

Early childhood municipal teachers in Curitiba: prospects of union representation¹

*Professoras municipais da educação infantil de Curitiba:
perspectivas da representação sindical*

*Profesoras municipales de la educación infantil de Curitiba:
perspectivas de la representación sindical*

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Abstract: This article presents some analytical elements on the union representation of the teachers of the Municipal Education Network of Curitiba, highlighting the case of Early Childhood Education workers and being part of a research that investigates the professionalization of teaching in the Public Early Childhood Education of the city of Curitiba. The methodology used in this study was bibliographical and documentary, with review of the information bound by the class unions. The results showed a fragmented segment of public education generated by the very formation of careers in the city of Curitiba and that reflects directly in their forms of association, revealing two unions of a more mobilizing and informative nature than actually representation and intervention.

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Keywords: Trade union representation. Teaching. Early Childhood Education.

Resumo: Este artigo apresenta alguns elementos analíticos sobre a representação sindical das docentes da Rede Municipal de Educação de Curitiba, salientando o caso das trabalhadoras da Educação Infantil e é parte de uma pesquisa que investiga a profissionalização docente na Educação Infantil Pública da cidade de Curitiba. A metodologia utilizada neste estudo foi bibliográfica e documental, com revisão das informações vinculadas pelos sindicatos de classe. Os resultados demonstraram uma etapa de Educação Infantil pública fragmentada, gerada pela própria constituição das carreiras no município de Curitiba e que reflete diretamente nas suas formas de associação, revelando dois sindicatos de caráter mais mobilizatório e informativo do que efetivamente de representação e intervenção.

Palavras-chave: Representação sindical. Docência. Educação Infantil.

Resumen: Este artículo presenta algunos elementos analíticos sobre la representación sindical de las docentes de la Red Municipal de Educación de Curitiba, destacando el caso de las trabajadoras de la Educación Infantil y es parte de una investigación que investiga la profesionalización docente en la Educación Infantil Pública de la ciudad de Curitiba. La metodología utilizada en este estudio fue bibliográfica y documental, con revisión de las informaciones vinculadas por los sindicatos de clase. Los resultados demostraron una etapa de Educación Infantil pública fragmentada generada por la propia constitución de las carreras en el municipio de Curitiba y que refleja directamente en sus formas de asociación, revelando dos sindicatos de carácter más mobilizatorio e informativo que efectivamente de representación e intervención.

Palabras clave: Representación sindical. Docencia. Educación Infantil.

¹ **Submitted:** 01 Mar. 2019 – **Accepted:** 05 July 2019 - **Published:** 31 Oct. 2020

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Introduction

The teaching union representation, covered by this article, is part of a research that investigates teacher professionalization in Public Early Childhood Education in the city of Curitiba. We aim to address the teacher unionization of Early Childhood Education professionals, taking as a reference the researched municipality, which, in the midst of investment priorities, devalued this professional, removing the incentives related to the realization of the increase in academic training, among other losses.

The promulgation of the Constitutional Amendment Proposal No. 55/2016 (“*PEC do Teto*”)ⁱⁱ, which froze public spending for 20 years, is also a setback. It is expected that by the end of the public spending ceiling imposed by the government, which affected all other instances, not only the Education Sector, we will have a significant decrease of the investment in education, reaching something around 4%/5% of the Gross Domestic Product (GDP), well away from the 10% of GDP needed to comply with the National Education Planⁱⁱⁱ.

Thus, questioning the role of unionization of teachers from the first stage of Basic Education is revealed as a point of opposition in relation to excesses, such as, for example, the non-compliance with what is described in the Profession, Careers and Salaries Plans of the municipality (CURITIBA, 2014). To this end, we will initially address the constitution of unions in Brazil, followed by the scope of the work of the Councils, Unions and Associations, in order to finally deal with the union organization of Early Childhood Education professionals in the Municipal Public Network of Curitiba.

Means of the constitution of union representation

Professional relations in the public and private sphere are differentiated and, no matter how much we are interested in the political, economic, and labor content, it is unlikely that we are aware of all the existing peculiarities and intricacies of these careers, their union or association relations. Seeking to understand them, it is necessary to verify how the creation of unions was determined.

The origin of the union representation movements occurred in Europe, in the 18th century, amidst the context of the Industrial Revolution, capitalism and industrialization, mainly due to the terrible living and working conditions to which the population was subjected. In that society, there was a class division: the bourgeoisie and the proletariat. The organization of the proletariat, initially illegitimate, proved to be an efficient means of confronting employers.

In 1824, the British Parliament passed a law that allowed free association for workers. Trade Unions^{iv} were created – union organizations that negotiated on behalf of the group of workers, thus avoiding individual pressure on any worker with experience in more advanced struggles. At the end of the 19th century, amid the abolition of slavery (Golden Law, officially Imperial Law No. 3,353, sanctioned on May 13, 1888) and the Proclamation of the Republic

(occurred on November 15, 1889), great transformations were generated in the Brazilian economy, which stopped focusing on coffee production and opened up to manufacturing activities (CRUZ, 2008).

The formation of trade unions in Brazil was then mainly influenced by the immigration of European workers, who, upon arriving, were faced with a society still marked by the slavery and very few rights for workers, now free wage earners. These immigrants, with a more defined political-ideological profile and aroused by the labor achievements in their countries of origin, began to form organizations.

With the rise of President Getúlio Vargas in 1930, unions were subjected to state control, with the creation of the Ministry of Labor and a set of standards. Decree 19.770, among its 21 articles, established: participation of this Ministry in union assemblies; prohibition of political and ideological activities by unions; veto the affiliation of workers in international union organizations; ban on unionization of public servants; definition of the union as an organ of collaboration and cooperation with the State; limited participation of foreign workers in unions and guarantee of a single union by category, the so-called union unity^v (BRASIL, 1931).

Cruz (2008, p. 17) states that:

The year 1930 is a milestone in Brazilian unionism. Much of the literature on unions and Brazilian unionism is concentrated in this historical phase. The government of the time led by Getúlio Vargas, at first tried to bring unions into the state, thus initiating control over these entities. To this end, it creates the Ministry of Labor; promulgates the Union Law in 1931 and, with that, launches the guidelines for unionism in the country. It conceives unions as collaborators of the State, as if there were no class struggles, and imposes restrictions on the union movement. Decree No. 19,770 will, among other things, deny public agents the right to unionize.

Getúlio Vargas was also responsible for other measures that still influence the lives of workers, such as the creation of the Consolidation of Labor Laws (*Consolidação das Leis do Trabalho* - CLT in Brazil) and Social Security Institutes^{vi}. During the Vargas Era, which initially lasted 15 uninterrupted years, there were many strikes and growing union struggles.

The growth of union movements was interrupted due to the military coup of 1964, when the workers' movement came to be persecuted, resuming its forces only in the late 1970s, when the Single Workers' Union (*Central Única dos Trabalhadores* - CUT) and the Workers Party (*Partido dos Trabalhadores* - PT) were created, and both started to organize several general strikes in the 1980s.

It was with the Federal Constitution of 1988, created during the period of redemocratization, that union movements gained greater freedom, for example, the removal of the need for authorization from the Ministry of Labor for the functioning of a union and the determination of the possibility of unionizing public servants, which can be verified in article 37, item VI, of the Federal Constitution, which predicts:

Art. 37. The direct and indirect public administration of any of the Powers of the Union, the States, the Federal District and the Municipalities will obey the principles of legality, impersonality, morality, publicity and efficiency and, also, to

the following: [Wording given by Constitutional Amendment n° 19, of 1998]; VI - the public servant is guaranteed the right to free union association (BRASIL, 1988).

In this way, public servants obtained the right to union association, but with some restrictions, such as the prohibition of their questioning through means of collective conventions and agreements and restrictions on the competent court to resolve such conflicts, in other words, public servants can organize themselves, however, they cannot count on their union as a legal representative.

Forms of struggle

Professional Inspection Councils are entities that provide public services that were created

by federal law to supervise the exercise of the respective profession, in defense of society and, consequently, have delegation of competence from the State to: - legally qualify professionals to practice the profession by granting professional registration; - legally enable companies and technical offices to explore professional activities; - supervise the exercise of the profession; - collect annuities, apply and collect fines; - execute debts; - apply the Code of Professional Ethics; - suspend and revoke records (PARANÁ, 2011, p. 19).

Unions and associations

are entities created in accordance with the constitutional provision (article 8, item III) to defend collective or individual rights and interests, including in judicial and administrative matters. As a result, they can: - define labor negotiation guidelines; - participate in collective bargaining agreements; - approve terminations of employment contracts; - provide legal assistance; - sign agreements aimed at providing entertainment, leisure, medical and dental assistance; - sign agreements with commercial companies, aiming to provide discounts to their union members when purchasing consumer goods in general (PARANÁ, 2011, p. 20).

These unions or associations serve the professional classes or categories. The professional class is characterized by the homogeneity of the work performed, by the nature of the knowledge preferably required for such execution, and by the identity of the qualification, while the professional category is defined in its entirety by the bond to the employer and not by the type of work or activity performed by the employee or by the exact profession^{vii}.

The organization of the private sector is governed by the Consolidation of Labor Laws (CLT)^{viii}. Hiring in the public sector can take place either under the Statutory Regime^{ix} or the Consolidation of Labor Laws, however, regardless of the sector, the professional classification related to the teaching activity is still devalued, its choice stigmatized and confused with vocation and, as such, there would be no reason for dismay and opposition.

For teachers and even for other public agents it is the type of hiring regime that defines the professional relationships that will be established from this moment on. Thus, the contracting regime makes a total difference:

The fact that they are statutory agents and do not have an employment contract itself, as observed in private labor relations, makes all the difference in their relations with the public manager and with their union entity, because the individual negotiation margin with its source payer is practically non-existent since the manager cannot grant individualized advantages to the servers, as this violates the principle of impersonality and isonomy (RAFANHIM, 2012, p. 27).

The lack of a legal framework for organization in the public sector led to the creation of smaller associations, by state powers, agencies, careers, regulated professions and even by position and not by category.

The division of unions by territorial base occurs due to union unity^x and can happen in two ways: by dismemberment, which is when a larger union, intermunicipal or state, is divided so that a particular municipality or region can create a new union, or by merger, which is the reverse of the dismemberment, when a new union appears in place of two or more existing unions, covering the entire region previously represented, creating a new, stronger and more representative union.

Here it is highlighted that, in the early 1980s, the teaching union movement, although recent, was so effective that it contributed to the erosion of the military regime and the political opening:

Among the categories that mobilized in this period, the teaching profession appeared as an important agent. Mostly constituted by teachers from public schools, the teaching profession was unable to organize itself into unions, since public agents were prevented from doing so (OLIVEIRA, 2010, p. 29).

Thus, they ended up structuring or grouping by other means, such as, associations or social movements. These public servants' associations were not entitled to collective bargaining, nor to sign agreements, disagreements or conventions. It was necessary to organize, even in search for parts of rights, then:

The creation of the teaching union was only possible because the Federal Constitution of 1988 enshrined the right of civil servants to organize themselves in unions, with the legal consequences of this right, as stated in item VI of article 37. VI – the public servant is guaranteed the right to free union association (RAFANHIM, 2012, p. 47).

Even before the promulgation of the 1988 Federal Constitution (FC), public servants were organized and established employee/employer types of struggles, analogous to that of the private sector, however they obtained the right to strike and to unionize for the public service only after this Constitution. After the promulgation of the FC, changes were important for the “statutory”, but without efficient structuring, since class unions, regardless of the number of members, needed to have a high capacity for mobilization and an active and persuasive governing body. Class unions are not category unions, and orders come from different places:

This special situation of public servants' unions has led indoctrinators and judges, at various times with certainty, to sustain that the Federal Constitution ensured the right to unionize public servants, but not with all the legal consequences of the union organization, notably, the lack of the right to collective bargaining, formal

collective bargaining, collective agreements and conventions, restrictions to the Judiciary to set salary adjustments, among others (RAFANHIM, 2012, p. 54).

It is necessary to consider that in the creation of unions related to the teaching profession, there are many divisions, namely: the organization of networks (federal, state, municipal and private); the heterogeneous blocks of administrative professionals, teachers and other hired and/or outsourced professionals who circulate in school institutions, separated according to the content required for the execution of the core activity: teachers of Early Childhood Education; multipurpose pedagogues^{xi} of Elementary Education – early years, specialist teachers of Elementary Education; final years, those of Secondary Education and Higher Education, among other particularities.

The trade union organization of Curitiba municipal education network teachers

The union organization of Early Childhood Education teachers in the Municipal Education Network of Curitiba (*Rede Municipal de Educação - RME*) has specificities: there are two careers^{xii} – that of the Early Childhood Education teacher who has a weekly workload of 40 hours, that is, she works 8 hours a day; and that of the Teaching Professional, Teaching I, having only one standard, works 20 hours a week (which represents 4 hours a day).

Early Childhood Education teachers have as a minimum training requirement High School, Teaching modality, therefore the career is governed by the Statute of Municipal Servants (High School Level); in turn, Teaching Professionals, Teaching I, have a minimum requirement of Higher Education, degree in the practice area/subject and are governed by the statute of the Municipal Magisterium.

Both professionals^{xiii} have their careers governed by the respective Municipal Career Plans and, even with different workloads, they have approximately the same income, and the careers do not have the same duties and rights ensured, not to mention the professional hierarchy. Therefore, they are assisted by different unions, even performing equivalent activities and working in the same educational stage (Chart 1):

Chart 1. Teaching careers in the Municipal Education Network of Curitiba

Position	Early Childhood Education teacher	Teaching Professional - Teaching I
Class union	Union of Municipal Public Servants of Curitiba (<i>Sindicato dos Servidores Públicos Municipais de Curitiba - SISMUC</i>)	Union of Municipal Teachers of Curitiba (<i>Sindicato dos Servidores do Magistério Municipal de Curitiba - SISMMAC</i>)
Foundation	October 1988	October 1988
History	The Union of Municipal Public Servants of Curitiba has consolidated itself as a representative entity always alongside the interests of workers and against measures by the municipal administration that result in loss of rights.	Throughout its history, the Union of Municipal Teachers of Curitiba has promoted the organization of the teaching profession in search for recognition and better working conditions and, mainly, in the struggle to defend the quality of public education.
Unionized	Total: 9.793 in July 6, 2018 ^{xiv}	Total: 7.746 in September 6, 2017 ^{xv}
Teachers' allocation	Curitiba's Municipal Center for Early Childhood Education of Curitiba (<i>CMEI</i>)	Curitiba's Municipal Center for Early Childhood Education (<i>CMEI</i>), and Municipal Schools (only in Pre-school classes)
Stage/segment of activity	Early Childhood Education (Nursery and Pre-school)	Pre-school and Early Years (Elementary School)

Source: Prepared by the authors.

Teaching careers in Early Childhood Education have unique characteristics, a work that is effective with small and very young children who need to be cared for and educated, in a special opportunity for action. It is worth remembering that one action without the other disrupts what is intended to be achieved. It is a mixture of professional, pedagogical and domestic functions that are essential for the development of children, however, they need to be understood and valued by society and government, as both have not been favoring teachers who work in this role.

These two teaching careers are governed by the goals of the municipal plan, which are based on national goals (National Education Plan, *Plano Nacional de Educação - PNE*). It is possible to verify that the proposals of the municipal policy, besides being excessively imposing and many times broader than those of the National Education Plan 2014-2024 (BRASIL, 2014), are inconsistent in relation to reality.

The specific goals for both careers, in chart 2, have in common the delineation of the teaching professional path, with actions that seek initial and continued academic adequacy, appreciation of the profession and professionalization itself.

The comparison of the National Education Plan and the Municipal Education Plan was carried out specifically to the goals that deal with the valorization of education professionals.

Chart 2. Comparison between the Municipal and National Education Plan

National goals – National Education Plan	Municipal goals – Municipal Education Plan
Law No. 13.005 / 2014 - Approves the National Education Plan and provides other measures.	Law nº 14.681 / 2015 - Approves the Municipal Education Plan, in the city of Curitiba.
GOAL 15: To guarantee, in a collaborative regime between the Union, the States, the Federal District and the Municipalities, within 1 (one) year of the National Education Plan’s effectiveness, national policy for the training of education professionals referred to in items I , II and III of the caput of art. 61 of Law No. 9.394, of December 20, 1996, ensured that all basic education teachers have specific higher education, obtained through a degree in the area of knowledge in which they work.	GOAL 15: Guarantee, in a collaborative regime between the Union, States, the Federal District and the Municipality, within 1 (one) year of this Municipal Education Plan’s effectiveness, a municipal policy for training basic school education professionals referred to in the items I, II and III of the caput of art. 61 of Law No. 9,394, of December 20, 1996, ensured that all basic education teachers have specific higher education, obtained through a degree in the area of knowledge in which they work.
GOAL 16: To train, at the postgraduate level, 50% (fifty percent) of basic education teachers , until the last year of this National Education Plan’s effectiveness, and to guarantee all basic education professionals continuing education in their area of expertise , considering the needs, demands and contextualization of the education systems.	GOAL 16: To guarantee, in a collaborative regime, postgraduate training of 100% of basic education teachers , until the last year of the Municipal Education Plan’s effectiveness, and to guarantee all basic education professionals continuing education in their area of expertise, considering the needs, demand and contextualization of the education systems.
GOAL 17: To value professionals in the public basic education system in order to match their average income to that of other professionals with equivalent education, by the end of the sixth year of this National Education Plan’s effectiveness.	GOAL 17: To value professionals in the public basic school education system , in order to match their average income with other professionals with equivalent education, by the end of the 6th year of the Municipal Education Plan’s effectiveness.
GOAL 18: Ensure, within 2 (two) years, the existence of Career Plans for basic and higher public education professionals in all education systems and, for the Career Plan for public basic education professionals, take as a reference the national professional wage floor, defined in federal law, under the terms of item VIII of art. 206 of the Federal Constitution.	GOAL 18: To ensure, within 2 (two) years, the existence of a single career plan for basic school education professionals in the municipal public network, taking as a reference the floor law under the terms of item VIII of article 206 of the Federal Constitution.

Source: Prepared by the authors.

When we analyze goal 15 of the Municipal Education Plan, which deals with adequate training for the level of education and area of activity, we realize that the academic requirements of the last public servant examinations resolved the admission of teachers to the municipal network, but there is still an irresolution as to those who were admitted without the training indicated by law, through previous examinations.

Goal 16 deals with continuous and permanent training, providing professional development. The deadline for ensuring postgraduate training for 100% of basic education teachers ends, by law, in 2025, however, many teachers have decided not to start courses or wait to present their certificates due to the freezing of the career plan, known as “*pacotaço*”, started on June 28, 2017, that has a thawing deadline for 2019, according to Law No. 15.043 / 2017, which determines in its Article No. 2:

The procedures for the transition from the special part to the permanent part of the municipal public employees staff, change of performance area, class change, vertical growth, horizontal growth, growth between references, growth between standards, linear advance and advance by title, are suspended, as well as the implementation of new career plans and their respective frameworks, provided for in the following municipal laws: I - 10,190, of June 28, 2001; [...] IX - 14,544, of November 11, 2014; X - 14,580, of December 22, 2014 (CURITIBA, 2017).

Goals 17 and 18 seek wage parity and unified career plan respectively, and are intricate to the objectives mentioned above. So it is a statement of goals without there being any requirement for compliance, since monitoring is a very complex action, as at the national level there are only a few agents or private institutions that have been busy doing this work, for example: “Todos pela Educação”^{xvi} (All for Education), which monitors and finances biannual monitoring reports.

Understanding the interinstitutional nexuses of implementing educational policies through public policy, in this case the National Education Plan, implies highlighting that the imbrications between dynamic social reality and social actors are permeated by analytical categories (conceptual theoretical) and political procedures (sought purposes), whose materialization is effective at the intersection between regulation and political action, marked by disputes that reflect the historical clashes between social classes and, at the same time, the structural limits that mark capitalist social relations (DOURADO, 2010, p. 679).

The ideal action would be to monitor, analyze, evaluate the causes or reasons, then redesign all goals, following the mentioned steps. These actions, if applied consistently, would reinforce practices related to the pursuit of the implementation of cooperative federalism in the area of education, through the establishment of the National Education System (Sistema Nacional de Educação - SNE).

The National Education Plan, when defining guidelines, goals and strategies for the 2014-2024 decade, signals the strengthening of the collaboration regime between the federal entities through the institution of the National Education System, permanent instances of negotiation, cooperation and agreement, of the articulation between the National Education Plan and the ten-year plans of states, the Federal District and municipalities, of democratic management, of evaluation systems, of the valorization of Education professionals, of financing. State policies to overcome patrimonialist practices in the countryside will require facing the limits to current federalism for cooperative federalism, including in the educational field (DOURADO, 2015, p. 47).

The articulation of the National Education System within the historical educational process, in an effective collaboration regime with the current legislation, the Federal Constitution (BRASIL, 1988), the National Education Plan 2014-2024 (BRASIL, 2014) and the Law of Guidelines and Bases for National Education, Law nº 9.394/96 (BRASIL, 1996), national conferences and movements in the field, is a determining factor in the search for overcoming inequalities, creating standards and policies aimed at improving national Basic Education.

At first, it is important to situate the clashes and disputes in this arena, ranging from conception, scope, composition and purposes to the understanding that we have in fact a system, even if it is not based on solid legal bases. It is also important to highlight that the National Education Plan and the National Education System and

their intrinsic relationship may allow more organic actions for educational policies, their planning on other bases, that is, as State policies that, articulated with the regulation of the collaboration regime, can contribute to a cooperative federalism and to the improvement of the processes of organization and management, quality, financing and evaluation of Education (DOURADO, 2015, p. 49).

We usually do not find arguments against the premise of responsibility, although we know that these operations have recessive effects, yet what we have verified is that the effects have always reached the most vulnerable segments.

Instituting the National Education System through the federal coordination and strengthening the state's role in ensuring the right to education, it is an important process in the national education agenda and may contribute to the effective federal coordination under the foundation of a cooperative federalism in national Education as a resultant process and articulated to the new National Education Plan and the necessary regulation of the collaboration regime between federated entities, as foreseen in the 1988 Constitution (DOURADO, 2015, p. 53).

Plans exist as a law, but they are examples for which we are unaware of immediate sanctions. We often see administrators supported by very familiar justifications, such as the law of fiscal responsibility, austerity, imbalance, deficit, among others and are codes that indicate that what had been planned will change or that, for now, it will not be accomplished.

It is through the news on the unions' official pages that part of the occurrences that affect teachers were observed, therefore, unions become allies in regards to the inspection in relation to the municipal regulations. Meanwhile, some recent examples can be seen, such as the complaint of the Union of Municipal Public Servants of Curitiba (SISMUC)^{xvii}, in March 2018, when it reported that

Early Childhood Education teachers, parents and students protested during the extraordinary meeting of the Municipal Council of Education, held after the National Union of Municipal Councils of Education pointed out irregularities in Deliberation n° 01/2016 proposed by the city hall (CURITIBA, 2018).

In this deliberation, article 19 dealt with the creation of a third function, which would allow any professional, without the minimum training required and without going through civil servant examinations, to work within the Municipal Centers of Early Childhood Education with the children. Such action would corroborate the idea that the councils can serve, in the midst of political maneuvers^{xviii}, only to legitimize predetermined decisions by the current administration, which could be confirmed at the time by the previous announcement of the news on the city hall website, showing disregard for the achievements in Early Childhood Education and pedagogical training, in a true setback scenario. It is a visible phenomenon in which everything related to the previous administration is not validated, making it necessary to mark the new administration with other processes and with the generation of their own authorial projects.

Not knowing what happened before, they tend to consider the personal trajectory as the beginning of the institutional trajectory of early childhood education in the municipality. They consider it natural that with each new administration everything starts from scratch, ignoring the actions and achievements of the previous administration. As everything starts over with each administration, as there is no idea of a history that is built by collective subjects, that dialogue with those who

preceded them, the individual overlaps the collective (KRAMER; NUNES, 2007, p. 447).

Worse than not knowing what happened in previous administrations, is seeking simple solutions to complex and already debated topics, as occurred in February 2017, when the Union of Municipal Public Servants of Curitiba filed a complaint with the Public Ministry of Labor about the work of more than 400 interns hired by the city government to work in schools and Municipal Centers for Early Childhood Education. Under the austerity argument, such hiring did not comply with the rules of the general internship law, due to lack of supervision, incompatibility in relation to the activities performed by students and their areas of training, in addition to the loss regarding the appointment of suitable trained and approved professionals in a civil servant examination^{xix}.

In February 2018, the Municipality of Curitiba, through the Municipal Institute of Public Administration, governing body for the city's internship contracts, re-registered college students, hiring more than 700 interns to work in the municipal school system, 278 of which were directed to work in preschool classes, of the Inclusive Right Law program. In all these examples, it is possible to identify State policies being overlapped by administration policies, showing that there is a need for permanent negotiation and consensus.

Teaching resistance is understood as situated in the broad spectrum of social conflict, understood as the conflict between capital and labor. The conflict manifests itself in different forms, in different moments and spaces of social life, in all the institutions of society, being also present in education and, therefore, in school and in the teaching work, whether it be exercised in the public or private sector. To embrace its meaning, it is necessary to understand the school as a place of work and the teacher as a worker, revealing the falsification contained in career ideas – vocation, love, dedication, donation, selflessness and priesthood – supposedly proper to the teaching profession, and whose origins anchored in remote pasts cover up the concrete conditions, the social relations of production on which the teaching work is based (MELO, 2010, p. 1).

It is important to highlight that it is through the representation of the unions and through mobilizations, denunciations, strikes, pressure from the category and demands, that discussions and negotiations are aimed at complying with the laws that ensure the rights of teachers and, consequently, the quality of education.

Final considerations

Each administration changes the conceptions. There is a feeling that it is necessary to leave an authorial legacy and, as a consequence, new projects are created or even existing ones are reformed. Activities that imply administration can and should be transformed into public policies, which are usually part of a government or state policy, such as the National Education Plan.

The problem is when what is defined to comply with the legislation, combined with low-cost solutions on the part of administrators, influences professionalization, professional identity and quality of care, since in our country professionalization does not follow the legal

demands and the expansion of educational stages. We cannot deal with Education without considering the grandeur, division and structural diversity of our country, as well as the great economic, social and political influence that has an immense impact on the area of education.

It is known that unionization is not the only form of political action by teachers, which can be seen in the demonstrations, where many non-unionized teachers fight for the same ideals as union members. Therefore, it seems crucial to readjust the arguments of these organizations and not their forms of division. Bearing this in mind, it seems necessary to think of the mobilization in defense of the struggle for rights and the demand for fulfillment of pre-established regulations.

The study also indicates that it is based on a better understanding of the particularities inherent to unions and/or associations of public servants that it is possible to pay attention to the more mobilizing and informative character of these bodies, than effectively to their role of representation and intervention, demonstrating that teachers who work in the public sphere often “have no one to count on”, as teachers from all stages and their associations or their unions, however good their intentions and actions, end up at the mercy of political and economic decisions, and other maneuvers, especially today, amid the dismantling of public service, the inclination towards privatization, aligned with an ultra liberal perspective.

References

BRASIL. Constituição de 1988. Constituição da República Federativa do Brasil. **Diário Oficial da União**. Brasília, DF, 05 out. 1988.

BRASIL. Decreto nº 19.770, de 19 de março de 1931. Regula a sindicalização das classes patronais e operárias e dá outras providências. **Diário Oficial da União**. Brasília, DF, 29 mar. 1931.

BRASIL. Lei nº 13.005, de 25 de junho de 2014. Aprova o Plano Nacional de Educação - PNE e dá outras providências. **Diário Oficial da União**. Brasília, DF, 26 jun. 2014.

BRASIL. Lei nº 9.394, de 20 de dezembro de 1996. Estabelece as diretrizes e bases da educação nacional. **Diário Oficial da União**. Brasília, DF, 23 dez. 1996.

CRUZ, Helvia Leite. **Condições de construção histórica do sindicalismo docente de educação básica**. 2008. 301 f. Tese (Doutorado em Sociologia) – Universidade de Brasília, Brasília, DF, 2008.

CURITIBA. Lei nº 14.544, de 11 de novembro de 2014. Institui o plano de carreira do profissional do magistério de Curitiba. **Diário Oficial do Município de Curitiba**. Curitiba, PR, 12 nov. 2014.

CURITIBA. Lei nº 14.681, de 24 de junho de 2015. Aprova o Plano Municipal de Educação - PME, da Cidade de Curitiba. **Diário Oficial do Município de Curitiba**. Curitiba, PR, 24 jun. 2015.

CURITIBA. Lei nº 15.043, de 28 de junho de 2017. Altera o art. 1º da Lei Municipal nº 8.680/1995; suspende os planos de carreira previstos nas Leis Municipais 10.190/2001, 11.000/2004, 11.001/2004, 12.083/2006, 13.769/2011, 13.770/2011, 14.507/2014, 14.522/2014, 14.544/2014, 14.580/2014; altera o art. 1º da Lei Municipal nº 6.449/1983, altera os arts. 91 e 165 a 170 da Lei Municipal nº 1.656/1958; acrescenta o § 3º ao art. 1º da Lei Municipal nº 13.142/2009; altera o art. 2º da Lei Municipal nº 8.704/1995; altera o § 3º do art. 6º da Lei Municipal nº 8.660/1995; altera o art. 1º da Lei Municipal nº 13.948/2012; revoga os arts. 53 e 54 da Lei Municipal nº 6.761/1985; revoga o art. 2º da Lei Municipal nº 8.680/1995; revoga os arts. 1º a 4º da Lei Municipal nº 8.995/1996 e dá outras providências. **Diário Oficial do Município de Curitiba**. Curitiba, PR, 28 jun. 2017.

CURITIBA. Sindicato dos Servidores Públicos Municipais de Curitiba - SISMUC. **Conselho Municipal da Educação ignora formação mínima na Educação Infantil**. Curitiba, PR: SISMUC, 05 mar. 2018.

DOURADO, Luiz Fernandes. As relações federativas e a institucionalidade do Sistema Nacional de Educação. *In*: RONCA, Antonio Carlos Caruso; ALVES, Luiz Roberto (org.). **O Plano Nacional de Educação e o Sistema Nacional de Educação: educar para a equidade**. São Paulo: Fundação Santillana, 2015. p. 33-55.

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DOURADO, Luiz Fernandes. Avaliação do Plano Nacional de Educação 2001-2009: questões estruturais e conjunturais de uma política. **Educação & Sociedade**, Campinas, v. 31, n. 112, p. 677-705, set. 2010. <https://doi.org/10.1590/S0101-73302010000300003>.

KRAMER, Sônia; NUNES, Maria Fernanda. Gestão pública, formação e identidade de profissionais de educação infantil. **Caderno de Pesquisa**, São Paulo, v. 37, n. 131, p. 423-454, maio/ago. 2007. <http://dx.doi.org/10.1590/S0100-15742007000200010>.

MELO, Savana Diniz Gomes. Resistência docente. *In*: OLIVEIRA, Dalila Andrade; DUARTE, Adriana Maria Cancelli; VIEIRA, Lívia Maria Fraga (org.). **Dicionário: trabalho, profissão e condição docente**. Belo Horizonte: GESTRADO/UFGM, 2010. Disponível em: <https://gestrado.net.br/verbetes/resistencia-docente/>. Acesso em: 27 jan. 2018.

OLIVEIRA, Dalila Andrade. Os trabalhadores da educação e a construção política da profissão docente no Brasil. **Educar em Revista**, Curitiba, n. especial, p. 17-36, 2010.

PARANÁ. Conselho Regional de Administração do Paraná – CRA-PR. **Manual do delegado**. Paraná: CRA-PR, 2011.

RAFANHIM, Ludimar. **Decisões judiciais e valorização dos profissionais do magistério de Curitiba**. 2012. 191 f. Dissertação (Mestrado em Educação) – Universidade Federal do Paraná, Curitiba, 2012.

Notes

ⁱ Article translated by: Maria Julia Venancio Ananias - email: majuananias@usp.br.

ⁱⁱ The spending limit came with Constitutional Amendment 95, promulgated after intense debates in the Chamber of Deputies and the Senate, instituting the New Tax Regime (official name). Under the regime, the Union's primary expenditure cannot grow at a higher rate than the inflation rate for the period of 20 years (2017-

2036). Available at: <https://www2.camara.leg.br/camaranoticias/noticias/administracao-publica/551502-teto-de-gastos-publicos-gera-polemica-em-debates-sobre-o-orcamento.htm>. Accessed on: January 27. 2018.

ⁱⁱⁱ Available at: <http://www.adufg.org.br/artigos/pec-241-e-plp-257-so-a-unidade-na-luta-de-resistencia%20impedira-a-concretizacao-de-golpe-politico>. Accessed on: January 27. 2018.

^{iv} Trade Unions are predecessors of unions, a form of organization for workers with a considerable level of organization. The main and most efficient instrument of struggle for trade unions was the strike. Available at: <http://www.ufrgs.br/e-psico/subjetivacao/trabalho/trabalho-trade-unions.html>. Accessed on: December 13. 2018.

^v Union unity is the principle by which the rule imposes only one union per category, company or territorial delimitation, but when the union covers several related or similar categories, dismemberment or dissolution is allowed. Available at: <http://www.conteudojuridico.com.br/artigo,o-principio-da-unicidade-sindical,39746.html>. Accessed on: January 28. 2018.

^{vi} Social Security is a social insurance in which the worker participates through monthly contributions, which aim to guarantee the insured worker an income when he is no longer able to work, that is, to retire.

^{vii} Available at: <http://www.craac.org.br/fiscalizacao/sindicatos-e-associacoes>. Accessed on: January 28. 2018.

^{viii} The Consolidation of Labor Laws (CLT) was sanctioned on May 1, 1943 by the incumbent president, Getúlio Vargas, during the New State period. CLT's objective was to unify all existing labor legislation in the country into a single document.

^{ix} According to Law 8,112 / 90, of December 11, 1990, statutory legal regime is defined as one that has a legal bond through public office, with extraordinary prerogatives. Therefore, this regime was created with the intention of regulating the relations of administrative law between the State and public service providers through the regulation of a statute, established by law.

^x Union unity, a system accepted by the Federal Constitution of 1988 and defined in its article 8, II, whose wording adds that it is forbidden to create more than one professional or economic organization of the same category, in the same territorial base, and that base cannot be inferior to the area of a Municipality.

^{xi} The legislation proposes the formation of the unitary pedagogy, which is up to the Early Childhood Education and Early Years of Elementary Education, whether as a teacher or manager.

^{xii} This standard allows more than one union of the category in the same municipality, giving the worker the option to choose which one to join and making the most effective entities win more associates.

^{xiii} When dealing with unionism in Early Childhood Education, we will always use the female gender, in view of the massive presence of women.

^{xiv} Available at: <http://sismuc.org.br/noticias/2/geral/6962/nova-eleicao-do-sismuc-e-marcada-para-dias-18-19-e-20-de-julho>. Accessed on: March 27. 2018.

^{xv} Available at: <http://sismmac.org.br/noticias/2/informe-se/6390/faca-parte-do-sismmac-e-fortaleca-a-luta-em-defesa-de-direitos>. Accessed on: March 27. 2018.

^{xvi} “Todos pela Educação” is a civil society organization that monitors and proposes educational policies. Its performance is quite questionable, considering that it effectively acts in public education. Its main financiers are foundations such as Itaú Social, Bradesco Foundation, Lemann, Unibanco Institute, among others, with evident economic interests in relation to public education.

^{xvii} The Union of Municipal Public Servants of Curitiba was founded on October 28, 1988, 22 days after the promulgation of the new Federal Constitution, which started to allow union organization in the public service. Until then, as fights of the category in Curitiba, they were organized through ASMUC. Available at: <http://sismuc.org.br/noticias/2/geral/6745/conselho-municipal-da-educacao-ignora-formacao-minima-na-educacao-infantil>. Accessed on: March 27, 2018.

^{xviii} The city removed the acting president of the Municipal Education Council (CME), with a maneuver in record time of 2 days, demonstrating authoritarianism and apparent reprisal to people who have a different opinion. Available at: <http://sismuc.org.br/noticias/2/geral/6745/conselho-municipal-da-educacao-ignora-formacao-minima-na-educacao-infantil>. Accessed on: March 08. 2018.

^{xix} Councilwoman Professor Josete (Workers Party) participated in a hearing on 05/09/2018 at the Public Ministry of Labor with the attorney Inajá Vanderlei Silvestre dos Santos, whose agenda was the hiring and performance of interns to support students with disabilities in the inclusion process at schools and Municipal

Centers for Early Childhood Education. Available at: <http://sismuc.org.br/noticias/17/Na%20Pauta/6864/josete-quer-acao-civil-sobre-atuacao-de-estagiarios-%20e-cmeis%20em-escolas->. Accessed on: April 19. 2018.

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