald's is low, employees are told to wait in the "room UPS "Until there is greater number of clients to be served. These waiting periods, according to Sinthoresp, are unpaid. So the journey the mobile and variable imposes the burden that they should be of the company. "There is this reality is not counting the time interval when the young are in the room UPS , And it can happen at any time and day, "says Lacerda.

According to Calandra, the formal legality of the journey there is mobile, because "this type of establishment has never been fined by the government because of this practice." The chairman of the BMA says that what is discussed is not the legality of compensation to workers in periods where they remain available to the company. The President of Sinthoresp account that the complaint about the illegality of mobile journey made during the public hearing on the implementation of Electronic Point Register, in the Senate, said this irregularity arising from working arrangements adopted by McDonald's. "It was there shown that, beyond the form of fraud detected in the control of working hours, there is a new type of tampering count employee working time", she said.

On occasion, the Director of Government Relations for McDonald's, Peter Pariza, defended himself from accusations and said the network has about 40,000 employees and "may have committed one or another slip, but without bad faith." According to him, "the exceptions can not be turned into negative marks for a company recognized worldwide."

Non-payment

Because the system of paid work by hours worked without a fixed day, workers are paid less than minimum wage, which currently is \$ 545. "The average [monthly salary] is 250, maximum 280 dollars. I think that, of course, any unworthy person, "says the president of Sinthoresp.

Eudes Xavier points out that the Federal Constitution of 1988 makes it clear that no Brazilian worker may receive less than the minimum wage prevailing in the country. "If it is proved that some workers and workers receiving less than is required by law, suffering ill-treatment and excessive work hours meeting, I believe that the path will wipe out any attempt to maintain this practice," he argues.

Based on what determines the highest card, the union sent to the Ministry of Labor and Employment (MTE) a request for review by the failure of the constitutional norm. The request was filed with the Labor Ministry and is being administrative. "It's in the surveillance industry, which will give our claims, and then send to the Attorney General to file a claim based on our application and what was determined by the Ministry of Labour," says Lacerda.

The President of Sinthoresp points out that the young can not feel happy simply because it's working, but also because it is receiving a living wage, which enables it to meet basic needs, plan their lives and acquire assets. "The work must have its counterpart. The employee surrenders his right, which is its workforce, and at the end of the month receives a value. [McDonald's] is an absolute disproportion between the value of effective service delivery and value that re

In the opinion of the union, the monthly payment below the minimum wage is set in the absence of payment. And, according to Decree 368 of 1968 and the 1061 Ordinance of 1996, governing on non-payment of wages and transfers to the Guarantee Fund for Employees (FGTS) Sinthoresp has requested that the process by MTE fi m the McDonald's workers compensation make the difference between the value and the value that actually earn the minimum wage. In addition, the union asks that the network fast food be ordered to legalize the payment of employees, so it does not receive more pay below the national minimum wage.

If the case is forwarded by the MTE prosecutors for filing a lawsuit, Lacerda said that McDonald's does not meet the settlement payment of its employees, may be filed an enforcement action in order to be real estate and values bank account of the network to meet the credit. "There is still another possibility is that even the lock pro labore and other transfers to the partners, giving full privileges to the credit of the workers," added the president of the Sinthoresp.

Legality

There are conflicting court decisions regarding the adoption of mobile and variable journey. As described by Brazil Fact in a report on the over-exploitation of workers practiced by McDonald's (issue 417), there is a consensus among judges about the legality of the practice.

The first deployment of the Superior Labor Court (TST) on the mobile and variable journey took place in March this year. The Eighth Class of the TST understand that submission of the employee to such work day is harmful and determined that the contract clause was overturned. However, the decision was rendered on appeal trial of a lawsuit filed against McDonald's performance in Paraná and to date has not been a national decision on the issue.

The President of Sinthoresp believes that the debate created by the placement of video reporting, it is possible that the Labour Court to reach a consensus on the illegality of the day mobile and variable. "I believe that social dialogue will sensitize other magistrates and judges, which may go to pay a little more attention on this issue to the point defined by its illegality," said Lacerda.