

EMPIRICAL RESEARCH ON QUALITY OF WORK LIFE OF MAGISTRATES IN THE LABOUR JUSTICE

Felipe Dutra Asensi¹

Rodrigo Chaves²

Juliane da Silva Pessoa³

Isabella Silva Matosinhos⁴

ABSTRACT

This empirical research was conducted with magistrates of Labour Justice of a certain Labour Court, with the aim of understanding their perceptions of the reality they experience regarding the quality of work life (QWL). The relevance of this study lies in the opportunity to investigate the working conditions of judges in order to provide improvements to it. The survey data was collected by the application of a questionnaire, between January 15 and 17, 2020. This questionnaire was prepared based on Walton's QWL model (1973), with adjustments made to the theoretical framework. Out of a population of 259 labour judges working in the 1st degree of jurisdiction, 104 participated in the survey, representing 40.15% of the total. The study outcomes reveal a certain degree of job dissatisfaction, mainly due to a large volume of work, excessive pressure to meet institutional targets and unsuitable/inadequate working conditions. This suggests a scenario of poor quality of work life and occupational illness affecting approximately 28% of the respondents, highlighting the need for attention and preventive measures for health and work, as the identified stressors have a permanent incidence.

KEYWORDS

magistrates; health; quality of work life (QWL)

¹ Santa Úrsula University and State University of Rio de Janeiro, [ORCID](#)

² Santa Úrsula University and Estácio de Sá University/IDOMED, [ORCID](#)

³ Santa Úrsula University, [ORCID](#)

⁴Translator. Federal University of Minas Gerais (UFMG), [ORCID](#).
isabellasmatosinhos@gmail.com

1. INTRODUCTION

Quality of Work Life (QWL) can be understood as a set of conditions that provide physical, mental and social well-being, contributing to safety and good performance at work. Within the Brazilian Judiciary, this dimension was impacted by the reform promoted by Constitutional Amendment No. 45/2004, implemented by the National Council of Justice (CNJ)⁵.

Since then, Brazil has adopted a managerial approach in terms of public administration. Such a model is based on the imposition of strict productivity targets, aiming to achieve the best performance with the greatest possible resource savings. It is a strategy to address the sluggishness of the Judiciary, which has been heavily criticised by the national media. Procedural efficiency and effectiveness have become the main focus of this new managerial model, without considering the harmful effects of strenuous work hours, and without its consequences being measured in advance (Pineiro, 2020).

Some studies conducted in this area have pointed out the existence of oppressive working conditions (Alves, 2015; CNJ, 2015; Costi, 2013; Ribeiro, 2005), attributed to the presence of various stressors that indicate low quality of work life. Among them: the large volume of work; excessive institutional pressure to meet the targets; lack of human resources (due to the number of judges and public servants considered insufficient); competitiveness among magistrates; exposure of personal image and professional performance when they are behind schedule; social and media pressure; and high responsibility of the position.

In light of this situation, the National Council of Justice, through Resolution No. 207/2015 (recently amended by Resolution No. 338, of October 7, 2020), presented the Comprehensive Health Care Policy Policy⁶. Endorsed by the Judicial Branch, the proposal came with a commitment to preserve the health and quality of work life of magistrates and other public servants, even though the managerial policy adopted was maintained (CNJ Resolution No. 207, 2015; CNJ Resolution No. 338, 2020).

Therefore, this research aims to investigate, based on the dimensions established by Walton's (1973) model on quality of work life and from the

⁵ Translator Note (TN): The original name of the institution, in Portuguese, is *Conselho Nacional de Justiça (CNJ)*.

⁶ TN: The original name, in Portuguese, is *Política de Atenção Integral à Saúde*.

perception of the magistrates themselves, how they experience working conditions. As a cut-off point for the study, the target audience was defined as the magistrates of the Labour Court. This choice was made especially due to the paradoxical reality they face, as they exercise the public role of judging working relations, whose litigation concerns the issue of precariousness of work, exploitation and non-compliance with working standards.

Precarious work is a term widely used by Alves (2013; 2015; 2018) in his studies and research on work, including the Judicial Branch regarding magistrates. The author has explored precarious work in a triple dimension: wage precariousness, which occurs when the wage does not satisfy or reward work effort; existential precariousness, which occurs when the worker's living space is restricted by work, with a reduction in leisure time, rest, or family interaction; and life precariousness, which occurs when the worker feels exhausted by work, resulting in self-emptying and a loss of the sense of work itself.

It should be noted that the relevance of this research lies in the fact that the problem is not restricted to the labour magistrates themselves. In addition, it is necessary to realise that the condition of illness or the precarious work situations of judges may affect the quality of judicial provision as a whole. Magistrates in this context may develop intolerant behaviour that may interfere in their interaction with their peers and subordinates, due to stress and discomfort at work. They may also lose balance, neutrality and impartiality, projecting their personal discontentment, suffering and disillusionments onto demands that particularly make them feel like it's a "waste of time" - thereby undermining the mission of justice: to promote social pacification.

Furthermore, this study is also justified considering the limited number of researches of this nature that focus on a privileged class with notable economic power, such as the magistrates. One of the reasons for this scanty production in the area is, according to Ribeiro (2005, p.13), the possible fear of researchers in "offending susceptibilities", since it seems contradictory to investigate a non-conjectural precariousness.

Nevertheless, if the illness and poor quality of work life are actually verified among magistrates, denying them the fundamental right to health at work would not be something compatible with the principle of equality before the law, representing a potential civil exclusion of the class (Cunha et al., 2010). Therefore, it is necessary to understand the complexity of the health-work relationship

experienced by labour judges, considering the general interest of the issue and the significant repercussions that the problem has on the effectiveness of the Labour Courts in Brazil.

In this sense, an empirical research based on theoretical studies on quality of work life was conducted, with the evaluative model proposed by Walton (1973) being chosen, as it is the most comprehensive in terms of aspects that can be investigated. This model was adapted to the context of magistrates in the Brazilian Labour Justice, guiding the development of a questionnaire and the organisation of the results into eight categories established by Walton. The entire research process, as well as the discussion of its findings, was based on previously defined methodological procedures, as detailed in the following sections.

2. EVALUATION OF QUALITY OF WORK LIFE, ACCORDING TO WALTON'S MODEL

Quality of work life (QWL) is a broad term that is subject to various interpretations. It encompasses several dimensions, indicators or categories of analysis that are, in turn, commonly structured in different evaluation models according to the existing literature. It is generally observed that QWL is a relative concept that varies depending on the time and period in which it is sought to be understood, as it is influenced by historical conceptions incorporated by organisations (Nadler & Lawler, 1983). It is a term that includes many meanings and practices (Fernandes, 1996) aimed at protecting workers, either through welfare or preventive measures (Ferreira, 2012).

According to Fernandes (1996), this diversity of concepts about QWL does not lead to a consensus. Nevertheless, the approaches of scientific studies make it possible to overcome common-sense understandings that do not contribute to the transformation of work processes and working conditions (Cabral Júnior, 2013).

The concept of QWL values the subject's perception of their job satisfaction, which can be understood as the set of variables that the worker recognizes as favourable to work, including "skill variety", "task identity", "task significance", "autonomy", "feedback" (Hackman & Lawler, 1971). This perspective is shared by Pillati (2008), who points out that the better the working conditions, the higher the quality of work life.

In 1973, Richard Walton's concept pointed to QWL as a research that aims to rescue neglected values in terms of environment and humanity, lost or threatened by technological advancement and economic development. The QWL, therefore, would be intended to reconcile productivity with better working conditions (Fernandes, 1996).

Walton's (1973) studies on QWL were based on the context of work in the United States of America (USA). These studies led to the development of classic evaluation models that are still frequently applied today and serve as inspiration for several studies (Pedroso & Pilatti, 2010). Although Walton's research is a theoretical model and not really a QWL evaluation instrument (Pedroso & Pilatti, 2010), its popularity is due to the wide range of analytical criteria used.

This model was chosen as the guiding framework for this research. The reason for this is the breadth of aspects covered by Walton, making his 1973 model still relevant and applicable nowadays, since it covers a large number of indicators (Limongi-França, 2007; Pedroso & Pilatti, 2010). In it, intrinsic and extrinsic human needs are perceived, which range from affective, personal and collective issues, to structural and organisational issues.

In order to measure workers' QWL, Walton analysed eight categories, understanding that personal and professional experiences indiscriminately contribute to work performance and satisfaction. Thus, he composed a model that enables the global analysis of the positive and negative aspects of work according to the workers' perception (Tolfo & Piccinini, 2001), based on the following categories and dimensions:

Table 1.

Walton's model QWL categories and dimensions

Categories	QWL dimensions
1 - Adequate and fair compensation	- Internal and external equity; - Justice on compensation; - Sharing in productivity gains; - Proportionality between wages;
2 - Safe and healthy working conditions	- Reasonable working hours; - Safe and healthy physical environment; - Absence of unhealthiness;

3 - Immediate opportunity to use and develop human capacities	<ul style="list-style-type: none">- Autonomy;- Relative self control;- Wide range of skills and abilities;- Meaningful information about the total work process;
4 - Future opportunity for continued growth and security	<ul style="list-style-type: none">- Career opportunities;- Personal growth;- Salary advancements prospects;- Job security;
5 - Social integration in the work organisation	<ul style="list-style-type: none">- Absence of prejudice;- Equality;- Mobility;- Interpersonal relationship;- Sense of community;
6 - Constitutionalism in the work organisation	<ul style="list-style-type: none">- Worker's Rights;- Privacy;- Freedom of expression;- Equality before the law;- Labour rights
7 - Work and total life space	<ul style="list-style-type: none">- Balanced role at work;- Time stability;- Few geographic changes;- Time for family and leisure;
8 - Social relevance and importance of work life	<ul style="list-style-type: none">- Corporate image;- Corporate social responsibility;- Product liability;- Employment practices.

Source: Adapted from Fernandes (1996, p.48).

Although Walton's model is widely used and contemplates several aspects of work and the worker, it is subject to criticism. The main one is that it does not evaluate the biological and physiological dimensions of the individual (Pedroso & Pilatti, 2010). Nevertheless, this was the model adopted by this study for the elaboration of the questionnaire that conducted the empirical research.

It should be noted, however, that the questionnaire itself proposed by Walton was not the one used because it does not address the specificities of the exercise of magistracy: some items are not applicable and others are dispensable. In addition, there are those items that would be desirable but are absent from

Walton's model - the biological and physiological dimensions of the individual -, as pointed out.

Thus, the questionnaire used in the present research was formulated specifically for magistrates. The categories proposed by Walton served as a guide, although not all dimensions established by him appear here.

3. METHODOLOGY

This is a descriptive-exploratory study with a quantitative and qualitative approach applied to empirical research. The collected data were interpreted using descriptive statistics. Descriptive-exploratory research aims to broadly describe a specific phenomenon, using theoretical and empirical analyses (Lakatos & Marconi, 2003).

This method was chosen due to the need to identify the precarious aspects of work and their impact on the health and quality of life of judges. Descriptive research is the one dedicated to investigate the nature and characteristics of a given phenomenon, with the greatest possible precision, in order to measure the frequency of its occurrence (quantitative finding) and the connection with other phenomena (qualitative finding) (Rampazzo, 2005). In turn, exploratory research relates empirical data and theoretical assumptions, "conceptualising the interrelationships between the properties of the observed phenomenon, fact or environment" (Lakatos & Marconi, 2003, p. 188)⁷. The goal is to achieve a "greater level of familiarity with the problem to make it more explicit or to form hypotheses" (Gil, 2017, p. 41)⁸.

For this research, a specific Labor Court was selected. The study universe is composed of judges of the 1st instance court: there are 259 magistrates, of which 138 are titular judges and 121 are substitute judges⁹ working in labour courts.

⁷ TN: Free translation based on the Portuguese version consulted in this work.

⁸ TN: Free translation based on the Portuguese version consulted in this work.

⁹ TN: The terms *titular judges* and *substitute judges* were free translated from the original terms in Portuguese: *juiz titular* and *juiz substituto*. In Brazil, *juiz titular* refers to a judge who has been appointed to a specific court and has a permanent position in that court. *Juiz substituto*, on the other hand, is a temporary judge who is appointed to fill in for a judge who is temporarily absent, so they are only in the position for a limited time. A rough approximation with the British system would be to compare them, respectively, with the terms *sitting/resident judge* and *circuit judge*.

A survey was conducted in person. Printed questionnaires were distributed and inserted into the folders of a legal event that took place between January 15 and 17, 2020. The event was held within the jurisdiction of the court that hosted the research and the attendance of participating judges in it was mandatory.

Out of the total of 259 first instance judges linked to the Labor Court studied, 152 attended the event, corresponding to 58.68% of the investigated population. Absences were due to medical leave, maternity leave, study leave and vacations, but there were also unjustified absences. At the end of the event, 104 completed questionnaires were collected, which corresponds to 40.15% of the investigated population and to 68.42% of those present at the event.

The number of 104 respondents allowed for a survey with a 95% confidence level and a 7.5% margin of error, validating the study and making it representative of the investigated class.

3.1 PROCEDURES ADOPTED FOR CONDUCTING THE EMPIRICAL RESEARCH AND TREATMENT OF COLLECTED DATA

Before the empirical research was carried out, a clarification document was presented to the partner Court, providing information on the actions that would be adopted in the field activities and their goals. This procedure enabled a transparent working relationship with the institution. Additionally, a Consent Form was signed to maintain the anonymity of the participants, ensuring the confidentiality of individual and institutional data.

The second stage of the research began with the application of the questionnaire. The objective data collected were organised, classified, and statistically tabulated. This made it possible to use raw data in percentage form and facilitated its presentation in spreadsheets and graphs created in Microsoft Office Excel software. In turn, the subjective data collected were gathered and classified into categories based on the nature of the open-ended questions.

All data were organised and classified by similarity or proximity, following the categories established by Walton's model (1973). The aim was to treat the data quantitatively by considering frequency, and qualitatively by analysing the thematic content dimension of the categories and indicators of quality of life.

3.2 RESEARCH INSTRUMENT

The questionnaire used in the research was elaborated with five objective sections and one subjective one, optional, as will be explained in the sequence. The objective questions were composed of 60 (sixty) short and direct propositions, organised according to the Likert Scale methodology of the 5-points (which uses numbers from 1 to 5 to indicate: 1- Never, 2- Rarely, 3- Sometimes, 4- Often, 5- Always).

In the first section, the sociocultural profile of the research participants was outlined in order to enable comparisons, on the one hand, between health and quality of work life (QWL), and on the other, between career position, sex, age, formal education, time in the judiciary and personal values. From this choice, data cross-referencing and information concatenation brought new perspectives of analysis.

In the second section, the goal was to find out the judges' perception on health and quality of work life (QWL) in a scalar gradation, from five subsections. In the first one, objective aspects of work were explored, such as: structure, organisation and division of tasks. These elements, according to the QWL model proposed by Walton (1973), refer to the category "working conditions", in which are present the dimensions of productivity, process division, working hours, physical environment and (un)healthiness (Fernandes, 1996, p. 48).

The next subsection covered subjective aspects. The questions were about motivation for work, taking into account its emotional, intellectual and financial aspects. Such items are based on the categories "use and development of human capacities", "opportunity for growth and security" and "social relevance and importance of work in life", directly related to the categories "adequate and fair compensation" and "working conditions", of Walton's Model (1973) (Fernandes, 1996).

The third subsection raised questions about health in relation to work. Some of them were about physical and mental health, specifically about pain, bodily disorders, changes and conditions of nighttime sleep, taking into account the repercussions of these responses within the institution and in relation to peers, in contrast to the fundamental right to health protection. In Walton's model of quality

of work life (QWL) (Fernandes, 1996), these questions would be represented in the categories “social integration in the work organisation” and “constitutionalism”.

The fourth subsection sought to identify experiences of job dissatisfaction, imbalances, or occupational illness. For this purpose, the questions addressed psychological aspects resulting from the relationship with work, proposing to discover how work dynamics occur from the perspective of the binomial pleasure and suffering (Lancman, 2008).

The last subsection presented questions about social experiences in relation to work, that is, how work influences the personal, family and social life of judges. In Walton's model (1973) these aspects correspond to the categories “work and total life space” and “social integration in the work organisation” (Fernandes, 1996, p. 48), whose fundamental dimensions of QWL contemplated were: time for family and leisure, social interaction (intimate and community relationships), balanced role at work, and time stability.

Finally, the subjective section brought three open-ended and optional questions, as follows: 1) “Do you want to do any comments on the answered items?”; 2) “What are the main difficulties you face in your work?”; and 3) “How do you deal with these difficulties? What would you change at work? ”. Such questions had the purpose of welcoming the free manifestation of the participants, according to their interests and sense of personal relevance. This choice is a way of valuing the identity and uniqueness of these people, as Dejours advocates to be important. Thus, at least empirically, the participants are given a place of speech for the construction of subjectivity, for the development of critical-reflective capacity about work, to the detriment of the processes of social conformation and alienation (Dejours, 1999).

3.3 RESEARCH INSTRUMENT AND THE CATEGORIZATION OF ITS QUESTIONS ACCORDING TO WALTON'S MODEL (1973)

The questions used in the questionnaire were created based on the eight categories established by Walton's model (1973) and their respective dimensions. They were not limited to this model, though. Moving beyond Walton's proposal, the questionnaire was extended to include questions on physical and emotional

health, covering biological, physiological and mental aspects that are not explored in the adopted model, as can be seen below.

3.3.1 REGARDING ADEQUATE AND FAIR COMPENSATION

In general, this indicator of quality of work life (QWL) is related to the worker's satisfaction with the remuneration obtained from work. It is an indicator that encompasses the perception of appreciation and gratification, from an internal comparative perspective between peers and an external one in relation to the market (Timossi et al., 2009).

Despite the fact that the remuneration among magistrates is equitable, according to the position in the career, judges were asked about this item in relation to its absolute value (ie, non-comparative). Thus, remuneration is considered satisfactory when it meets personal needs, cultural, social and economic standards, especially when it represents a fair reward for the work performed.

3.3.2 REGARDING WORKING CONDITIONS

On the topic of working conditions, many different dimensions evaluated ended up being different from those originally proposed by Walton (1973). The reason for this is linked to the exercise of the magistracy, whose particularities could not be reached from a generalist approach. Thus, it was decided to prioritise issues related to workload, pace and working hours, managerial measures and institutional demands. The use of these dimensions also allows for a subjective space for the participants to express their perceptions about problems related to the physical and technological resources of the institution, as well as fatigue and (un)salubrity.

Therefore, judges were asked: whether the existing number of judges is sufficient to handle the current volume of cases; whether the pace of work is adequate; if they perceive justice in the procedural distribution of cases; whether they willingly receive cases transferred from other magistrates; if there is a strong demand for productivity from the institution; whether they perceive the working

conditions offered to be adequate to achieve the expected results; if being a manager causes discomfort; if high connectivity to information technology is a source of work-related stress for them; and whether the labour reform has alleviated the previously existing workload.

3.3.3 REGARDING OPPORTUNITY TO USE AND DEVELOP HUMAN CAPACITIES

According to this category of Walton's Model (1973), there are some aspects of work that favour the quality of work life. This occurs because they enable the use or development of human skills, both new and pre-existing, such as: professional practice with a certain level of autonomy and self-control in carrying out tasks; the use of different skills, non-repetitive or monotonous; obtaining information or feedback about the quality of one's own work; the opportunity to do the complete job end-to-end, starting and finishing it; and planning the work before its execution (Timossi et al., 2009).

These aspects, to some extent, are not very compatible with the ordinary work of a judge, since the performance of these professionals is almost entirely limited to the law. There are procedural laws that prescribe the functional duties of the position, distribution of competencies and other rules of work performance. In addition, there are substantive laws prescribing the content of decisions. Thus, the decision-making activity is mainly characterised by the immediate application of norms to cases, and by the repetition of decisions based on precedents (jurisprudence) or resulting from the institute of general repercussion, which is intended to replicate previous decisions in similar cases, aiming to generate uniformity among the decided cases. Therefore, this is a profession that, in practical terms, does not have wide freedom, autonomy or creativity (Alves, 2014; Marinoni & Mitidiero, 2008; Pedro, 2019).

In this sense, regarding the dimensions of the category "opportunity to use and develop human capacities", some characteristics were explored in the subjective questions. They sought to unravel typical data of professional exercise related to: lack of autonomy; repetition of activities; and dynamics of the public service (unproductive, bureaucratic and rigid).

Furthermore, aiming to broaden the discussion of this category beyond Walton's Model (1973), several aspects that hinder or drive the use and development of human capacities at work were questioned. Among them:

vocation, level of interest, satisfaction, motivation, pressure, limitations, fears, productivity and affections.

3.3.4 REGARDING FUTURE OPPORTUNITY FOR CONTINUED GROWTH AND SECURITY

With regard to opportunities for career growth and security, Walton's Model (1973) proposes accessing satisfaction levels in relation to professional growth opportunities, and job security/stability (Timossi et al., 2009). This category was also adjusted to meet the needs of this research.

In the career of magistrates, opportunities for professional growth occur basically in a rigid and regulated manner, with career progression from substitute judge to titular judge, and then from titular judge to appellate judge, according to promotion by seniority or merit (as provided for in the Article 93 of the Brazilian Federal Constitution of 1988). In turn, the assessment of job security and stability is investigated by Walton (1973) based on the worker's feeling in the face of dismissals. However, this dimension does not apply to judges because they become lifelong in their position after working for two years and passing the probationary period (as provided for in Article 95 of the Brazilian Federal Constitution of 1988). From that moment on, they cannot be removed from this position, except in exceptional cases, such as conviction after due legal process - as provided for in Article 26 of the Brazilian Organic Law of the National Judiciary¹⁰ (Complementary Law n. 35, from 1979).

Therefore, this category was not explored in the objective questionnaire. However, perceptions on the topic were freely presented in the subjective questions. At this point, aspects were pointed out that suggest frustration regarding the possibilities of promotion and career growth, due to structural and managerial measures.

3.3.5 REGARDING SOCIAL INTEGRATION IN THE WORK ORGANISATION

¹⁰ TN: In Portuguese, this law is known as LOMAN, the Portuguese initials for *Lei Orgânica da Magistratura Nacional*.

According to Walton (1973), this category encompasses all interpersonal relationships that arise from the institutional bond between the worker and the organisation, as well as with peers, subordinates and other services providers. This category considers values such as justice, equality, self-esteem, sharing, and mutual support among workers and the organisation. The more these elements are present in the work context, the more favourable the generation of a healthy environment, aligned with the quality of work life (QWL) (Timossi et al., 2009).

About this, the magistrates expressed themselves freely in the open-ended questions, pointing out difficulties that they face in the context of their work relationships. Among them: lack of camaraderie/friendship among colleagues; lack of sense of belonging; professional isolation; lack of support, listening and institutional communication; as well as absence of democratic and participatory management.

In the objective questionnaire, the topic of loneliness was investigated. This is a peculiar feature of the work of 1st degree magistrates (who always judge their cases alone, unlike the 2nd degree judgments, which are made by a panel of judges). Even so, this investigation was necessary, given that the distance between peers is something that supposedly fosters a lack of camaraderie, undermining social and organisational integration.

Aspects of the social dimension were also explored by the objective questionnaire. Participants were asked if they avoid taking sick leave to avoid being in a disadvantaged situation compared to their peers; and whether they manage to provide moral and professional support to eventual sick colleagues with whom they work with or close to.

3.3.6 REGARDING CONSTITUTIONALISM IN THE WORK ORGANISATION

According to Walton's model (1973), this category encompasses the constitutional principles established for work as fundamental rights of the worker and the human being. Among them are: privacy, freedom of expression, and equality before the law (Timossi et al., 2009).

Applied to the reality of the labour judges, this category was explored based on some testimonies brought in the open-ended questions regarding difficulties and conflicts that slip into constitutional principles and provisions. Among them:

the right to health; social rights; the principle of equality and transparency in the public service; and the principle of irremovability of the judge.

3.3.7 REGARDING WORK AND TOTAL LIFE SPACE

According to Walton's model (1973), this category is intended to study the correlation between the spheres of work and personal life (family and social interactions). The reason for this is that the effects of an exhausting workday, permeated by suffering or illness, cause impacts in the context of personal life.

From this perspective, it was investigated how work is perceived as intrusive in the private life of judges, affecting their leisure time, relationships outside of work, their health and the very quality of the service they provide. Aspects of schedule stability and few geographic changes were also considered, and this type of work predictability is something positive for the quality of work life (QWL).

Thus, the judges were asked: whether work interferes with their leisure time; whether it is possible to disconnect from work during holidays and weekends; if they have dreams/nightmares about work; if they need to take sleeping pills; if they have already worked while sick despite being able to take sick leave; if they avoid taking leave due to workload; if they face difficulties in social relationships outside work because of work; if they feel like being alone; if they experience family conflicts related to work; if, due to work, they feel impatient with people in general; if they dedicate little time to life with family and friends, due to work; whether the pressure and stress at work contribute to a decrease in sexual pleasure; whether their states of well-being and health directly affect the quality of work; and if working as a judge has a significant impact on personal health.

3.3.8 REGARDING SOCIAL RELEVANCE AND IMPORTANCE OF WORK LIFE

According to this category of Walton's model (1973), there are elements that contribute to quality of work life (Timossi et al., 2009). They are: the perception of social relevance of the work performed; the institutional image that is conveyed, given the responsibility for delivering quality services and products; as well as social responsibility.

In this sense, despite the media coverage of the slowness of the judiciary and the criticism directed at the class of judges, the participants were objectively asked whether, according to their own perspective, they are proud of the position they hold and the work they do. They were also questioned if they identify themselves with the tasks they perform. These questions were asked in order to understand how the subjective perception of the social relevance of the work performed was integrated.

In the open-ended questions, other aspects were explored regarding the problems and difficulties that affect judges. Among them: the Federal Government's attacks on the institutional sphere, which seems to question or diminish the importance of Labour Justice and its social value from a political perspective; as well as the need for professional valorization and recognition by the administration of the Court itself to which they are linked.

3.3.8 REGARDING HEALTH ASPECTS IN RELATION TO WORK

In this research, health was one of the categories related to quality of work life (QWL). We analysed aspects that cause physical, psychological and emotional suffering and illness associated with work or resulting from it.

In this sense, the dimensions of health explored went beyond those of Walton's model (1973). The judges were asked: if they have ever suffered from a disease or discomfort associated with work; how they perceive their physical state regarding body aches, headaches, digestive disorders or sleep disturbances; how they perceive their emotional state regarding bitterness, feelings of emptiness, sadness, anxiety or negativity; how they identify their behavioral state regarding bad mood, nervousness, tension and worry; if they perceive in their existence borderline states marked by a sense of panic, a desire to give up everything or suicidal thoughts; whether they pay attention to their subjectivity, reflecting on life or undergoing therapy; and whether they do physical exercises or if they dedicate some of their free time to their hobbies.

3.4 METHODOLOGICAL LIMITATIONS

This research seeks to understand an empirical context from the perception of the subjects involved in it. This choice implies difficulties and methodological limitations. The main one is that data collection depends on the willingness of the participants, who decide whether or not to take part in the research. Thus, a possible bias is that judges who are more (or less) dissatisfied with their work may not show interest in collaborating with the research, causing interference or distortions in the results.

Furthermore, it is necessary to consider that the empirical research was developed from a given sample and produced at a specific time. Thus, the data collected may reflect a partial scenario. Finally, even though the target audience was informed that this was an independent academic survey, the participants accessed the survey questionnaire in the context of the institution where they work, during a legal event. Thus, it is necessary to consider that this situation may have generated fears or a feeling of vulnerability in the judges, affecting the exposure of their true perceptions about what was asked of them – whether due to the fear of persecution or institutional retaliation; or due to personal interest in not tarnishing the judge profession's elevated social status within the academic community.

These are just some of the possible limitations, glimpsed without the intention of fully exhausting the subject. These are reflections on possible bias to which the research is subject, and which could eventually interfere with the result.

4. RESULTS AND DISCUSSION

In the field research, 59% of respondents were women and 41% men, all of them working in the 1st degree of jurisdiction. Of this total, 35% are between 31 and 40 years old, 33% are between 41 and 50 years old, 19% are aged between 51 and 60 years old, and only 3% are between 61 and 72 years old. The majority (65%) are married; 15% are divorced, 11% are single and 9% are in a domestic partnership. Regarding the level of education, most of them (68%) have a postgraduate diploma, having obtained the title of specialist, while only 10% have a master's degree and only 5% hold a PhD or a post doctorate degree.

When asked about the main factors that led them to choose the career of a judge, the responses varied depending on age. In general, younger judges were

influenced by career stability, followed by personal idealism and the social value that the profession holds. On the other hand, older judges, who started their careers before the 1988 Brazilian Constitution, were equally influenced by remuneration, idealism and social value (Constitution of the Federative Republic of Brazil, 1988/2020).

The first stressor identified in the exercise of the profession is the large volume of work, mentioned by 90% of the participants. According to their perceptions, this is a problem that unfolds into three fundamental findings:

- 1) There is a notorious disproportion between the number of judges and the number of existing cases, according to 67% of the respondents;
- 2) The pace of work is inadequate, meaning it is more intense than the capacity of the productive force, for at least 53% of the participants;
- 3) The redistributed processes are perceived as an extra workload by at least 63% of the judges.

Another stressor related to health, identified by at least 84% of the participants, is the pressure to meet challenging targets in a short period of time. This data is extremely relevant because it refers to the managerial policy adopted by the Justice System, aligned with post-Fordism organisational restructuring, which values efficiency, productivity and high performance at the expense of critical and problematizing elements of work (Heloani, 2018).

The effects of this constant and significant pressure at work also appear in the dimension of high connectivity. Through the online environment, the dedicated time to work is extended almost indefinitely. For 64% of the judges, this aspect is another source of work-related stress.

It is interesting to note that not even the labour reform seems to have brought significant changes in the volume of work. This is the point of view of at least 55% of the judges, according to whom the reform has hardly relieved the intense workload. Only 29% of respondents reported feeling some relief in their workload from time to time.

The third identified stressor refers to inadequate working conditions, according to 78% of the judges. This data is reinforced by some subjective responses that point to an insufficient number of personnel (judges and civil servants), who are unable to handle the workload in a timely manner.

In this scenario, 65% of the respondents perceive their work as exhausting. This number is significant and in line with the various reports from substitute

judges about the wear and tear resulting from moving frequently from one place to another, in other words, from geographic instability. As substitute judges, they are frequently moved from one labour court to another, without predictability or transparency regarding the next assignments.

Even so, apparently there is a good spirit for work among the judges, since:

- 1) Approximately 91% recognize themselves as having a vocation for their professional choice;
- 2) At least 84% consider their work interesting;
- 3) 81% feel motivated to carry out their tasks, either always, often or sometimes;
- 4) And at least 61% feel personally satisfied with their work.

Despite these aspects of satisfaction, when the subject is remuneration, dissatisfaction is more common, representing 73% of the participants. Still, this dissatisfaction does not seem to cause harm to their personal relationship with work, considering the levels mentioned above of personal satisfaction, identification with work, interest and motivation for work.

Physical illness, however, emerges as a point of attention, given that at least 28% of the judges have had or have any type of work-related illness. It has been consistently found that 41% of the judges experience body aches, 26% have headaches, 20% suffer from digestive disorders, and 37% experience sleep disturbances due to work. These are potentially harmful percentages, since collective illness, with sick leave, of any percentage of judges, will have a strong impact on the labour court.

It is worth noting that, for half of the respondents (50%), work has a significant impact on personal health. For 62% of them, their health conditions directly affect the quality of their work. This makes it clear that care and attention must be paid to the work-illness relationship, especially given the current scenario. Even if the current working conditions are maintained, the situation could worsen over time.

It is interesting to note the institutional strategy adopted to deal with the disproportionality between the number of cases filed annually, added to the cases already in progress, and the insufficient number of judges. In order to enable efficient judicial activity within a reasonable timeframe, instead of investing in increasing the number of judges, strict institutional goals and metrics were

established, introducing a capitalist productive model in the public service, without increasing, however, the amount of personnel.

Thus, from different perspectives, what is evident is the construction of a work system in which there is no room for illness and in which everyone agrees with an order that pushes the productivity of judges to its limit. Under this logic, one of the conflicts that emerges is between the ethical duty to dedicate more time to a complex process and the moral option to quickly respond to statistical expectations. Notably, this situation was reported by approximately 82% of the judges, who declared having already remained working even when they were granted the right to leave based on medical issues. Among the reasons for avoiding leave were the fear of accumulating work (for 55% of the judges, always or often) and the fear of being at a disadvantage in relation to their peers (for 35% of the judges, always or often).

Such data indicate a commitment to productivity and performance that suppresses harmful work conditions, which is confirmed by the response of at least 58% of the judges, who consider themselves productive always or often. In this scenario of overload, at least 63% of the judges are still able to provide moral and professional support to their colleagues who are ill. This means that on one hand, there is a perception that there is (always or often) a strong pressure for productivity from the institution (84%), which provides inadequate working conditions (according to 78% of them). However, on the other hand, it was found that, even so, most of the respondents manage to remain productive almost all the time.

This is a scenario that refers to a personal effort not to succumb to work in the face of a strong identification with it, remarkably confirmed by 78% of the judges. Work has the power to shape individuals' identities, being a fundamental element in the process of subjectivity formation. In this sense, individuals come to feel that they have as much value as their work can have, so they will feel personally valued (or not), depending on how their work is valued (Dejours, 2011). This establishes a dynamic relationship underlying work: professional recognition and validation, evidenced by 82% of the participants, who are proud of their profession.

In this context, the "commitment" arises, which according to Dejours' theory, is constituted by the adoption, by workers, of a set of defensive strategies that silence or reposition the pathogenic suffering of work, in order to remain operative, productive and identified with their work at all costs (Dejours, 1996). Some of these

strategies showed up in the subjective responses. Among them: the practice of "sublimation" and "drive repression" (Dejours, 1996, p. 198-199). Sublimation appears in the attempt to alleviate work-related suffering by redirecting focus towards other interests and affectivity, such as engaging in sports or hobbies (expressed by 60% of the judges) or investing in moments of pleasure in family life, for example. Drive repression, on the other hand, involves the willingness to mitigate psychological suffering at work simply by accepting to execute what needs to be done, without internal conflicts or questioning, in an operational execution that tends to empty oneself, leading individuals to experience a loss of personal fulfilment (Dejours, 1996). In the open-ended questions, such aspects appeared particularly as a response to the question about how they deal with their difficulties at work.

It can be observed that these are "survival" measures and not exactly a way of addressing the problem. Thus, the magistrates seem to coexist in a resilient way with the challenges related to the quality of work life, although some of these professionals have expressed their dissatisfaction in the answers given to the open-ended questions, pointing out the existence of a managerial management, style marked by authoritarianism and the lack of recognition, transparency and dialogue, as previously mentioned.

Nevertheless, regarding mental health, the existence of several emotional and behavioural states of the judges was investigated (bitterness, feeling of emptiness, sadness, bad mood, nervousness, fear, panic, negative thoughts and anguish). From this, what stood out were the states of tension and daily concern about work, which occur always for 29% of the respondents and often for 44% of them. The desire to give up everything was unfamiliar to 74% of the judges, and suicidal thoughts appeared at low level, but still concerning: 1% of the judges always think about suicide, 3% sometimes think about it, and 4% rarely think about it.

It should be noted, however, that the feeling of loneliness was indicated by 27% of the respondents, who reported feeling lonely always or often, while 28% indicated that they sometimes feel lonely. It means that 55% of magistrates at some point experience loneliness in their professional practice. An interesting point is that this perception about loneliness was also confirmed in responses to the open-ended questions, which pointed to social distance among peers due to a sense of lack of belonging or collegiality.

The role of a judge is typically a solitary activity in the 1st instance of jurisdiction, since at this stage each judge judges a case alone. Therefore, the feeling of loneliness may stand out when faced with doubts, discomfort, or the need to discuss technical questions with colleagues, without, however, having space for this. Moreover, the problem seems to affect those who are at the early stages of their careers to a greater extent, when substitute judges are assigned to work in different jurisdictional units, requiring significant geographic mobility, which implies difficulties in dealing with different people and teams, also making it difficult to the continuity of interpersonal relationships.

Loneliness is a factor that relates to low quality of work life, affecting social integration within the organisation, causing harm to individuals and the service itself. Therefore, loneliness is a sensitive aspect to be considered in daily professional life, as confirmed by the Brazilian National Council of Justice (CNJ):

The isolation of judges from one another and from the community can lead to aridity and a desertification of affection and emotions. Loneliness and competition pit colleague against colleague, destroying the institution from within. They do not feel integrated, they do not feel like they are agents of this structure, but rather disconnected parts of the Judicial Branch (...). This does not mean that there are no informal relationships between judges, but rather that the existing ones are not enough to create effective cooperation mechanisms between peers. Thus, the relationships that currently exist fall far short of what would be necessary for the existence of true spaces and fields of cooperation. In fact, the way judges work and are evaluated brings obstacles to the construction of effective relationships. Both the organisation of work and the evaluation processes, as well as the consequent possibility of career advancement foster competition and isolation. (CNJ, 2015, p. 70).¹¹

In this dimension of the problem, social alienation in the workplace also appears, "which is verified when the worker is deprived of his/her power of speech in a collective space that allows for discussions and deliberations with their peers"

¹¹ TN: Free translation based on the original work used in this research, in Portuguese.

(Pessoa et al., 2020, p. 25)¹². Socialisation and the construction of intersubjective spaces, therefore, foster the phenomenon of shared consciousness that is capable of promoting psychic mobilisation, connecting common desires to collective action (Bouyer, 2010).

This is something that should prompt reflections on how actions to improve the system could be implemented. In this sense, it must be taken into account that the Judicial Branch is a public institution with a highly hierarchical power structure – internally, in terms of positions, and externally, in terms of organisation chart. Thus, the creation of collective and cooperative spaces is not enough to change its mode of organisation, because these spaces are closer to the models of a participatory democracy, while what operates in the Judiciary is an autocratic managerial culture.

Finally, outside the work environment, there were no significant difficulties or conflicts in interpersonal relationships that could be associated with the consequences of a stressful work schedule. However, the intrusion of work into personal life was verified with the finding that at least 61% of the judges often dedicate little time to family and friends due to work. For 65% of the magistrates, work commonly hinders their leisure activities. In this sense, 54% of the respondents usually cannot switch off on vacations and weekends.

5. CONCLUSION

In face of the outcomes, this research concludes that there is no massive illness in the Brazilian Labour Judiciary. What exists is a scenario marked by certain work-related suffering, which commonly manifests in occasional illnesses, as reported by 28% of the judges who suffer or have already suffered from it.

Thus, what stands out is a scenario of susceptibilities to daily discomfort due to the prevalence of three stressors (or risk factors) that appear in significant percentages:

- The large volume of work, for 90% of the judges;
- The constant and excessive pressure to meet institutional targets, for 84% of the judges;
- The existence of inadequate working conditions, for 78% of the judges.

¹² TN: Free translation based on the original work used in this research, in Portuguese.

These factors are aligned with a trend indicating a low quality of work life context that often precedes the emergence of collective illness situations. This is because, in contrast, the results indicated a positive attitude towards work, reinforced by the assumptions of psychodynamics of work that lead to alternatives for mitigating pathogenic suffering in the workplace. They are: (self) recognition, identification with work, and commitment (sustained by the workers' psychic defences).

Nevertheless, the research findings demand attention and a reflective posture regarding the possibility of worsening the judges' health status and quality of work life. After all, the persistence of stressors points to the existence of precarious work, identified in two of the three dimensions proposed by Alves (2015), namely: wage precariousness, perceived by 73% of the judges; and existential precariousness, characterised by the reduction of the personal life sphere due to work intrusion - evidenced by the perception of over half of the judges who reported that they restrict their rest and leisure time on weekends and vacations in such a way they distance themselves from spending time with family and friends, due to work.

In addition, what also becomes evident are certain dissatisfactions with the institution's managerial policy. This dimension is generally manifested through feelings of injustice and professional devaluation, given the unpredictability of assignments to different workplaces; and in relation to the lack of transparency in the promotion of judges whose cases are behind schedule.

All these elements contribute, directly or indirectly, to the configuration of work-related discomfort and dissatisfaction, which is reflected in the quality of life and health of judges, inside and outside the work context. This becomes even more evident when considering the perspectives that are similar to the ones of the Administrative Reform, which foresees even greater budget cuts than those already implemented in the Labour Justice system. This is something that impacts the Justice System as a whole.

In general terms, the current scenario reflects the logic of the managerial administration adopted by the Judicial Branch. This logic is based on the incessant pursuit of productivity and efficiency, with the lowest possible cost and investment, disregarding the harmful effects this has on the human beings involved in the production process.

Subjection to these stressors for an indefinite period calls for some type of action and should inspire care and attention from institutional management. However, the task of reformulating or restructuring targets and productive metrics is a responsibility of the highest hierarchy of the Judicial Branch, which includes the National Council of Justice (CNJ) and the Superior Council of Labor Justice¹³.

In view of what was presented, we understand that the field research carried out in this study achieved the initially desired goals. The presented results revealed the perception of labour judges regarding health and quality of life in their careers, leading to the identification of the issues and problems that most afflict the investigated field.

Regarding the limitations of the research, we identified a certain fear among participants in exposing the weaknesses of the judiciary to the academic community. In addition, some respondents also expressed concerns about negative consequences in their work if they provided information that personalised and made them vulnerable before the organisation. This apprehension was evident even though the researchers clarified that individual data would be preserved and kept anonymous and confidential. These research limitations were observed through the absence of responses to certain blocks of questions, particularly those related to sociocultural profiles, as if the set of personal information could identify the respondents.

It was found that the open-ended questions, presented as optional, added significant value to the research, as their findings confirmed and reinforced the objective data. These responses also provided a more detailed understanding of the problems experienced by the labour magistracy beyond what had been anticipated or measured in the closed-ended questions. Thus, the obtained results revealed more clearly aspects of working conditions, health and quality of life in the profession. Furthermore, they not only facilitated reflection on the problems, but also provided an opportunity for the exploration of measures to bring about change and improvement.

This study also highlighted the need to expand and deepen research in the field, especially regarding physical health, which could not be rigorously explored in its many details, given the size of the applied questionnaire, which was already

¹³ TN: The original name of this body, in Portuguese, is *Conselho Superior da Justiça do Trabalho (CSJT)*.

very extensive. Additionally, considering that this study aimed to be an investigative one, it needs to be periodically renewed, which requires new studies in the area to be done. Firstly, because changes in working conditions may occur, which could potentially alter the health status and quality of work life of judges. Secondly, because the conservation of the existing conditions could, over time, contribute to the aggravation of the identified scenario, which also calls for moving forward with new research.

As a suggestion for future studies, it may be interesting to segment the research considering for how long the participants have been working as a judge or the position in the career. On one hand, at the beginning of a career, there is the freshness and physical vigour to handle the volume of work, while it is the advancement in the career that enables experience and the accurate development of professional skills. Furthermore, while younger judges deal with the unpredictability of assignments, older judges face the transient nature and rapid advancement of technological resources that they still need to learn how to master.

Another interesting aspect, also as a suggestion for further research, concerns the analysis of health and quality of work life from a gender perspective. Women often juggle intense workloads both inside and outside the home, and for the ones who became a mother, motherhood can be an obstacle in achieving their professional goals. This situation alone suggests other nuances of pressure at the workplace, with implications for the health and quality of life of female judges.

Finally, the discussion can be expanded even further by shifting the focus from judges to other public servants in the Labor Court. These other workers are subjected to the same scenario and, as reported in this research, many are suffering from illnesses and are on medical leave, to such an extent that it impacts the organisation's productivity, exacerbating the sense of helplessness among managing judges. Therefore, this represents another important target audience that equally deserves a thorough investigation.

In conclusion, there is a continuous need for research in the area, in order to identify risk factors, so that measures for prevention and protection at work can be designed and implemented. This is something beneficial for the human being who work as a judge; for the operation of the Labor Justice; and for all those seeking a just and egalitarian society, with unequivocal recognition of their labour rights.

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Felipe Dutra Asensi: Post-Doctorate degree in Law from the State University of Rio de Janeiro (UERJ). He also holds a PhD in Sociology from the Institute of Social and Political Studies (IESP/UERJ) and a Master's degree in Sociology from the University Research Institute of Rio de Janeiro (IUPERJ). He is currently a professor, at the master's and PhD levels, at the State University of Rio de Janeiro (UERJ) and Santa Úrsula University (USU).

Rodrigo Chaves: Holds a PhD and a Master's degree in Sciences, all from the Postgraduate Program in Animal Biology at the Federal Rural University of Rio de Janeiro (UFRRJ). He is currently a professor of the Professional Master's in Work Management for the Quality of the Built Environment at Santa Úrsula University (USU), of the postgraduate course at the 28th Gynecology and Obstetrics Ward of the Santa Casa de Misericórdia do Rio de Janeiro, and of the Estácio de Sá University (UNESA).

Juliane da Silva Pessoa: Holds a Master's degree in Work Management for the Quality of the Built Environment, from Santa Úrsula University (USU), a specialist degree in Analytical Psychology, from the Faculty of Health Sciences (FACIS) and a Bachelor's degree in Law, from the Federal University of Paraíba (UFPB). She is currently an undergraduate student in Psychology at Santa Úrsula University (USU).

Isabella Silva Matosinhos: Responsible for the translation of this paper, originally published in Portuguese, into English. She holds a Bachelor's degree in Law from the Federal University of Ouro Preto (UFOP). Currently, she is a Master's student in Sociology at the Federal University of Minas Gerais (UFMG) and an associated researcher at the Center for the Study of Crime and Public Security (CRISP/UFMG). Contact email: isabellasmatosinhos@gmail.com

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