

Comments to the Judgment of the Request for Non-Compliance of Basic Principles No. 367: Public Employment in Professional Councils

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Abstract

This work focuses on the content of the judgment of the Action for Non-Compliance with Fundamental Precept 367, in the context of which the Federal Supreme Court recognized the constitutionality of the legal provisions that facilitate the hiring of public servants, under the aegis of the Consolidation of Labor Laws, by Professional Councils. We analyzed the judgment in question from a scientific perspective to reach the conclusion that these links are invalid, since, as they exercise typical functions of public law, under the administrative legal regime, these entities could not voluntarily undress the protective institutes of public affairs, which comprises the functional bond of its servants.

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