

## Between affirmed and denied rights: the struggle of teachers for the national minimum monthly salary on a 20-hour week basis in Campo Grande, MS<sup>1</sup>

### *Por entre direitos afirmados e renegados: a luta docente pelo piso salarial profissional nacional de 20 horas em Campo Grande, MS*

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#### ABSTRACT

The paper examines the struggle of the teachers of the municipal education system of Campo Grande, capital of the state of Mato Grosso do Sul, to be paid the full value of the National Minimum Monthly Salary for Teachers (Piso Salarial Profissional Nacional, PSPN), established by Law n. 11,738/2008. The sources consulted included education-related legislation and documents, local press articles, and documents and material published by the teachers union. In the municipal context, the teachers demanded, as an innovation, to be paid the PSPN on a 20-hour week basis. In the municipality, during the analyzed period, under each mayor's administration, a new law on the matter was passed. The rights were thus guaranteed by legislation, but not complied with. The process was marked by complex developments involving the teachers union, culminating in the largest teacher strike ever held in the municipality, when the educational state acted to maintain the status quo at the local level by using both the local press and the judicial system. The fact that the teachers did not succeed in their demands reveals fissures in the Brazilian cooperative federalism, since local governments, as in this case, prevented teacher remuneration

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<sup>1</sup> This article results from two studies titled *Remuneração docente em contexto federativo* (Teacher Remuneration in a Federal Context) and *Análise comparada das políticas educacionais nacionais nas Américas: contextos, movimentos e direito à educação* (A Comparative Analysis of National Education Policies in the Americas: Contexts, Movements and the Right to Education), both funded by the National Council for Scientific and Technological Development (CNPq).

(Law n. 11,738/2008) from becoming part of the federative coordination policies designed to lower regional asymmetries and contribute to reducing social inequalities.

*Keywords:* Education Policy. Federative Context. Executive Power. Teacher Remuneration. Campo Grande Municipal Education System.

## RESUMO

O artigo desvela a luta dos professores da rede municipal de ensino do município de Campo Grande, capital do estado de Mato Grosso do Sul, pelo pagamento integral do Piso Salarial Profissional Nacional (PSPN), disposto pela Lei n. 11.738/2008. Trabalhou-se com a legislação e documentos educacionais, matérias da imprensa local, documentos e material da imprensa sindical. No contexto municipal, os docentes reivindicaram, como inovação, o pagamento do PSPN pela jornada de trabalho de 20 horas semanais. Observa-se no município que, durante o período em questão, a cada nova Chefia de Poder Executivo foi aprovada uma nova lei sobre a matéria, o que a garantiu no direito, mas não de fato. Tal processo evidenciou marchas e contramarchas do movimento sindical docente, que culminou na maior greve da categoria no município, quando o Estado Educador se movimentou para manter o *status quo* em âmbito local, utilizando-se tanto da imprensa local quanto do Poder Judiciário. O fato de os professores não terem obtido sucesso em suas reivindicações revela fissuras do federalismo cooperativo brasileiro, pois governos locais, como foi o caso aqui, impediram que a remuneração docente, nos termos da Lei n. 11.738/2008, se transformasse em políticas de coordenação federativa, para diminuir assimetrias regionais e contribuir para a redução de desigualdades sociais.

*Palavras-chave:* Política Educacional. Contexto Federativo. Poder Executivo. Remuneração Docente. Rede Municipal de Ensino de Campo Grande.

## Introduction

This article examines the movement and effects of the teacher remuneration improvement policy adopted by the municipal education system of Campo Grande, capital of the state of Mato Grosso do Sul, in the context of the implementation of the National Minimum Monthly Salary for Teachers (PSPN) established by Law n. 11,738/2008 (BRASIL, 2008).

The implementation of the rights arising from this law has been uneven in the federative context since 2008, in addition to being heavily judicialized by state governors. The final result of these legal disputes was only reached in 2020, when the Federal Supreme Court (STF) ruled in favor of basic education teachers across the country (FERNANDES; BASSI; ROLIM, 2022).

Between the passing of Law n. 11,738/2008 and the STF's ruling that it is constitutional to allocate one third of teachers' total work hours for non-classroom work (BRASIL, 2008, 2020), in each federative unit, depending on the degree of organicity and organization of teachers and the support of other parts of society, teachers' struggle,

demands, denouncements and demonstrations attempted to guarantee these established rights, mainly regarding the PSPN for the beginning of the teacher career and applying to its later stages, because this fact depends basically on municipalities' and states' available budgets.

It is a fact that, until then, as indicated in the Report on the Fourth Monitoring Cycle for the National Education Plan Goals (BRASIL, 2022), Goal 17 – regarding salary equivalence between teachers and other professionals with the same education level and working hours for 2020 – remained far from being met in 2021: while other professionals' gross salary was R\$ 5,175.31, teachers' was R\$ 4,271.03, i.e., 82.5% of the former on a national average. The same report also explains that “the growth of Indicator 17A<sup>2</sup> in this period is largely owing to the decrease in other professionals' average monthly gross income, which corresponded to a 16.0% reduction in their actual buying power over the analyzed years between 2016 to 2021” (BRASIL, 2022, p. 372).

In the Brazilian federative context, characterized by highly decentralized education policy, multiple education systems, and unequal budgets available for teacher remuneration, this text presents the innovation brought about by teachers of the municipal education system of Campo Grande, unionized by the Campo Grande Association of Public Education Professionals (ACP)<sup>3</sup>, for the implementation of the PSPN on a 20-hour week basis at the local level.

Law n. 11,738/2008 established the PSPN for teachers with a high school completion degree working a 40-hour week (BRASIL, 2008). In the case of Campo Grande, both competitive exams and temporary contracts for the position of teacher are standardized for a 20-hour week, even though the Positions, Career and Remuneration Plans (PCCR) make reference to a 40-hour week (CAMPO GRANDE, 2012). It was on this that the teachers based their innovative demand to be paid the PSPN on a 20-hour week basis.

In addition to this introduction, the article discusses the intersection of national and local policies in the Brazilian federative context with regard to teacher remuneration;

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<sup>2</sup> Indicator 17A is constructed from the “Percentage relationship between the average monthly gross income of public basic education teachers with a university degree and the average monthly gross income of other salaried professionals with a university degree” (BRASIL, 2022, p. 360).

<sup>3</sup> The ACP was founded in 1952. The organization is a member of the Federation of Education Workers of Mato Grosso do Sul (FETEMS), which in turn is a member of the National Confederation of Education Workers (CNTE), both of which are members of the Workers Sole Central (CUT). After the 1988 Federal Constitution (BRASIL, 1988) was enacted, all of the municipal system teachers unions in the state of Mato Grosso do Sul became education workers unions. The exception is the ACP, headquartered in Campo Grande, the state capital, which voted to be a union “constituted by teachers and specialists in education in the public municipal and state systems, whether active or retired, with the purpose of studying, defending and coordinating the professional interests of teachers” (ASSOCIAÇÃO CAMPO-GRANDENSE DOS PROFISSIONAIS DA EDUCAÇÃO PÚBLICA, 2018, p. 02).

then it discusses how the union mediates the relationship between the municipal executive power and teachers with a view to materializing the latter's rights; in the following section, it addresses the educational process involved in strikes both for teachers and the society; lastly, it presents the final considerations. The sources consulted comprised education-related legislation and documents at the federal and local levels, press material, and documents and material published by the teachers union.

## **From National to Local: The Intersection of Federal and Municipal Remuneration Improvement Policies**

In the municipality of Campo Grande, compliance with Law n. 11.738/2008 (BRASIL, 2008) was postponed by the municipal executive power, which used state governors' judicialization of the matter to delay the implementation of the rights established under this federal law. Thus, not until 2012, in the political context of that year's mayoral election, did the municipal executive power pass Law n. 5,060/2012 (CAMPO GRANDE, 2012). Salary negotiations, mainly over the PSPN, started at the state level, when the Federation of Education Workers of Mato Grosso do Sul (FETEMS) and the state government signed the "Pact for the Valuing of Education Workers and Modernization of the Statute of Public Education Professionals of Mato Grosso do Sul" (FEDERAÇÃO DOS TRABALHADORES EM EDUCAÇÃO DE MATO GROSSO DO SUL, 2012, p. 01). The pact was signed with the same governor<sup>4</sup> who years earlier had filed the Direct Unconstitutionality Action (ADI) n. 4,167/2008, which claimed that the federal government had violated federative autonomy by passing Law n. 11,738/2008 (BRASIL, 2008). Due to the structure and organization of education workers unions in the state – the Federation comprises all the municipal unions that have municipal and state teachers and education workers as members –, the Pact agreed upon by the state government and the FETEMS had repercussions and guided negotiations at the municipal level, with a view to paying teachers the PSPN and implementing the workweek with 1/3 of hours dedicated to non-classroom work.

In signing of the pact, the governor<sup>5</sup> expected to get the teachers and other workers to support his candidate in the municipality of Campo Grande. For the FETEMS, it was an opportunity to materialize, in the state and its municipalities, the expansion of teacher rights through the implementation of the federal law (FERNANDES; FERNANDES, 2016).

It was in this scenario that, in the municipality of Campo Grande, teachers demanded

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<sup>4</sup> Governor André Puccinelli, elected in 2007 e reelected in 2010 in the state of Mato Grosso do Sul.

<sup>5</sup> The governor's political articulation was not successful in its intent: his candidate tried to present himself as someone with 'technical' expertise, seeking to dissociate politics and technical knowledge, and was not elected. (FERNANDES; FERNANDES, 2016).

their innovation: a minimum monthly salary on a 20-hour week basis equaling the 40-hour-based PSPN, for teachers with a high school completion degree. The teachers' demand successfully resulted in the passing of Municipal Law n. 5,060, of April 3, 2012 (CAMPO GRANDE, 2012). Under article 4 of this law, the salary of teachers classified as level I (with a high school degree), class A (early-career teachers), working on a 20-hour week basis, was to equal the national minimum, in accordance with article 2 of the federal law, and to be paid as of the school year 2013<sup>6</sup> (BRASIL 2008; CAMPO GRANDE, 2012).

Mayor Alcides Bernal, from the Popular Party (PP), took office as mayor of the state capital in January 2013. One of his charges was to manage the budget that the previous mayor had left by means of Law n. 5,060/2012, which would make the intersection between the federal and the municipal laws, in order to pay teachers the PSPN (CAMPO GRANDE, 2012). The mayor preferred to resume negotiations with the teachers unions and pass a new law on the subject, thus replacing Law n. 5,060/2012 with Law n. 5,189/2014 (CAMPO GRANDE, 2012; 2014), which provided for a general revision of the remuneration of executive power employees, scheduling the 20-hour-based minimum salary (under article 2) to start to be paid as of October 2014.

Art. 2 - The salaries for the positions of Teacher and of Education Specialist are to be raised in relation to the values in effect in April 2013 as of:

I – May 1, 2013, by 8% (eight percent), which corresponds to 82% of the national minimum;

II – October 1, 2013, it will correspond to 84.4% (eight-four point four percent) of the national minimum;

III – May 1, 2014, it will correspond to 92.20% (ninety-two point twenty percent) of the national minimum;

IV – October 1, 2014, it will correspond to 100% (one-hundred percent) of the national minimum. (CAMPO GRANDE, 2013).

In addition to postponing again, at the local level, the effects of federal decisions to expand teacher rights, the passing of Law n. 5,189/2014 still failed to ensure the pay raises provided for under the law itself (CAMPO GRANDE, 2014). The situation brought about by the municipal executive power around the postponed remuneration issue aggravated tensions in the sphere of unions. To make matters worse, Mayor Alcides Bernal was impeached by the City Council on May 12, 2014 (DA MATA, 2014).

According to a note released by the ACP (2014), various steps were taken by the

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<sup>6</sup> Mayor Nelson Trad Filho, from the Brazilian Democratic Movement Party (PMDB), passed Municipal Law n. 5.060/2012 on his last day in office; he served two consecutive terms (2005 to 2012) and was then elected senator for the state of Mato Grosso do Sul in 2018, with the Brazilian Labor Party (PTB).

union in order to get the legislative power and the executive power, the latter then under Vice Mayor Gilmar Olarte (PP), to resume dialogues and equalize the local and national minimum salaries, in accordance with Municipal Law n. 5,189/2013 (CAMPO GRANDE, 2013).

Without a positive response to their demands, the teachers decided to go on strike action on November 6, 2014; the strike was ended on November 19 due to pressures and sanctions by the executive power. Among the main legal measures were an injunction suit demanding that 80% of teachers return to work, and a direct unconstitutionality action against the City Council demanding that article 2 of Municipal Law n. 5,189/2013 be suspended and declared unconstitutional (ACP, 2016).

The municipal executive power then proposed to the teachers and union leaders the implementation of the PSPN on a 20-hour week in phases over the subsequent four months. The proposal was accepted by the teachers and became a bill, which was passed by the City Council on December 4, 2014. Thus, the legal framework that had been built until then was replaced again, this time by Municipal Law n. 5,411/2014, postponing yet again the local implementation of the PSPN until March 2015 (CAMPO GRANDE, 2014). The main changes to the matter were the following:

Art. 1 - Changes the text of item 4 and adds items 5, 6 and 7 to article 2 of Law n. 5,189, of May 24, 2013, which becomes as follows:

Art. 2 [...]

IV - December 1, 2014, will correspond to 93.20% (ninety-three point twenty percent) of the national minimum salary;

V - January 1, 2015, will correspond to 96% (ninety-six percent) of the national minimum salary;

VI - February 1, 2015, will correspond to 99% (ninety-nine percent) of the national minimum salary;

VII - March 1, 2015, will correspond to 100% (one-hundred percent) of the national minimum salary.” (NR)

Art. 2 This Law comes into force as of its publication, with effects as of December 1st, 2014. (CAMPO GRANDE, 2014).

According to a note released by the ACP, until February 2015, the municipality complied with the PSPN implementation deadlines, and teachers received up to 96% of the national minimum salary, in accordance with Municipal Law n. 5,411/2014, on a 20-hour week basis.

In 2015, the PSPN was raised by 13.01% nationally (BRASIL, 2015). Therefore, to receive the PSPN in full, teachers of the Campo Grande municipal system would need to have a 4% raise in addition to the national raise. In the negotiation between the municipal executive power and the ACP over the PSPN raise, the municipality alleged

that it would not be able to pay the full PSPN and the raise as it might break the Law of Fiscal Responsibility. Thus, “[...] the Treasury would be excessively compromised by the payroll” (ACP, 2015a).

Since there was no agreement between the teachers, represented by the union, and given the various denials by the municipal executive power, the teachers launched a series of demonstrations to demand compliance with regulated salary policy.

The municipal executive power, however, did not grant teachers’ demands, sparking a new conflict, which culminated in the largest teacher strike ever held in the municipality (the second teacher strike), which began on May 25, 2015 and lasted 92 days.

The teachers’ main demand was not only the salary raise, but also that Law n. 11,738/2008 and Municipal Law n. 5,411/2014 be complied with, since both would ensure that teachers receive the PSPN on a 20-hour week basis. According to the union, the municipal teachers found it important to demand compliance with a law proposed by the municipal government and passed unanimously by the Campo Grande City Council (ACP, 2015b)

Over the course of the strike, the municipal executive accused the teachers of turning the strike into a partisan political movement joined by opposition councilors. The information was denied by the union, which informed that the teachers had chosen to manifest themselves at the Council Hall because the law that provided for equalizing the local and national minimum salaries had been voted in that House (MIDIAMAX, 2015a).

The struggle of the teachers of the Campo Grande municipal system for receiving the monthly minimum salary on a 20-hour week basis is still on the horizon. The question has not been overcome, although the municipal legislative power has passed legislation on the matter to ensure, at the local level, the expansion of rights provided for at the national level.

## **The Mediation of the Relationship between the Municipal Executive Power and the Teachers by the Union**

In its organization process, teachers’ union movement maintains traits generic to the struggle for rights of the working class, and also singularities inherent to its professional field:

Teachers are among the main professional classes of current times. A second argument to consider the autonomy of unions as a whole in the field of education is based on these professionals’ ability to hold strikes and social movements to the benefit of their class or the society as a whole. (DAL ROSSO, 2011, p. 18)

Certainly, when the teachers’ union movement aspires to objectives that benefit

society itself, it shows one of its singularities, which is the defense of quality education. For this reason, the education quality agenda in the teachers' union movement is always present, whether explicitly or implicitly.

The expansion of public education in Brazil is a task yet to be fulfilled (BRASIL, 2022). The education policy to materialize the right to education is significantly decentralized. Due to the expenses of state and municipal budgets, with major responsibilities and competences in the municipal sphere, under the 1988 Federal Constitution and subconstitutional legislation (BRASIL, 1988, 1996), municipalities have had to significantly increase their hiring of teachers, whether through competitive exams or temporary contracts.

Such federative dynamic has also raised this workforce to a new degree of union organization at the municipal level. Even though the ACP will be 70 years old in 2022, and its history is marked by an evolution that went through organization models defined by the state (from association to union since 1988)<sup>7</sup>, in the local struggle for the implementation of the teacher rights provided for by Law n. 11,738/2008 (BRASIL, 2008), as an entity that represents the interests and demands of education professionals, it played a role in proposing, conducting and mediating the strike action mentioned here, as well as in judicializing the question. Thus, it kept one of its structural characteristics, connected to the mediation between capital and working class (FERRAZ, 2012). Thus:

Therefore, the delimitation of the right to work as a set of rights that workers enjoy; and of the union as a social actor with legitimacy to ensure that these rights materialize, define a field of political action that delimits symbolically and concretely the class as a reality in historical and identity terms (FERRAZ, 2012, p. 22-23).

The ACP conducted a process that should be the responsibility of the municipal executive power alone. It is the executive's duty to ensure the materialization of the federative intersection of legislations in order to promote teachers' rights, among which is to receive the PSPN and to have non-classroom hours in their workweek.

The municipal executive power's omission and refusal to make the intersection to expand teachers' rights, even through successive municipal laws, each under a different mayor, reveal one of the obstacles to the Brazilian cooperative federalism, understood as "a balance of power between the Union and the States, establishing collaboration ties in the distribution of the multiple competences through activities which are planned and articulated between them, for common purposes" (CURY, 2007, p. 115), as with education policy, among other social policies. Thus, when the relationship mentioned

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<sup>7</sup> Brazilian public servants, including teachers, were not allowed to organize in unions during the 1964-1985 civil-military dictatorship. They regained that right when the 1988 Federal Constitution (BRASIL, 1988) was enacted.



by Cury (2007) is unbalanced, the social policies designed to address the coordination of regional asymmetries are compromised, as becomes evident in the municipality of Campo Grande, regarding the reproduction of the teacher workforce.

In this particular case, the facts showed clearly that, on the one hand, the municipal laws that were passed were not capable of materializing teachers' rights, and on the other, they showed how hard the struggle between capital and labor for public funds can be.

It was in the context of struggle for public funds that the teachers' union movement conducted an educative process, and the strike took on a pedagogical role for teachers, who are a relevant part of the working class.

## **The Educative Process of the Teacher Strike in the Campo Grande Municipal System in 2015**

In the struggle for the implementation of the full PSPN on a 20-hour week basis, despite the laws that were passed, as mentioned earlier, the **teachers of the** Campo Grande municipal system opted for strike action as an instrument of pressure on the municipal executive power, on the one hand, and on the other, in order to win the support of segments of the society for the cause.

Strike action is a constitutional right of the working class. It is an instrument for both defending current rights and demanding rights which are still on the horizon.

In this particular case, the strike was used to ensure rights guaranteed under the law but which were not complied with. The historical moment of the strike and the movements it created for and against it, however, build educative processes which reveal both the actions of the *educational state*<sup>8</sup> which, in this case, educates to maintain the status quo, and was represented by the municipal executive power, and the actions of the union leaders and members, which indicate another direction for education, from the perspective of collective organization, aiming to ensure labor and social rights.

Therefore, it becomes pedagogical, in the process of correlation of social forces, to examine the educational state's actions at the local level, as well as the attacks on teachers and their organization in the pursuit of maintaining hegemony and refusing to

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<sup>8</sup>Regarding the educational state: "[...] every state is ethical in that one of its main functions is to raise the large mass of the population to a certain cultural and moral level, a level (or type) which corresponds to the development needs of productive forces, and therefore to the interests of dominant classes". (GRAMSCI, 2012, p. 288, C. 8, § 179). According to Jacomini, (2020, p. 09): "For Gramsci, the laws, like the school and other institutions, help the state fulfill its role of creating and maintaining a certain type of civilization and of citizen by disseminating certain customs and attitudes, while inhibiting and excluding others". In this consists the state's educational role, i.e., it is an educational state in that it tends precisely to create a new type or level of civilization".

deconcentrate public funds for this part of the working class. Likewise, it is pedagogical to examine the tensions, challenges, limits and the degree of organicity and organization achieved by teachers in conducting the strike in 2015.

Over the course of the strike, the municipal executive accused the teachers of turning the strike action into a partisan political movement, since it was supported by city councilors who opposed the mayor. This fact reveals partisan political alliances, as well as struggles for different plans at the local level. But most of all, it was that lawsuit aimed at disparaging the teachers' movement which led them to act defensively. In those circumstances, that was recurrent, since one of the teachers' main gathering places during the strike, for their protests and rallies, was the Council House, where they demanded the materialization of the laws passed by that House (MIDIAMAX, 2015a).

A key feature common to Brazilian municipalities in the process of correlation of social forces is the support of the media, which behaves as an extension of the established power and acts as its spokesperson. Thus, in order to discredit the strike action, news stories reported, among others: "Municipal teacher strike reaches less than 50% of schools", and "Parents struggle to cope with partial strike and deplore harm to education" (CAMPO GRANDE NEWS, 2015), "Municipal teachers have salaries of up to BRL17,000, explains the capital's mayor's office" (MIDIAMAX, 2015b). The municipal government sent to newspapers in the municipality links to websites and lists of salaries including only teachers, with values out of context, as denounced by the ACP, arguing that it was complying with the Access to Information Law, in a clear attempt to punish the teachers on strike.

In addition, the municipal executive fired and relocated teachers. In notes to the press, it said that the demonstrations related to the strike abused the right to strike as they impeded traffic and used PA systems, loudspeakers and whistles, aggressing citizens directly, and that the union was inflexible. It asked the teachers still on strike to return to work (ACP, 2015b).

The Court of Justice of Mato Grosso do Sul (TJMS) granted the municipality an injunction forbidding teachers to hold demonstrations near the City Hall (Paço Municipal). Besides, in the injunction suit, the municipality asked the ACP to keep a minimum 200-meter distance from public buildings. They were forbidden to block public ways, use noisy practices or put up posters on public ways (G1, 08.24.2015), in a clear restraint of the freedom of expression.

The union filed two complaints in the Mato Grosso do Sul State Prosecutor's Office (MPE-MS) accusing Mayor Gilmar Olarte of administrative misconduct for failing to comply with Municipal Law n. 5,411/2014 and Federal Law n. 11,738/2008 (BRASIL 2008; CAMPO GRANDE, 2014).

On August 2015, after 92 days of strike, the union announced that the teachers had voted to end the strike action. It also informed that, after the teachers' assembly took stock of the action, no agreement having been reached at a last conciliation hearing, and

the TJMS having signaled that it would schedule the trial of the suit about Municipal Law n. 5,411/2014 (CAMPO GRANDE, 2014), the teachers decided to end the strike action.

Ending the strike action on that date was a tactic to open up negotiations. On August 25, 2015, Mayor Alcides Bernal, who had been impeached in 2014, was restored to office, and he promised to open dialogues with the teachers. According to the union's news website (2015), the restored mayor met with ACP representatives on December 10, 2015, but presented no proposal to fulfill the 13.10% raise, and maintained the challenge of the strike's lawfulness that was filed by the previous mayor.

On October 8, 2015, the Court of Justice of Mato Grosso do Sul (TJMS) completed the trial of the lawsuit filed by the Campo Grande Mayor's Office which challenged the strike's lawfulness, as well as the counterclaim filed by the union which demanded compliance with Municipal Law n. 5,411/2014. By 8 votes to 3, the Court decided to maintain the fine on the union and declare the strike unlawful.

In these struggles, in which disputes cease to be political to become also judicial, according to Rafahim (2012), the relationship between the judiciary and unions can be a two-way street. While this power is capable of solving tensions in the judicial field, it is also part of the educational state – and one of its roles is to maintain the working class' status quo.

The day of the suit's trial was marked by tensions, since the TJMS did not allow the teachers into the courtroom, permitting only 20 of their representatives to watch the session,

Through its press office, the Court of Justice confirmed the restriction of access to the courtroom. The court argued that a commotion had occurred at the first trial, when the judges were ruling in favor of the Mayor's Office. (BITENCOURT; CAMPOS JÚNIOR, 2015, s/p)

Nine months after the end of the 92-day strike, in May 2016, the Campo Grande Mayor's Office and the ACP signed an Administrative Agreement (TAA), since the conflict had not been solved and the teachers had not achieved any progress in their demands. Thus, a third teacher strike was held that lasted nine days.

To solve the conflict, the Agreement Terms provided for a 3.31% raise, which should be retroactive to March 1, 2016 for the salaries of beginning teachers classified as Level 1 (with a high school degree) on a 20-hour week basis, in accordance with article 7 of Municipal Law n. 5,189/2013 (CAMPO GRANDE, 2013), which would correspond to 82.11% of the PSPN (ACP, 2016). The terms also established that this raise should be implemented by the second half of February 2017, as had been set forth, initially for 2015, and later for 2015.

According to the ACP (2016), in practice, the agreement set forth that full equalization of the municipal minimum salary and the PSPN, including the 2015 and 2016 raises (13.1% and 11.36%, respectively), would only be defined in a proposal due

by January 15, 2017. Since it was Mayor Bernal's last year in office, the equalization agreement was postponed until the following administration, which would take over in 2017.

In 2017, Marcos Marcelo Trad, elected Mayor for the Social Democratic Party (PSD), took office. Full implementation of the PSPN at the municipal level was provided for by Municipal Law n. 6,026/2018, article 1, item 3: the municipality would grant a 1% raise on the April 2018 base salary, "[...] so as to initiate full compliance with Law n. 5,411/2014" (CAMPO GRANDE, 2018).

In 2022, Municipal Law n. 6,796/2022 was sanctioned by the mayor, changing article 1 of Law n. 5,411/2014 by setting forth the new full implementation of the minimum monthly salary. Under the new schedule, this salary on a 20-hour week basis will be fully implemented in 2024:

Art. 2 – The determination under article 4 of Law n. 5,060/2012, that the value of the salary for level-1, class-A teachers working on a 20-hour week basis will correspond to the national minimum monthly salary for public teachers, as set forth under article 2 of Federal Law n. 11,738/2008, will be staggered as follows, and in accordance with articles 16 and 17 of Complementary Law n. 101 of May 4, 2000:

**I** - in April 2022, the base monthly salary for LEVEL 1, Class A, on a 20-hour week basis will correspond to 57.84% of the NATIONAL MINIMUM MONTHLY SALARY.

**II** - in November 2022 the base monthly salary for LEVEL 1, Class A, on a 20-hour week basis will correspond to 63.85% of the NATIONAL MINIMUM MONTHLY SALARY.

**III** - in December 2022, the base monthly salary for LEVEL 1, Class A, on a 20-hour week basis will correspond to 66.91% of the NATIONAL MINIMUM MONTHLY SALARY.

**IV** - in May 2023, the base monthly salary for LEVEL 1, Class A, on a 20-hour week basis will correspond to 73.98% of the NATIONAL MINIMUM MONTHLY SALARY.

**V** - in October 2023, the base monthly salary for LEVEL 1, Class A, on a 20-hour week basis will correspond to 81.80% of the NATIONAL MINIMUM MONTHLY SALARY.

**VI**- in May 2024, the base monthly salary for LEVEL 1, Class A, on a 20-hour week basis will correspond to 90.44% of the NATIONAL MINIMUM MONTHLY SALARY.

**VII** - in October 2024, the base monthly salary for LEVEL 1, Class A, on a 20-hour week basis will correspond to 100% of the NATIONAL MINIMUM MONTHLY SALARY". (CAMPO GRANDE, 2022)

The chart below shows the laws and rules which were passed on the matter between 2012 and 2022, and the successive deadline postponements according to the different negotiations conducted by the different mayors who served during the studied period.

CHART 1 – Laws and rules passed to implement the PSPN in the municipality of Campo Grande, MS

Documents	Deadline for full (100%) implementation	Document origin
Law n. 5,060/2012	School year 2013	Municipal Executive
Law n. 5,189/2013	October 2014	Municipal Legislative
Law n. 5,411/2014	March 2015	Municipal Executive
Administrative Agreement (TAA) – 2016	Grants a 3,31% raise and postpones the validity of the new law for full equalization until the first half of 2017	Municipal Executive and ACP
Law n. 6,026/2018	Grants a 1% raise in December 2018 to initiate full compliance with Law n. 5,411/2014	Municipal Executive
Law n. 6,796/2022	October 2024	Municipal Executive

SOURCE: the authors, based on Laws n. 5,060/2012, n. 5,189/2013, n. 5,411/2014, n. 6,026/2018 and n. 6,796/2022, and on the Administrative Agreement of 03.11. 2016 (CAMPO GRANDE, 2012, 2013, 2014, 2016, 2018, 2022).

In 2022, the salary on a 20-hour week basis was raised to 57,87% of the national minimum salary. In the beginning of the struggle for equalization, in 2013, full equality was to be reached by 2014, under the law in effect. At the beginning of 2015, the equalization reached 96% of the national minimum salary. However, as said earlier, with the annual raises applied to the PSPN, full local-national equality is on the horizon for 2024, assuming no new developments.

## Final Considerations

The article examines, in a process of correlation of social forces, the complex developments involving teachers in the municipality of Campo Grande, capital of the state of Mato Grosso do Sul, unionized and represented by the ACP, in the struggle for the materialization of the rights provided for under Federal Law n. 11,738/2008 (BRASIL, 2008).

The teachers and their union introduced, in the local context, an innovation, namely their demand to be paid the PSPN on a 20-hour week basis.

The municipal executive power, over the years analyzed here, used a federative dispute brought about by state governors to judicialize the rights established under that federal law in order to postpone the payment of the PSPN, driving an “escape forwards” (FIORI, 2003, p. 46) at the local level.

Thus, teachers with a college degree, which is the qualification of the workforce in the municipality<sup>9</sup>, who were not granted the PSPN on a 40-hour week basis also joined the movement for the PSPN on a 20-hour week basis. As they tried to expand their rights, they also contended, in the municipality, for its public funds with the municipal legislative power.

In the municipality’s troubled political context, with heads of the executive power using their last year in office to pass local laws on the matter, these local laws, which aimed to intersect with the Federal Law, were passed in succession, each overriding the previous one, yet without materializing teachers’ rights, particularly regarding the PSPN and the inclusion of non-classroom hours in the workweek.

The teachers, organized in the union, held demonstrations, public relations actions, short service interruptions with detailed notice, and eventually an indefinite strike action as a way of materializing rights granted at the federal level, but which depend mainly on the municipal funds available.

While the strike demonstrated teachers’ organicity and willingness to struggle, it also showed how the educational state acts at the local level, educating for the status quo, even by using the press to reinforce the ideological spectrum and demoralize the teachers’ strike action, putting the society against it. In turn, the teachers union also

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<sup>9</sup>It is worth noting that in order to join the permanent teacher personnel of the municipality of Gampo Grande, the career begins when a candidate passes the competitive process, comprising exams and certificates. Regarding promotion, there are two types: horizontal and vertical. Horizontal promotion occurs within a position, taking into account time in the position and merit, through assessment, and involves the passage from a class to the next. There are 8 classes subdivided by letters A through H – overall, they correspond to 35 years of service. Vertical promotion is the change in level within the same position, according to change in one’s education level. There are 5 levels, from high school completion degree to Ph.D. (CAMPO GRANDE, 1998). In 2008, 100% of municipal teachers had a higher education degree (CAMPO GRANDE, 2020). Article 50 of the Municipal PCCR sets forth: “The salary for education professionals with regard to each class will be determined with the following vertical staggering indices in relation to level 1 of the respective class” (CAMPO GRANDE, 1998). Thus, the staggering of raises was set forth in accordance with Complementary Law n. 19/1998: a) teachers with a high school degree (PH1) to college degree (PH2), 30%; from college degree (PH2) to non-degree graduate studies (PH3), staggered 10%; from PH3 to PH4 (master’s degree), 9.09%; and from master’s degree to Ph.D. (PH5), staggered 8.33%.

played a counter-hegemonic educative role by keeping teachers on the largest strike they ever held. Still, success in achieving, at the local level, the intersection with the Federal Law in order to pay teachers the PSPN on both a 40-hour week and a 20-hour week basis remains on the horizon. The values have been paid in a staggered manner, not yet reaching the full amount, to municipal teachers, particularly those with a university degree. Thus, the PSPN is neither fully paid in the beginning of the teacher career nor applied to its later stages.

This fact brings about fissures in the Brazilian federalism, since these actions in the sphere of local power weaken its cooperation capacity. Social policies, in this case regarding teachers' livelihood conditions, lose their ability to be federative coordination policies, with a view to reducing regional inequalities.

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Text received on 08/05/2022

Text approved on 11/22/2022