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**A CONTRIBUTION TO THE STUDY OF THE TECHNIQUE
OF OUTSOURCING – A GLOBAL VIEW IN BRASIL**

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I - INTRODUCTION TO THE PROBLEM

Usually private companies or public entities have not been clearing what a lot it is the administrative technique of outsourcing and as it can be come to implant it and to obtain "managerial successes" with that.

The objective of that work is to evidence and to clear the principal points " of the technique administrative called outsourcing, that well used, it increases the possibility of private companies and public entities to perpetuate at the market, more and more competitive and demanding with as regards to the quality.

The outsourcing is a modern administration technique that makes possible public entities to hire thirds with competence and quality, to accomplish services of the middle-activity- for themselves, in the form of partnerships.

It has as great objectives the maximum of the quality, minimum of the costs, administrative agility, so that the contracting companies or takers can have products or competitive services in the market and that satisfy more and more the customer.

But, so that that whole technique is been implanted, it must observe the pertinent legislation. Obeying mainly the labor legislation, so that there are not risks of thirds to request the entail of labor with the taker, don't exist impediments so that such an administrative tendency is used fully in Brazil.

The outsourcing had your beginning about the forties in the United States of America, and, ever since it has been applied in the whole world, as well as in Brazil.

So that there is a satisfactory result with the application of that technique it should be taken in consideration all the phases of the outsourcing process that are: planning, decision, searching, recruiting, evaluation and correction.

A pattern exists, or even, basic rules for to begin and develop the outsourcing, but we should attempt that, each company or entity, they possess own characteristics of administration, your own histories and, therefore, it should be respected such peculiarities of the organizations and to mold the outsourcing to your real needs and limits.

It is important to point out that the whole process, as it being implanted and developed, it should be evaluated at result level. It would not be different with the outsourcing, deserving high attention to the result " quality " of the rendered services, as well as the satisfaction levels and of dissatisfaction, so that that last one can be properly corrected.

The outsourcing is also being used as administrative technique in the public sector. For recruiting of services, it must observe the Law 8666/93, altered by the Laws 8883/94 and Law 9.648/98, Law of the Auctions.

Not only the recruiting of services the public administration is also hiring labor without risk none of characterization of entail of labor, because the Statement TST 331 aids such conduct.

In a general way, the perspectives so that the public entities come every more day to adopt the outsourcing as administrative technique is growing tending to set up to our country definitively.

II - THE MANAGERIAL VISION OF OUTSOURCING

2.1. AS OUTSOURCING IS SEEN IN THE MANAGERIAL WAY

It is an extensive word, that indicates the existence of another company, “third”, that with competence, specialty and quality and still, in partnership conditions, come to render services to a contracting company.

However, those who don't understand it well, in the world of businesses, it can become an entrepreneur not updated and, for that, to become a candidate to see your company to lose the competitiveness, the efficiency and the managerial effectiveness.

The outsourcing, with no doubt, will command the managerial activities in Brazil, on this decade. With it a new managerial horizon appears, where the great corporations become thinner, agile and they move your energy and your investments for the improvement and development of your end-, in other words, of your products that become more competitive, winning quality and prices that come to the encounter of the anxieties and interests of the market.

Out of our country the outsourcing is a great reality.

We have been noticing that in some opportunities the outsourcing has been avoided in companies, simply for being understood as one more administrative panacea, without any innovation and, still, that it doesn't provide the extolled advantages, and that can affect the power and the control of the contracting companies. In other occasions, we observed that the entrepreneurs and your executives see in the outsourcing an interesting alternative, being a new connotation of the old services rendered, but, if the outsourcing reaches the power and with that to darken the control, they annoy it quickly, repelling your principles.

But most of the entrepreneurs, directors, managers, supervisors and bosses look for the outsourcing as an efficient and effective alternative that generates the managerial flexibility, with quality, providing the agility, simplicity and competitiveness in the companies. In this situation, the companies understand that the implantation of outsourcing projects will bring countless advantages and benefits, turning them more

flexible and adapting the more easily to the fast changes of the market and with that they become leaders in your segment, with considerable gain.

In face of the new economical and financial reality and of the competitiveness of the Brazilian market, the development of outsourcing projects is an important goal to be reached. The search of the modernization and of the administrative efficiency it should be constant and it doesn't allow the suitable positioning of the companies, just contemplating the progress of the competitors.

The administrative and managerial improvement in the companies is an essential condition so that happen sensitive changes in the direction of a new positioning before the extremely competitive market that comes.

The companies that already noticed that that is the road to be proceeded already glimpse the considerable advantages of the outsourcing.

The progress of that new technique of administration is not only more accentuated because, still, the companies worry about the labor judicial occurrences that, in project badly drifted and administered, eventually they can appear.

But, having the full knowledge of what to do, when, why, where and how, the labor risks are avoided and the outsourcing process starts to Have the appropriate safety, that it will guarantee your implantation and development with great managerial results, outlining the labor implications.

It is essential that the entrepreneurs become aware that the opening of the power and of the control and the decentralization is still the beginning of the walk for the success of the outsourcing projects.

The world tendencies of the outsourcing focus the partners, the re-dimension of the structures, the de-verticalization, the associations, the strategic alliances, the unions of companies, the internal entrepreneur's search and of the external.

The consequences are very advantageous, providing important and sensitive managerial improvements in the development of the organizations.

The application of the outsourcing technique is processed in two ways. The simple purchase and sale of services in that the relationship client/supplier exists. The services rendered that defines of “society” relationship and commitment, that it founds the actions of the taker and of the supplier in an only objective and interest for the same effective result. Many one deceive imagining that the outsourcing is a simple sub hiring, that frequently takes the taker to be interested only in how much he will gain. The distrustful and insecure posture exists, inducing the taker to look for immediate gains, with the choice of the supplier that on that moment it interests. The largest concern is with the price and those forms the taker it should obtain the largest advantage of the contractual relationship as the supplier.

They are right the takers that can see in the outsourcing the reliable partners' positioning, interested in the mutual earnings, of long period and constant. Suppliers specialized, qualified, responsible and capable are selected of leading an outsourced project in an independent and effective way. The risks are of both equally and they look for what they can do together efficiently. The fundamental concern is with the specialization and qualification of the supplier.

In a process truly outsourced, the companies accomplish a smaller number of activities, allowing them better control on your operational inputs, qualitative performance, administration of the product, making possible to produce more and better with lower costs and intensifying the means of information.

The implantation of the outsourcing technique is fundamental so that the companies can answer with agility and to discover the opportunities of businesses in an atmosphere of internal and external strong competition.

The organizational structures grew in the last times, in Brazil, due to several peculiar situations of the country, mainly the no concerning with the costs, with the quality of the products, with the market reservations, with the closing of the economical and commercial borders, with the fiscal incentives and little managerial competition interns. All those fetter of the market de-motivated our consumer, and they didn't provide to know better alternative products.

2.2. AS OUTSOURCING IS FOCUSED BY TAKER AND FOR THE THIRD

Both have same interests, in other words, they should be perfectly partners integrated and informed of the needs of each one. However, we can still observe some rests of conservative attitudes, only seeking the earnings of short period, so much economical as financier, without concern with improvement of the quality, seeking of the specialty and of the efficiency, for warranty of competitiveness in the market.

The great progress of the outsourcing technique is gradually showing that the behavior of the takers and of the thirds it is changing consciously for a partnership relationship, in the which the autonomy and the independence of both it is more and more patent.

It changes inter-relationship, being disappeared the position of the producer of services/third gradually, developing your activities for the taker, changing for the situation of acting *with* the taker, in other words, committed with the qualitative results of your activities.

In the vision of the taker the concern still exists with the following:

- * Eventual fiscal and labor occurrences;
- * The need to invest in the training of the third;
- * Internal resistance for the changes;
- * Some syndical/union labor pressure;
- * Adaptation of the managerial cultures;
- * Producer service/third with deficient quality;
- * The fear in the transfer of the technology, which can fall in hands of the competitor; or the third, can become a competitor.

In the focus of the producer service/third, your longings are gone back to the following items:

- * The intention of the taker in just to reduce your costs with labor, without being interested for the quality, specialty and the partner's competence;
- * To maintain your activity in the taker without submitting to the economical interests of this;
- * That the taker becomes aware that companies producer services/thirds of services exist, specialized and updated in agreement with the most modern techniques in your branches of interest;
- * That the taker believes in the operational capacity of the producer services/third to execute your tasks, that are different of the end-activity of the taker, in way more competent, effective and efficient, that him (taker);
- * That, in spite of improper, inconvenience and risky, the taker of services doesn't interfere and nor try to supervise the activities of the produce services/third;
- * That the taker requests to the producer services/third to execute any service that is not included in the specialty of this;
- * That the taker accompanies the development of the activities of the third, always evaluating the quality of the results and informing the positive points and the negatives appropriately, for this last case to proceed to the necessary corrections.

Finally both are motivated for *together* they progress in the development of the partnership, conscious that the posture of the it *win-win* it is that that will always prevail in the outsourcing.

III - WHAT IS OUTSOURCING

3.1. WHAT IS OUTSOURCING

It is an administrative technique that it makes possible the establishment of a process of transference administrated, the third, of the accessory activities and of support to the mark of the companies that is to your end-activity, allowing the these concentrate on their business, in other words, in the final objective.

It is a motivation methodology and fomentation to the creation of new companies, making possible the appearance of more employment.

It motivates the emergence of micro and medium companies and still the autonomous work, also generating the improvement and increment in the existent companies in the market, with gains of specialty, quality and efficiency.

It is the process of the search of partnerships, certain for the modern managerial vision and for the impositions of the market. Not more we can pass for the prices, the high costs. This has been doing with that the entrepreneurs worry about the quality, competitiveness, agility of decision, efficiency and effectiveness that it ends up resulting in the maintenance of clients and consumers.

3.2. WHY OUTSOURCING APPEARED

The companies are organized in several ways. They are bureaucratized excessively, swollen, heavy and they don't have any agility of decision, they are not competitive and nor efficient.

They are very established and the flow of information and of the determinations it is extremely slow. Besides, they are verticalized.

Those characteristics are of very centralizing companies, without any flexibility and without participate processes. The power is closed.

There are companies that notice that the verticalization and the isolation of the power and the total controls about your activities they cause many problems in the acting and in the development of your projects, culminating with the agility lack and of the managerial competitiveness. With views in those aspects, they begin to notice that they need to be more participant, transparent and fewer centralized, but they still have fear of giving up the control, of the power and of the verticalized administration, for don't take administrative risks.

However, happily, we found a lot of companies that having gone already by the two previous phases, they already changed radically your positioning and today they already enjoy the advantages of they have outsourced processes and for that enjoy of the wide benefits of if they turn companies agile, efficient, effective, they gain quality, specialization and finally, as a result of the outsourcing, the competitiveness of your products in the market.

They left the centralized administration completely and bureaucratized and they already adopt participant processes of administrative and operational administration. They already identified the areas of strategic interest and also the objective of your business, in other words, to your end-activity, the one which conveniently separate from what it is accessory, in other words, the support actions, characterized as middle-activity, they maintain under your administration that is mark of your business and it proposes for development of outsourcing projects the middle-activity.

When the companies arrive to the third administrative form, it is that conclude that the adoption of the outsourcing is not redundant in loss of power and nor of the control of your administration. Then, it is that the moment of to drift and to implant the outsourcing, with the certainty that the projects will have the wanted success, providing the managerial modernity. In those conditions, the outsourcing is recommended strongly.

3.3. WHEN AND WHERE OUTSOURCING APPEARED

It arose in the USA, about 1940, when this country formed an alliance with the European countries to combat the Nazi forces and later, Japan, in other words, during the world armament conflict.

The outsourcing was very applied along the war, because the industries of that time needed to ponder in the production, well and better, of the necessary weapons for the maintenance of the allied superiority, and then they discovered that some support activities to the production of the armaments could be last the other entrepreneurs producers of services, by contracting of those.

After the end of the world war, the outsourcing developed and it consolidated as an efficient and effective when applied administrative technique appropriately.

3.4. HOW THAT TECHNIQUE ARRIVED IN BRAZIL

The outsourcing was implanted gradually in Brazil, with the coming of the first multinational companies, mainly the automobile ones.

Of that time to approximately 1989, the outsourcing was known as recruiting of services of third. It had being just applied to reduce the labor costs. The companies were simply used of that resource to obtain some economy in activities a little significant and they didn't still worry in generating earning of quality, efficiency, specialization, effectiveness and productivity.

The producer of services/goods companies (thirds) didn't also worry in the services that rendered getting better and just if kept to maintain your employees in the facilities of the takers, without any professional increment. Your equipments and instruments were the simplest and rudimentary possible.

The concept and the suitability of the producers of services/goods (third) companies were bearable, because they didn't worry about your specialization, improvement of the quality and nor of competitiveness.

The recession as background took the companies they also to reflect about your performance. The market, more and more restricted, it ended up determining the decrease

of the opportunities, making possible that new approaches were applied to look for set the minimum losses.

The example of the application in other countries quickly was welcomed by our companies because the atmosphere was favorable.

At the same time, the outsourcing demonstrated the other side of the coin: the fomentation for the opening of new companies, with opportunities of labor offer, restricting like this, in certain way, the social impact of the recession and of the unemployment.

Even more: the Brazilian, thoroughly researched, it defined your profile some years ago, answering that your principal dream " was to open a company, to be the owner of your own business.

The scenery was complete to allow, in our country, the fast acceleration of the outsourcing,, invading headlines, being expressive and constant matter of several newspapers and specialized magazines.

3.5. THE PHASES OF OUTSOURCING

The outsourcing in Brazil is still centralized in the simplest activities and it is erroneously focused for the reduction in the costs, reduction in the personnel and decrease of the benefits.

Out of our country the interest is other, in other words, the one of the strategic alliance among companies with the objective of obtaining flexibility and specialization, allied the scale economy and the synergy of the resources. In this case the companies, committees, get " to do more " with " minus ", and generating more opportunities with smaller resources.

In Brazil, the interest is only "to do with less" forgetting of the "more".

The managerial focus in Brazil, in what concerns the outsourcing, it is still in the known phase as *dumbsourcing*, in other words, the preliminary phase of the process, where the activities concentrate on the most traditional and easier of they be last for third.

Exemplifying: general administrative services (refectories, safety, maintenance, cleaning, some traditional areas of human resources, medical services, juridical, etc.).

Out of our country, the outsourcing already meets in an phase much more advanced known as the *smartsourcing*, where the strategic alliance is the objective, joining the efforts and technological resources, for the manufacture of products with better quality, generating the necessary competitiveness to compete at the consuming market.

In Brazil, at this time, the outsourcing begins to leave of the preliminary phase, but very slowly, because the exclusive interest still prevails, of the companies, in outsourcing "to save"!

The great challenge for our companies that want to have success, in this decade in an globalized economy, it will be without a doubt going through of the current phase, for the smartsourcing, where the strategy is the interest, the sinergy of resources it is the way and the competitiveness is the objective.

This will only be obtained through a process of strategic planning in the companies, in which the outsourcing is included as one in the appropriate ways, in the economical process of the modern world.

3.6. THE POSITIVE CONSEQUENCES OF OUTSOURCING ARE THE FOLLOWING ONES:

- it generates the debureaucratization
- it alleviates the structure of the organization
- it provides better quality in the services rendered, contributing to the improvement of the final product
- it brings more specialization in the services rendered
- it provides more managerial effectiveness
- it increases the flexibility in the companies
- it provides more agility of decision and of administration
- it simplifies the organization

- it increases the productivity
- it has as one of your consequences the economy of resources:
 - humans
 - materials
 - instrumental
 - of equipments
 - economical
 - financial.

3.7. MANAGERIAL GAIN

- specialized suppliers
- administration of the quality in the rendered services
- basic and agile structure
- productive reutilization of the spaces
- investments addressed for to end-activity
- supervision involved in the product and concerned with the quality
- competitive results

3.8.WHICH ARE THE MANAGERIAL EARNINGS WITH OUTSOURCING

The implantation of the administrative techniques of outsourcing brings for the companies several advantages, as follow:

- it provides the concentration of the resources liberated for the productive area, improving the quality and competitiveness of the product
- it increases the productivity
- it reduces the controls
- it liberates the supervision for other productive activities
- it reduces the losses
- it avoids the depreciation of the equipments
- it liberates resources for the application in other technologies

- it concentrates efforts on the creation of new products
- it reduces the administrative costs and of personnel
- it transforms the fixed costs in variables
- it generates gain of competitiveness
- it optimizes the use of spaces placed in availability
- it adds the qualities of the supplier and taker of the services
- it increases the specialization
- it activates the decisions
- it simplifies the managerial structure
- it creates demobilization conditions for movements strikers
- it provides the increase of the profit
- it creates conditions for improvement in the market economy
- it provides the sum of the qualities in the middle-activity (third)
- it generates improvement in the administration of the time
- it generates effectiveness and efficiency
- it provides a new syndical relationship (services rendered branches)
- it reduces the hierarchical level
- it provides better distribution of income with the generation of more employment in new companies
- it reduces the labor liability in the takers companies
- reduction of the claiming actions in the takers companies
- it reduces the idleness of the labor
- it rationalizes the purchases
 - of consumption materials
 - of equipments
 - of uniforms

In the section of public administration, the outsourcing brings:

- the improvement of taxes, because of creation of new companies
- it liberates financial resources

- it allows the application of budgets in the social area
- it allows the reallocation of the public revenues
- it foments the creation of companies.

3.9. WHAT IS NOT OUTSOURCING

The entrepreneurs or your representatives, they won't surely be developing outsourcing projects, if they are with the intention of obtaining just gain with the workers' damage, in what it tells respect the:

- no obligation or reduction of the legal and social responsibilities;
- reduction of the benefits granted to your employees;
- salary reduction

That has as negative consequence:

- low life quality;
- the growth of the unemployment;
- problems of social order.

The development of outsourcing projects is only alternative valid it has as main and only objective the following sequence:

Modernization * Partnership * Specialization * Gain of Quality * Productivity

IV – CONDITIONAL FACTORS OF OUTSOURCING

4.1. CONDITIONAL FACTORS OF OUTSOURCING

We can consider, in a wide and general way, a series of factors that to condition, in effective and decisive way of the success, the implantation of outsourcing processes in the companies.

It is due, to each one of them, explanations of some important points that can be appraised and that to interfere and to relate with the outsourcing processes and that are below described.

1 - the outsourcing and the strategic atmosphere

The planning process should be complete, approaching:

a) The reasons of the existence of the company, knowing and focalizing your *true mission*, the objectives and the guidelines, the general and sectorial politics, the *adherence and compatibility* of the business, besides a wide knowledge of the market and commercialization forms;

b) The strategic slopes that take to a larger " adherence " and compatibility with the systems of information;

c) the natural need of the employees' wide knowledge on the new administration system that will be implanted;

d) At level of conflicts, with the revision of the goals/routes/politics, the company will be capable linking with all the hierarchical and positions of work, with trust and necessary competence for this connection

e) the revision of the employees' functions/roles should be clear and presumably analyzed before this new scenery, with evaluation studies;

f) Like this, the internal conflicts can break out, with the presence or not of the Unions, with great power to influence appropriately or not the implantation of outsourcing programs in the companies.

Other secondary strategic slopes can be considered, such as:

- The spreading of the technology will have positive effects in the outsourcing programs used by the contracted supplier/partner;
- New competitors will appear among the companies producers of services/goods, in your respective segments;
- There will be a " natural boom " of new enterprising, that they will be at the market, motivated or not for the ex-companies in that acted;
- In the attempt of occupying spaces in the market, these new entrepreneurs can appear as substitutes of old " suppliers " with the application of new technologies;
- The consumer/client will change quickly of habits, being able to, with that, to increase your demand degree in the services rendered;
- Depending on the market of offer of services and of the number of companies that it will appear, it can have wide growth opportunities;
- The modernization in the company's producer of services/goods can take the automation of the offer of services, as a consequence of the personalization of these same services.

2. The outsourcing and the political atmosphere

More and more the Brazilian governments, be at level municipal, state and federal, they have been considering outsourcing as appropriate form of proceeding to changes estrategical/operational in the public organs.

The programs of de nationalization of the economy, of privatization of state companies, of opening of the economy for products before not liberated, of deregulation of the laws and of the bureaucracy, and the quality programs and productivity, they give to the State conditions of evaluating the reflexes of mutation that will happen with the implantation of the outsourcing in the public organs.

Initiatives as the attempt of the decrease of the public machine and it looks for of less interference in the economy, with the participation of the private initiative in partnership

with the Government, they give the ideal prominence that consecrate the outsourcing as the generating process of the reflection about the paper of the State and the need of reduction of costs, improvement of the quality of the services rendered to the population, use of the technology and knowledge transfer among the companies.

3. The outsourcing and the organizational atmosphere

Several topics can be considered with the introduction of the outsourcing in this approach, such as:

- a) the physical space of occupation of the company will significantly be able to be altered;
- b) the functional structure will suffer changes, with alterations in the hierarchical levels, extinction and creation of new positions in the outsourced areas and in the areas that execute the main activities of the company;
- c) the functional activity and the authority delegation will suffer frequent variations;
- d) there will be ruptures in the centralization processes and administrative decentralization, depending on the area and company, specific for each company;
- e) the norms, systems and operational methods should suffer alterations and constant revisions, to support the changes coming from the outsourcing;
- f) the personnel frame, invariably, will suffer changes;
- g) the internal controls and the systems of managerial information should adapt if to the new process, bringing more support and qualification of data for the taking of decision.

4. The outsourcing and the economical atmosphere

The following current topics of the application of the outsourcing can be considered in the companies:

- a) the structure of internal costs should be adapted to the new systematic, defining your concept at accounting and operational level. The data supplied by this costing

system they will allow to evaluate, frequently, the outsourced costs in relation to the costs had spent for the internal activities;

- b) at level of investments, it can have planning variations, in agreement with the agility of implantation of the outsourcing, as well as of the remuneration of the existent assets, and of the accounting records of the depreciation of the same ones;
- c) The prices and practiced tariffs should be revised by the companies with the introduction of the outsourcing, considering the participation of the services that have influence, direct or indirect, in the determination of the final calculation;
- d) The costs of the production processes, of the distribution processes, commercialization and of the administrative activities of support, they should be reviewed with the implementation of the outsourcing, because they contemplate directly in the administrative-operational machine of the company.

5. The outsourcing and the technological atmosphere

In this topic, we considered:

- a) the readiness of the use of the technology for the thirds, since they will like this is able to make him, with virtual economy of scale in the optimized use;
- b) the adaptation of the technology, in the adaptation of the equipments at the level of the customer's demand;
- c) the need of transfer of the knowledge of the use of the technology between contracted and contracting, in the improvement of the relationships;
- d) the possibility of development of a plan of technological improvement that the third can propose to the contracting party, with views to obtain better operational results.

6. The outsourcing and the social atmosphere

The special circumstances of the political and social moment that Brazil faces takes us to contemplate on the *subject of the employment*.

This topic takes us to analyze on it two prisms:

- with relationship to the opening of new businesses

In this sense also, for international examples, outsourcing will take to the fast formation of new companies in several segments of the section services.

With that, it is already happening an offer of more intense labor in these areas, heating up a little the market and refraining the effects of the unemployment naturally caused by the recession, at level of all the sections of performance of the companies.

- with relationship to the revision of the current functions of the application of the outsourcing

The functional restructuring is inevitable in the companies with the implantation of outsourcing.

It will be the role of the top of administration, with your strategic vision, to delimit the internal consequences of this process, approaching:

- a) the social aspect of the dismissals, when happens, trying to facilitate the process close to the employees, **trying, whenever it is possible**, through negotiation with supplier of services/partner that will be being contracted, the reception, in a way, total or partial, of these employees that will become now collaborators an a new company-partner;
- b) the movement interns functional, with the outsourcing, will take to the administrator the possibility to take advantage of the available labor of the outsourced areas, but already with the knowledge of the company, your culture and philosophy, and, properly and with potential, for the end-activity, that will be naturally motivated and in growth, because the outsourcing will tend to expand the company in these micro-units.

This focus is extremely important because the managerial tendency, with the implantation of the outsourcing without looking at your human talents, it can take them to dismiss, in a certain moment, without noticing that in the subsequent instant they will need immediate admissions, tends in view the natural expansion of the areas that composes the main activities, current of the increase of the businesses.

7. The outsourcing and the juridical-legal atmosphere

The juridical aspects of the outsourcing is very important and several should be taken into account, mainly those related with the elaboration of the services rendered contract, because more is worth the presuppositions that surround the relationship than the eventual documents signed to respect.

In that path, to avoid the subordination to the third is the principal factor with which we should be concerned. To check, it will be necessary to define the contract type to be established with the partner, as it proceeds:

- Services rendered
- To sell services
- Concession
- Permission
- Temporary job
- Cooperated work
- Unionized work
- Virtual corporation
- Representative
- Franchise

Concluded this providence, should worry about the form to be adopted in the administration of the contract and as the taker will link with the third in the administration of the services. Here the cares should be doubled to avoid the supervision of the third. If there is the configuration of direction or fiscalization will be characterized the subordination, and with her the entail of employment is presumed.

To avoid that connotation it is necessary that the taker becomes aware that must just and so only to evaluate the qualitative and quantitative results of the rendered services and never to control the execution.

Before the labor legislation, the taker of rendered services is responsible subsidiary to the collecting of well fare system and labor. It will be able to, however, to avoid assuming the responsibility directly, depending on your behavior in the administration of the contract.

The taker should still guard against with reference to the employees' turnover of one of the thirds that changes of employer among the several companies to a same taker. That behavior should radically be avoided, therefore the contracting party can assume that employee's entail of employment, because his fact to be changing of company, contracted for the same taker, of the ex-employer, it can suggest the labor exploration, tends in view that that worker would have been contracted for one of the thirds, initially for a certain function, and, with that, it ends up carrying out other, and there is still the juridical understanding that are being prejudiced acquired labor laws.

In the administration of the contracts we should remind that the contracting party is also responsible for the prevention of accidents in the work. And to check that in that area the third accomplishes regularly Norms of Regulation demands, it will be necessary one it inspects in your activities, in the facilities of the taker, to verify the norms of prevention of accidents they are being properly accomplished.

The contracting party should also be certified that the third of services took your providence in the constitution of CIPA (Commission Interns of Prevention of Accidents in the Work), of SESMET (Services of Safety and Medicine in the Work), and if he supplies the equipment of individual protection regularly - EPI and it installs where requested the equipments of collective protection - EPC.

If there are unhealthy areas in the contracting party where employees of the contracted should act, it will be necessary the payment, on the part of the employer, of the additional respective. The same will happen in the case of the danger.

For the contracting party not to have problems, which we mentioned above, recommended:

- That consists indication of which are the services in the services rendered contract they be just executed her, where and when they should be carried out.
- Never define how they should be done
- That the readjustment of the price in the contract **is not based on salary** indexes or others used by the taker administer your businesses.

The contract perfect forms a legal juridical act. The work accomplished by the companies producer of services/thirds it is lawful and therefore it can be contracted, as foreseen in the article 1.216 of the Civil Code, that summarily says, " all the species of services or lawful work, material or immaterial it can be contracted by retribution ".

The articles 442 and 444 of CLT (Labor Law Consolidation) mention: " the individual contract of work is an agreement corresponding to a "relationship of employment and the work relationships" can be object of free stipulation of the interested parts in everything that don't contradict to the labor legislation.

The article 3rd of CLT " considers employee every natural person that to render services of nature non eventual to employer, under dependence of this and by wage ".

The article 2nd of CLT says that "it is considered employer the company that assumes economical risks, it employs, it admits and it drives the personal installment of services ". In your paragraph 2nd it says that " the services rendered company that be subordinated to a group industrial, commercial or other, the employment relationship if it establishes with the main company".

The article 461 of CLT defines that " there will only be the salary equalization if the difference happens inside of the same company and place ".

Article 461 CLT - salary Equalization - employee of producer of service/third - paradigm that works in the taker - " same employer - non configuration ".

Salary equalization. Employee of third. It becomes susceptible to rescission, the sentence that grants to employee of producer of service/third salary equalization with employee of the taker of the services. The work cannot be considered, as rendered to the same company, as it demands him mentioned article 461 (Ac of the 2nd gr of TRT - R - MV in the merit AR 23/91 - Rel. Judge Elio Eulálio Grisa - J. 27.11.91. Petitioner: Montreal Engineer Ltda - official ementa).

The article 5th of the Federal Constitution, in the item XXXVI says, " the law won't harm perfect juridical act". The article 170 of the same legal diploma assures the free initiative, free competition, the search of the full employment and the free exercise of any independent economical activity of authorization of public organs.

The article 513, only paragraph of CLT and the Law 5085/66 that concern the unionized work, with detached labor, they recognize to be possible the recruiting, through Unions, the outsourcing of labor. That entity is the intermediate, in the negotiations, being that that should be contracted, to place the labor to the contracting party disposition, (taker of services), being also who receives from the taker the linked worker's remuneration, reviewing it the due value.

The Law 5.764/71 and the article 442 - only paragraph of CLT regulates the outsourcing of labor, autonomous cooperated, tends as intermediary a Cooperative of Services and Work, which will be the contracted for to turn available to the taker the labor of yours cooperated.

The Decree 357 of 12/07/91 recognizes the detached worker as taxpayer of Social welfare and, naturally beneficiary of WELFARE DEPARTMENT.

The article 82 of the Civil Code sets down that the " the juridical act is valid when there is the capable agent, lawful object and it forms foreseen in the law, or that this non prohibit".

Therefore there is not juridical risk, as above described, in the recruiting of services, in other words, in the outsourcing implantation.

It is important to consider that the penal code, in your article 203, punishes with detention those that, for action or omission, to frustrate labor rights foreseen in the pertinent legislation.

We wrote down and existence, in restrictive terms disciplined him by the old Statement 256, TST, that affirmed " to be illegal the workers' recruiting for interposed company, being characterized the mediation of the labor recruiting, generating the entail of employment directly with the contracting party ".

That Statement was substituted recently, for the of no. 331, of the same Tribunal, that resells the previous text, altered, enlarging the freedom substantially in if outsourced.

However it still maintains, the illegality of the labor recruiting, for interposed company, except for when it characterizes the temporary work governed by the Law 6019/74.

Continuing in the changes, the Statement privileged the public company, because says that in this case, the recruiting of interposed company, that hires labor, the entail doesn't settle down with the contracting party, due to the foreseen in the article 37, II of the Federal Constitution. We can infer like this that only when the labor mediation happens in the area of the private companies it is that the entail is formed.

It still increases the recruiting of surveillance services, referred in the Law 7.102/83 and also of cleaning and conservation and all the other services still understood as specialized and characterized as middle-activity (support), of the taker of services, they can be contracted, through companies or professionals, not forming the entail of employment, since the direct subordination, or the personality relationship don't exist between the employee of the contracted third and the contracting party agent.

As we can see, the restrictions that previously existed in the Statement 256 and that they didn't show alternatives or safe roads for the outsourcing, in this the 331, are very smaller, opening wide possibilities for the calm development of projects, showing that the Justice of the Work is modernized and it perfects the relationships between the capital and the work, allowing, with that manifestation, the safety and the legality for all the companies that are developing outsourcing projects.

4.2. THE JURIDICAL RISKS AND THE FORMS OF SOFTENING THEM

In the outsourcing erroneously implanted, emerge several legal risks that commit the taker of services. Their principal is the entail of employment characterized in the art. 2nd and 3rd of the CLT, that they say in general lines, respectively, it is " employer that that drives the personal installment of service " and it is used that that has as the

contracting party a personality relationship, habitualness, onerousness that are translated in subordination and dependence ".

They still exist other statements as being employer the entity that to use of subordinate workers or " it is employer, those that is used of the subordinate installment of services ".

These concepts are very mentioned in the Justice of the Labor/Work and they have been basic for the decisions, in the judgements of labor claiming, involving outsourced activities.

In the jurisprudence, two Statements, the one of n°s 256 and 331 TST exist, that also place some restrictions, saying, the first in a generic way that " the recruiting of producer of services for having interposed natural person or juridical, it is illegal, being formed the entail of employment, with the contracting party, balance in the cases of the Laws 6019/74 and 7102/83 ". The second is more recent it substituted the 256, clearing and detailing the possible forms of outsourcing such point that has been mentioned as being " the Statement of TST that regulated the outsourcing".

Being including and explanatory the Statement 331, it repeats what said the 256 and it defines that the public organs of direct administration, indirect or form foundation, can hire labor of suppliers, in an irregular way, that there won't be the establishment of the entail of employment, because in this case that fact will only happen through public contest, as foreseen in the Federal Constitution, article 37, II, 1988. Here we see discrimination and aiding for the public entities. It also defines that the recruiting of surveillance services rendered and of environmental cleaning and also, of other middle-activity, of the taker, with specialized companies, it doesn't form with the taker the entail of employment, since you are absent the personality and subordination. It disciplines that the contracting party takes the subsidiary responsibility, in the labor subjects and welfare, since mentioned in the process and mentioned in the sentences, for the Justice of the Labor/Work.

In the Brazilian Civil Code, your article 69 affirms to be inegotiable and inalienable, the things out of the trade and labor to belong one to them. The

“marchadange” is illegal. Therefore to negotiate the manpower, renting it or selling it, without the legal covering, (that doesn't happen in the cases of the temporary work, unionized work or I work cooperated), an infraction is made to the Law, generating for the contracting party, of that activity type, the labor juridical risks, linked to the entail of employment.

The Brazilian penal code, in the article 203, punishes those that to frustrate acquired labor laws for the legislation or convention. The only forms for us to reduce, substantially, the juridical risks of outsourcing projects are the following ones:

- outsourcing always the activity-middle
- hiring companies of supply of services specialized, competent, suitable, qualified and capable
- not to create exclusiveness relationship with the contracted
- not to supervise the activities of the contracted
- if the interest is outsourcing, only the labor, doing through legal means as Laws already mentioned.

V - FORMS OF APPLICATION

5.1. WHICH ARE THE FORMS OF APPLICATION OF THE OUTSOURCING TECHNIQUE

So that we can understand better, we can classify them in different ways, in other words,

- **the diverticalization** - it is very used and it consists of passing for the external supplier, specialized, that acting in your own facilities, manufacture parts and components specified by the taker. It always happens when it stops executing internally some activity, reviewing for the supplier that will develop it
- **the services rendered** - it is the form more used. It is when the third intervene in the middle-activity of the taker, executing your work in the facilities of this, or where is determinate.
- **the franchise** - it is when a company grants the third the use of your mark, in preset conditions or it markets your products or services.
- **purchase of services** - it is when the companies are with your saturated working power and they need to increase your activities. They look for specialized partners, for by technical specifications they complement your working power.
- **nomination of representative**- it is when the companies contract other to represent them in general in your activities of sales.
- **concession** - it is when a company acts on behalf of the other, that gives up your mark under conditions to market your products.
- **permission** - it is a typical form of outsourcing of public services. Only an organ or government entity is that can pass to a permitted company, a services public's exploration.
- **the labor lease** - this form can be developed in three different ways, in other words,
 - temporary work- Law 6.019/74
 - unionized work - CLT art. 513 - only paragraph and Law 5.085/86

- cooperated work - CLT art. 442 - only paragraph and Law 5.764/71
- **disintegration** - still little known. It consists of the diverticalization advanced. In this outsourcing form, the supplier drifts and it develops the technical specifications, of the activity that assumed, or it will manufacture a component or product, that the taker just idealized. The supplier creates and it industrializes the product.
- **faction** - this form is very used in the textile and shoes wear activities. The supplier manufactures, in your facilities, it leaves or the complete product of the taker. This joins the parts or it just places your mark.
- **virtual corporation** - it is the immaterial union of two specialized companies in which both have of best, with own products, that are part-components of another product that both decided to create. It is the synergy of resources with competitive power.
- **integrated decentralization** - it is a form of very recent outsourcing idealized experimentally and precariously implanted in the automobile area. The supplier acts in the facilities of the taker, in modules and you complement that join to compose the final product.

5.2. CHARACTERISTICS IN EACH WAY OF OUTSOURCING

Form	Performance	Technology	Result	Execution	Functions of the end-activity	Exclusivity	Position of the taker	Legal-labor risks
Diverticalization	Outside of the taker	Creation and development	Own Product	Independen t of the taker	It passes, except the basic technology	Only the product	It evaluates quality	None
Services rendered	Inside of the taker	Execution	Only services	It depends on instructions	It cannot pass	It cannot depend	It evaluates the result	If exclusive, yes
Sale of Services	Outside of the taker	Process and operation	Only services	It depends on specifications	It passes, except the basic technology	Only the service type	It evaluates the quality	It exclusive, yes
Nomina-tion of representa-tive	Inside or outside of the taker	Execution and sale	Only services	It depends on instructions	Inside not, outside yes	It cannot depend	It evaluates the result	If exclusive, yes
Concessio n of mark	Outside of the taker	Execution and sale	Only services	It depends on specifications	It passes, except the basic technology	Only of the mark	It evaluates the result and auditing operation	None
Labor lease	Inside of the taker	Don't have	Don't have	Supervi-sion of the taker	It cannot pass	It cannot depend	Super-vice the labor	If exclusive our surpass three months yes
Franchise	Outside of the taker	Execution and sale	Only service	It depends on orientation and training	It passes, except the basic technology	Only of the mark and product	It evaluates the result and auditing operation	None
Disintegra-tion	Outside	Development	Service product	Instructions	Technology for development	Product	Evaluate	Exclusive labor
Virtual Corpora-tion	Outside	Production Distribution	Product both	Specificati on of both	Each one with yours	Product	There is not taker	Commerci al Civil
Faction	Outside	Process	Service	Instruction s	Support Technology	It cannot be exclusive	Evaluate	Exclusive labor
Integrated decentrali-zed	Inside or outside	Technology	Service	Specificati ons	Support Technology	It cannot be exclusive	Evaluate	Exclusive labor
Permission	Outside	Execution	Service	It depends on Instruction	It passes	-----	It evaluates result and quality	None

VI - DIAGNOSIS

6.1. THE CONCEPT OF THE EXCELLENCE

Work with the head, think, evaluate and gain quality, efficiency and competitiveness. The outsourcing allows the companies to administer your technology and leave the execution for the others that are competent to carry out it. Who has capacity to think doesn't need to execute, it is enough to guide and to confront the results of the operational earnings.

The old concept of we imagines that can make everything with a good success degree it is changing quickly. The companies today, in function of the great competition generated by the demands of the consuming market which ones act, they are questioning your managerial posture in the development and in the execution of the middle-activity.

It is frequent we hear in our companies the following questions:

- What should we execute?
- Why should we worry about what is not our business?
- Which kind of gains we will get in middle-activity investment?
- Why does our supervision need to lose time in administering that middle-activity?
- In which activities our company does need to be excellent?

The answers will only be found when the companies decide to turn inside of your organizations, to question the culture, the work methods and of the administration it interns and they look for to identify, which is your business. They are fundamental the verification and the conclusion of which are your end-activity and which the middle-activity.

The first are those that are constituted in the reason of being of the companies. Why and so that the managerial organizations were constituted? It is the essence of the company. The another are those that gravitate around the first ones, supporting them and complementing them. They are the one of support of the essence.

The companies need to be experienced in the linked activities your technology, that is your soul, that is directly linked to your final product, which needs to be better than the one of the competition for your time. These are essential activities and the third cannot be delegated. Through the outsourcing, through services rendered, it is not juridical possible. It is not strategically advisable. They are these managerial functions that well administered they will provide the competitiveness of the company in your market of performance.

In the area labor jurisprudentially pronouncements that form a consent exist that, in Brazil, the companies have couple constituent purpose, in other words, the economical, that is your business and the social, that is the obligation of to create employment and to administer them for own administration, when they are directly linked to your economical objective, in other words, to your end-activity.

Like this being, there it is the inconvenience and the impossibility of if outsourcing any functions intimately linked to the objective economical or social of the companies. In that happening, the outsourcing for services rendered of the end-activity, will bring an understanding that will be having a fraud in the labor legal institutions and also that the companies will be stopping accomplishing your managerial and social responsibilities as employers.

The jurisprudence below clears this judicial-labor position well

“It is not possible to develop essential activities to the objectives of an entity, be end-activity or middle, except through your servers, except for legal forecast. To delegate the accomplishment of the main tasks the third, be assuming the labor lease or by contracts with the now denominated companies producers of services, the depreciation of the precepts of the legislation is characterized (art. 9 CLT), and the employment relationship if it gives with whom to usufruct of the employee's manpower”. TST-RR 10879/90.3, AC. 2nd T. 1.664/90 11/12/90 - Rel. Judge Fernando Américo Veiga Damasceno.

Therefore, the excellence is in being devoted the that activity that best knows how to carry out, because certainly we will be much more efficient, competent, capable and effective, with gain of competitiveness in relation to our competitors.

6.2.WHICH ARE THE AREAS OUTSOURCING IS MORE APPLIED

The outsourcing projects can be implanted in the public companies and in the private companies.

They are applied in all the defined areas as middle-activity; in the industries that are characterized as support, such as:

- feeding services, services of patrimonial conservation and of cleaning, services of safety, services of property and specialized general maintenance, engineering, architecture, maintenance of machines and equipments, garage services for vehicles, fleet of vehicles, employees' transport, messengers' services, distribution interns of correspondence, juridical services, services of medical attendance, operators' services, reception services, typing services, data processing services, distribution of products, movement services intern of materials, administration of human resources, administration of labor relationships and union, clerkship services, services of active and inactive file, travel agency services, dispatchers, bottling of products, accounting services, assembly of components, quality control, technical attendance, printwork, packing services, general file, warehouse, industrial assembly, purchases, telemarketing, distribution of correspondences, raw material replacement, reading of bills, agricultural crop, microfilming, toolmaking, treasury, packing, import, general insurance, collecting of garbage, mining, payment office, recycling of residues, industrial assemblies, finish and commercial representation, among others.

In the companies of public service, the application of the outsourcing is practically the same than in the industries.

In the bank area, besides the services above mentioned, we can enumerate some financial sections, such as:

- transport of values, collections, compensation of checks, treasury, accounting, payment office, among others.

In the agricultural section, we observed that the outsourcing has been a lot developed in the activities characterized as the creation of animals as:

- Ration supply, veterinary treatment, separation of the types, evaluation of the development, transports, among others.

In the educational area, we also noticed that the outsourcing is being applied, for the passage for third of the school administration of municipal educational units. In this case the public power continues supplying the maintenance of the school and that cooperative administers the educational activities, hiring the teachers and taking care of the students and of the school material. The City hall remunerates the cooperative for enrolled student in the school. The results, in this case, are not economical and nor financial, but teaching quality, that is made to reduce the school escape substantially, due to improvement in the level of the teaching.

6.3. HOW TO IDENTIFY THE END-ACTIVITY

A practical and simple form is to identify in the Social Contract of the company your business purpose, in other words, your economical objective, activity for which the company was created and organized, allocating personnel, costs and defining the tasks.

With plenty attention and criterion separates the economical purpose, that it is constituted in the end-activity, which should be very well visualized and defined.

Separating this of all the others that they exist in the managerial constitution, we will identify all the functions in the company that are directly and linked inside to end-activity. These shouldn't and nor they can be outsourced, once they are part of the managerial purpose and as such they need and they should be administered by the own company.

The other functions that nothing has in common with to end-activity they are characterized as accessories, or of **support** to main-activity, therefore, they can be passed to the third. In those activities we see procedures the parallel and accessory, secondary, in the administration of the companies.

The identification of the purpose of the companies is very important, so that these can ponder all your efforts and resources, in the sense of the qualitative increment. The social objective needs to have an intimate and exclusive relationship with to end-activity. With the business and focus in the product.

The middle-activity is the objects of several other specialized companies, in different market branches of the end-activity of the taker of the service.

CLT in your article 581, paragraph 2nd, says "it understands each other for preponderant activity (end) the one that to characterize the unit of the product, operation or final objective, (focus), for whose obtaining all the other activities merging, (support), exclusively in regime of functional connection (accessory)".

6.4. THE VISION OF THE SUPPLYING COMPANIES OF SERVICES

The supplying companies of services also possess several difficulties to reach your market and to enlarge it. For those the outsourcing is an end, while for the takers of services it is a way that will support to end-activity. So that the suppliers can invest at your market it is necessary to develop the following:

- to try to know and to register the companies potentially takers of services
- to verify, among these, which the ones that are interested in the outsourcing process
- to develop activities in the sense of convincing the entrepreneurs to open hand of the difficulties that has in passing for third the middle-activity.
- to show the efficiency of outsourced processes, as examples of some implantation with success
- to convince them that outsource is not to lose to can and nor the control
- to show and to prove your technician-administrative capacity
- to demonstrate the costs and the benefits of the outsourcing
- if the taker demonstrates knowledge lacking of what it comes to be the outsourcing, to try to clear him like he can benefit of that modern administrative process
- to demonstrate the credibility of your company
- to demonstrate your technical capacity

- in outsourcing processes in process, to accompany them in full detail
- to develop programs of your personnel's recycling
- to adapt to the culture of the taker of services
- to invest in new equipments and instruments
- to invest in the improvement of your specialization
- to maintain quality of services
- to develop and to maintain in the taker an agent of good level for to manage your group of employees
- to act as interface in the solution of problems with the taker
- to make fast and effective decisions
- to be the responsible for the services rendered.

VII - PLANNING

7.1. THE PLANNING - THE PHASE MORE CRITIC OF ANY PROJECT OF OUTSOURCING

It is at this time that the successes will determine the conditions for a safe decision. The activities are usually developed in the management of second level, which should propose to the high direction of the company the outsourcing projects.

This is a sensitive stage of any outsourcing process. It is now that we will identify which would be the sections of the company, subject and possible, in that the outsourcing projects could be implanted, with larger success probability.

The first step in that stage and, in a strategic way, to define clearly which is the mission of the company; which are your objectives and your s interests in developing a change planned organizational and behavior alterations.

To analyze which are the weak points and which the forts. Which are the external threats of the market and of the competitors?

Which are the opportunities?

And more:

- Which is the current profile of the company?
- How it is today and because it arrived in that point?
- Which the resources that disposes to apply in the outsourcing - to form enterprising?
- Which are the characteristics of the atmosphere and in the area that acts?
- Which is the organizational structure and can where be modified?

At is, all the steps be taken in this phase they should be accompanied of plenty criterion and diligence, in other words,

- When identifying the outsourcing areas makes it carefully

- To try to define the profile perfectly appropriate of the third to be identified
- To analyze and to notice the quality level and to be demanded from the third
- To define the specialization of the third clearly to be contracted
- To seek them in the market of the services rendered and pre-qualified
- In the area of the public services or of the state ones, to follow the instructions of the new Law of the Auctions
- To evaluate the next items of the possible thirds:
 - technical capacity
 - operational conditions
 - juridical situation
 - administrative situation
 - labor situation
- To know the conditions of legality of the process in full detail in planning
- To analyze the possibility to have two thirds/producers of services for the same section. That generates the competitiveness between both, in benefit of the taker.
- To evaluate the potentiality of the market of the thirds
- To establish a priority criterion among the projects
- To be early of the possible problems that the outsourcing process can cause
- To study with very care the repercussion in the syndics area
- To try to obtain a Specialized Consultanship to help in the outsourcing process and in the evaluation of the acting
- To get ready to look for a partner and also to act as partner
- To verify the potential risks

- To study case to case
- To verify which are the specialized and necessary knowledge so that the third can develop the services well
- to study to see if there won't be need of the taker to transfer knowledge to the third
- to evaluate if it should or not to transfer them
- to prepare a schedule of the outsourcing process
- To study the culture carefully in the thirds that more approaches with the one of the company taker

One of the most important providence and extremely critic, and that can commit or not the implantation and the development of any outsourcing project, is the internal public's preparation that will interact with the thirds, and also of those that, lamentably, they will be involved in the readiness due to the outsourcing.

That public understands, we recommended that be developed through collective meetings or internal seminars of convincing for the first case. In the second, the contacts should be individual, which ones should tell about the facts and to tell them that the company is concerned with the subject and that everything will do to minimize the impact of the change.

The outsourcing processes are already arriving to the more specialized productive activities. To find such specialized thirds cannot become a solution problem very simple. In those conditions we should analyze as transferring the technology, which you/they are the existent difficulties and the future ones. In that aspect, we can face some impasses, such as:

- opening of the power of the supervision
- difficulties because it will feel threatened
- the supply of industrial secrets
- how to guarantee the secret

For the first case, we recommended to meet with the supervision and to try to do them to see that the outsourcing process, under any hypothesis, reduces the capacity of decision of the supervision and nor your control about the operation. It is not the number of subordinates that determines the level of decision and of being able to, but the technical competence and the improvement of the technology.

For the solution of the industrial secrets, there will be the need of a careful analysis of the inviolability warranties that the third should give to the taker through term of responsibility of the maintenance of the secret.

7.2.ACTIONS THAT FACILITATE THE IMPLANTATION OF THE PROJECTS

So that the taker can facilitate the absorption in your company of outsourcing processes, some techniques and work tools can be used:

- in the planning phase, to know the goals of outsourcing very well
- to analyze the risks
- the consequences
- to identify the initiatives of behavior change
- to define with clarity the profile of the third
- to develop plans of how to take advantage of eventually in the third, the labor that will be placed in readiness
- to develop a plan of special compensation for those that won't be taken advantage of
- to evaluate as maintaining the same service, but outsourced
- to meet with the supervision interns, that will become complete with the third
- to instruct them as he/she links with the employees of the third, to avoid the subordination
- not having in the producer market with the quality and profile demanded, to try to convince him to improve your conditions so that it can be competent
- to try to be very well informed regarding legal aspects of the outsourcing process
- to identify in the companies the employees with characteristics of enterprising
- to develop training programs to transform those employees in entrepreneurs and producer of services for the former-companies.

7.3. SOME FACTORS CAN COMMIT OUTSOURCING

If there is some unemployment, they can happen negotiations between the taker and the partner, for that to absorb the labor placed to the disposition.

If it comes to happen contractual negligence, in other words, the lack of care of the taker in the discussion and in the preparation of the services rendered contract, mainly in what concerns the conditions, in which the services will be rendered, we should always have in mind that in the outsourcing process, the partner cannot be subordinated of the taker. Under any hypothesis, the taker should establish **how to do**, therefore if makes like this, it will be conditioning the activity of the third. It will just be able to indicate what to do, where, why and when to do. The determination of the **how to do** generates the presumption of the entail of employment.

If the taker exercises bad administration of the contract, serious consequences, that can make unfeasible the continuity of the outsourcing process, can occur:

- It can generate an increase of the risk to be administered;
- Firing employees' and that are not taken advantage of by the third;
- An eventual deterioration in the syndics relationship
- The dismissals in itself and your cost;
- It can happen problems in the process; bad choice of the third;
- Inadequate analyses in the phase of the planning generate mistakes of viability evaluation;
- Difficulties of equalization of the cultures (taker and third);
- Failure of previous projects;
- Noxious syndics intervention;
- Mistakes in the evaluation of the profile of the sought third;
- Problems with the necessary specialization of the third;
- It can generate culture conflicts, which should be compatible;
- Reduced number of qualified companies and you trusted;
- Culture of the company in maintaining to middle-activity;
- Lack of appropriate criteria for the evaluation;
- Difficulty in the formation of the partnership;
- To increase of the dependence of the third.

VIII - DECISION

8.1. HOW TO DECIDE FOR OUTSOURCING

After the stage of the planning, the next step is also very important and critical. It is the decision of the outsourcing project to begin. That is an action that should be taken by the high direction of the taker company, the one which once having agreed, should give the whole necessary support for the success of the project.

The outsource decision should only be made after an evaluation complete, detailed and very discerning of all the component items of the phase of the planning, of the necessary quality, of the effectiveness and efficiency they be requested her/it of the partners.

After those data, we will evaluate the proposals and to compare them. When the outsourcing be processed through ex-employees, those should present a services rendered proposal.

In both cases, for a definitive evaluation, we recommended to consider the following items:

- The technical aspects
- The warranties
- The prices
- Interest for the business
- The specialty
- The customers' list
- The legal irregularity of the third can generate conceited entail of employment

The third to be contracted should be established regularly as entrepreneur, before your qualification to the quotation of prices. It should have all the authorizations and necessary public licenses.

The societies constituted to the vespers of the presentation of the proposal they should be very well analyzed, with details, to know your societary constitution and operational conditions.

To avoid labor risks, we didn't recommend the recruiting of companies that have in the taker your only customer. That generates dependence economical, operational and of supervision, suggesting that there is subordination and for consequence the entail is presumed.

A lot of care should be had with companies in individual name. Those should be perfectly organized and legalized.

The thirds companies should present information that make possible to the takers they know the following well:

- The suitability
- The social contract registered in the Commercial Committee or Registry of Titles and Documents
- To end-activity
- The societary composition :
- the partners' responsibility
- the social capital
- the patrimonial goods
- the insurance policies
- All the public certificates
 - municipal
 - state
 - federal

- The operational patrimony
 - Equipments
 - instruments
- The administration of personnel

In this phase of the decision, the taker should be aware of the need of the development of audit processes in the partners, to diagnose eventual problems. For the attainment of this activity it should be established a strategic plan.

When still in the phase of decision to verify the inexistence in the market of companies producer of services of a certain specialty, the taker, eventually can form the third in an extraordinary way.

Also happening third existence in the market without the necessary quality, the taker can advise him

Producer of services that has capital, the taker will can transfer cash in the quality of anticipation, and also here will point a period for the execution of the contract.

In these last two cases, it is very important to mark that, in case the partner has in the taker your only customer and doesn't have alternative of another one, the first taker it should motivate and to use of your influence in the market to help him to find other takers, for becomes an independent entrepreneur, avoiding partner's characterization of only one customer. This, if not resolved, it can create a risk situation for the taker, because it can be supposed the subordination and consequently the entail of employment.

8.2. AS THE EMPLOYEE COSTS - % on the payroll

Group A- Basic Social Responsibilities		
Discrimination of the budgets	By hour %	By month %
1 – Social Welfare	20,00	20,00
2 – Wage education (Salário Educação)	2,50	2,50
3 – Incra	0,20	0,20
4 – Sesi	1,50	1,50
5 – Senai	1,00	1,00
6 – Insurance for Accidents	3,00	3,00
7 – FGTS	8,00	8,00
8 – Sebrae	0,60	0,60
Total group A	36,80	36,80
Group B – Cost extra-salary that suffers incidence of the group A		
1 – Weekly Rest Paid	17,64	
2 – Holiday and Sanctified Days	3,73	
3 – Vacation	13,33	13,35
4 – Accident of Labor/Aid	1,57	1,57
5 – License Paternity	0,18	0,18
6 – License Maternity	0,86	0,86
7 – Bonus of Christmas	11,22	8,95
8 – Aviso Prévio Trabalhado(1 month salary worked)	1,13	1,13
Total group B	49,66	26,04
Group C – Cost extra-salary that doesn't suffer incidence of the group A		
1 – Compensations of 40% over FGTS	4,78	4,03
2 – Aviso Prévio Indenizado (1 month salary not worked)	2,23	2,23
Total group C	7,01	6,26
Group D – Cumulative Incidences		
By hour	Group B (49,66) X Group A (36,80) = 18,27	
By month	Group B (26,04) X Group A (36,80) = 9,58	

TOTALS.....111,74

78,68

8.3. THE FIXED AND DIRECT OPERATIONAL INPUTS OF THE TAKER RELATIVE TO THE LABOR

- Direct wages.

- Responsibilities

* Legal

* Social

- Indirect wages

* Subsidized feeding

* Subsidized transport

* Subsidized medical attendance

* Subsidized life insurance

* Several social aids

- Turn Over of the labor

* Dismissal

* Admission

* Recruitment

* Selection

* Training

- Accidents of Work

* Stability of the Law 8.213/91 - Art. 118

* Medical help - emergency

* Quality loss

* Productivity loss

* Material loss

* Damages to equipments and instruments

* Remuneration of the first 15 days of removal

- Safety of the work

* EPI

* EPC

- **Administrative controls of personnel**
- **Time of supervision**
- **Idleness of the labor**
- **Immobilized**
- **Depreciation of equipments and instruments**
- **Physical facilities**
- **General insurances**
- **Consumption materials**
- **Energy**
- **Absenteism**
 - * Medical justifications
 - * Justifications for merit
- **Labor Claming**
 - * Labor increment for substitutions
 - * Widespread absences
 - * Absences for accident in the work
 - * Rests
 - * Premature exit
 - * Arrears
 - * Legal rest
- **Invisible general costs**
 - * Support to the bureaucracy
 - * Functional status

8.4. THE INPUTS OF THE TAKER THAT ARE TRANSFERRED NATURALLY FOR THE SUPPLIER IN OUTSOURCIN

- * When it implants the outsourcing:
- * Accidents in the work
- * Remuneration of the 15 initial days of removal
- * Recruitment
- * Selection
- * Admission
- * Dismissal
- * Training
- * Supervision
- * Safety in the work
- * EPI
- * EPC
- * Administrative controls of personnel
- * Idleness of the labor
- * Labor increment - substitutions
- * Consumption materials
- * Absenteeism
- * Labor for work picks
- * Equipments
- * Instruments
- * Tools
- * Invisible costs

IX – THE SEARCHING FOR THE PARTNERSHIP

9.1. HOW TO SEARCH FOR THE PARTNERSHIP

A factor very important in the outsourcing of services is the establishment of a true partnership. The mutual trust is a fundamental and indispensable condition, because the resources are spent together and the confidential data are shared among the partners. That is the magic word of any outsourcing project. Without a true partner, the taker it doesn't get to implant and nor to develop a process of effective and efficient outsourcing, that comes to assist your needs and nor will get to obtain the expected earnings of quality, specialty, agility, simplicity and managerial flexibility.

The partnership is the essence of the outsourcing. Here the participant activity should always be a constant in the relationship between the taker and the third.

The partnership concept should always prevail in the relationships between the taker and the partner, once both have the same interest and concern in the bilateral loyalty, in the business, in the compromising with the final objective that you/they are the quality, the improvement in the costs, the productivity, the efficiency, the effectiveness and finally the satisfaction of all.

The partnership presupposes a perfect interaction and integration among the participants that surpasses the simple contractual formalization.

As we can observe, it is necessary an evolution of the traditional situation of relationship with the partners.

9.2. PREPARING THE THIRD FOR A SUCCESSFUL PARTNERSHIP

To outsource is easy, but not always it is easy to guarantee the efficiency in delegated services the third. A lot of times, the outsourcing is seen as a passage of responsibility the third, included the false premise here that those automatically will have a satisfactory acting, since appropriately selected.

Most of the time, it is necessary to train the third to act as partner intended by the company - and that requests effort of the contracting party and time for adaptation of the contracted.

Leaving aside the romanticism that surrounds the consideration of the small company, idealized by the philosophy of the "small is beautiful", it has serious problems of organization, that can generate relationship difficulties with your contracting parties. As it prevails the informality, the accumulation of functions and the lack of papers defined severely in the small company, the surprise is frequent. All this generates don't accomplishment of periods;

- * interpretation mistakes;
- * promises not accomplished;
- * services or products out of the in accordance ones specified.

The situation becomes worse if the small company, besides small, it is new, tends the entrepreneur a poor managerial experience.

Another problem that is typical in the small company is the sub financing of the activities and deficient box's planning. That group to decisions conditioned by the shortage (not revealed) of resources, affecting the quality of the services.

If the third, on the other hand, is a great company for which the product supply or service to the contracting party don't have a lot of significance, the problem it is the partner's insensibility and the coldness or bureaucratic rigidity.

It is indispensable, for larger efficiency in the relationship, to do a perfected diagnosis of the main deficiencies of the third and to establish a program of training of that third for the function that is being delegated.

The following questions can help:

- Which are the weak points of the third for the efficient exercise of the activity that is being delegated:
- In the administration;

- In the production/operations;
- In other aspects.
- What answer level can wait of the third when to our demands?
- Who, inside of the contracted company, will it be responsible for the activities that we are transmitting them?

Diagnosed the typical problem of the third, it settles down an appropriate program of technology transfer. That a lot of times it is hindered by the fear, not always based, of the contracting company, that the partner robs " him/her " the technology.

The most effective form of proceeding the transfer is narrowing the contacts and foreseeing a direct and traditional training for, training of the third. She still can, to establish a direct and traditional training for training of third and to create a manual with appropriate specifications and to incorporate the demand of observance of those services rendered contract.

Finally, it is fundamental a constant contact with the third, it needs evaluation of the quality levels for him practiced and the operational audit on your productive process.

Without that, the risks of relaxation of the patterns are constant.

X - SELECTION AND RECRUITING OF THIRD

10.1. SELECTION OF THE AREAS THAT WILL BE OUTSOURCED

This activity will request of the taker of services company, a careful care when decides for the outsourcing, in what it concerns the identification of the sections where that technique will be applied.

Two are the factors that more should worry the responsible people for that selection:

* the strategy of the outsourcing consists of trying to know your importance perfectly in the context of the company. To verify the risk of the possible quality fall, of productivity, and of the effectiveness of the product in relation to the consuming market. Will it be necessary to pass technology to the partner? In which? Which are the warranties of the maintenance of the industrial secret? If we lose competitiveness, which are the consequences?

* the complexity of the functions - it will be necessary a discerning occupational evaluation, to find out of all the phases of the work and all your occupational technical involvement. Only after the conclusion and verification of that information, it is that should begin the partner's search.

An entrepreneur's search that is competent to assume the development of an outsourcing project, in areas strategic or complex, it should base on two factors:

- **the specialty** - the eventual partner should be deep expert and to dominate all the technical and operational information about your activity.
- **the competence** - your operational capacity should be qualitatively and appropriate quantitatively to the needs of the market in that act and of the possible takers of services.

The existent operational culture in the area is very important to know how the employees are devoted to your activities and how they see the participation of third with them.

How has the work been executed with reference to the care, to the technical improvement and the necessary cares with the instruments and equipments? Does a concern exist with the constant operational improvement?

It is important we know the degree of the employees' sensibility, in what it concerns the personal involvement in the execution of the activities. It will be fundamental we know which are your largest interests in the selected area; examples:

- improvement of the quality;
- safety of hiring;
- maintenance of benefits;
- better products;
- better wages;
- Increasing in the industrial safety;
- other.

It will be necessary to identify the employees' susceptibility that will be maintained working with third.

After we know all the behavior aspects of the sections where the outsourcing will be implanted, we will begin the evaluations on the operational costs, to establish which will be the cost-benefit of the project. We will develop our calculation spreadsheet, where we will relate all the inherent items to the activity to be last to the eventual partners. Of these, we will also request them that they present us your operational costs, being the due careful for the information to be coherent with our needs.

In this preparation phase for the rising of the costs of the operation, we should develop and to establish which will be the criteria for the evaluation of the obtained data.

Still in this preparatory activity, to know with details the levels of operational quality of the administration itself, to esteem which will be the index to be demanded from the future third-partner and to elaborate appropriate and precious instruments to measure the partner's qualitative acting.

10.2. HOW TO SELECT, TO NEGOTIATE AND TO ADMINISTER THIRD

The choice of the third should base on criteria that can inform the positioning of the companies in the market where they act, your professional concept, your efficiency, the specialization level, your leaders' interest in the business, in the improvement of your techniques, in your work instruments and in your available equipments.

In that selection process we should observe and to try to verify the potential of the existent companies in the market.

In the phase of the pre-qualification we should try to know the culture of the companies, your work philosophy and your customers. Of them we should obtain all the possible references. The good and the bad concept should be properly justified.

All the available companies in the market and that gather the stipulated conditions they should be consulted. It is advisable to identify companies those present new ideas, technological innovations and those that are gone back to participation processes of administration of your activities.

It is important to point out that the largest is not the best and nor the smallest will be worse. The first contact with those services rendered entrepreneurs should have the connotation of the informality and to request them that supply data regarding your companies, as the below:

- the quality
- your technology
- your relationship with the customers
- your organizational structure
- who are and which is the level of decision of the contacts
- who are the partners
- which are the financial resources
- which are the human resources

- which are the material resources
- which are the equipments
- the efficiency and the effectiveness
- which are the administrative methods
- which is the index of your personnel's recycling in terms of operational training

The takers, so that she can establish a true partnership since the beginning of the contacts, they should exempt your facilities to the proposers partners, informing them the following:

- the conditions of your facilities
- to pass to the partner all the possible information regarding the services be rendered
- to inform the risk areas
- to inform the unhealthy operations
- to inform the specialized operations
- to prepare a descriptive memorial of all the services be outsourced.

The taker should discuss with the third a form of evaluating the quality of the services:

- establishing the items and the concepts
- of common agreement they determine the points they be her appraised

After appraised all the pertinent items and you accept the conditions, it should begin the recruiting process.

The pre-qualified companies should be invited to participate in the quotation of prices. Each participant knows your limit technician, financial, operational and still the customer's demands (taker).

10.3. RECRUITING OF EX-EMPLOYEES

We got the attention of all for an act that is happening with a lot of frequency in outsourcing processes. It is the recruiting as third of ex-employees of the companies that develop the outsourcing projects.

That recruiting type, we suggested, when it is not possible to meet at the market the specialized companies that can execute the requested services, or for sections or works of high sophistication, or of very specialized technology.

The ex-employees' recruiting simply as autonomous it can be confused with the labor lease, not could be understood as a services rendered.

In this case, the contracted will release of your physical and intellectual effort for the acting of the work. He will just have an only customer taker of your services, which will supervise and to fiscalize the acting of the rendered services. The source of income will be only. The price can be conditioned the will of the taker and in those conditions the third won't have the bargain power or of negotiation, because it will be in a position of total dependence in relation to the taker.

The fiscalization of Welfare Department comes along the times establishing manners to characterize the entail of employment in services rendered contracts been celebrated between companies and autonomous workers, or still among companies and labor suppliers and the contracted ones of those.

Like this, the companies that hire the autonomous workers' services or of companies they should observe certain requirements so that the same ones are not framed as employees (the autonomous ones), or come to plead directly of the contracting company, the entail of employment.

The entail of employment is characterized the service rendered by autonomous professional that it has relationship direct or indirect, (activity-end of the autonomous) with the normal activity (end) of the taker and that is of continuous nature. In this case, the situation of the eventual work is eliminated, which cannot characterize the entail. As examples of same purposes, we can mention:

- the car repair place that negotiates as autonomous a mechanic
- the contracted autonomous dressmaker to work in clothes industry
- the driver of passengers' collective transports that comes to be contracted as autonomous for a bus company
- the autonomous doctor, producer of services, that comes to be contracted for the hospital to assist a patient in the facilities of the same hospital.

In the cases above mentioned, we can notice that the autonomous worker carries out your activities in the facilities of the taker or where he determines.

Like this, it settles down the employment relationship when there is:

- hierarchical subordination
- subordination of the remuneration
- preset schedule
- habitualness
- exclusiveness

It has been common to practice of some companies of passing to ex-employees, now constituted in micro entrepreneurs, or even normal entrepreneurs, the tasks that carried out when they were used subordinate to the company that, now, it hires them to supply or to render services. This attitude should be surrounded of all the cares, mainly in what it concerns the economical and technical dependence, which cannot happen, under any hypothesis, under the risk of characterizing the conceited continuity of the previous entail of employment. Other, it concerns the geographical location of the facilities headquarters of the new company, that cannot be inside of the contracting party physical facilities.

XI - EVALUATION OF THE QUALITY

11.1.QUALITY IN OUTSOURCING

The indexes are directly linked to the partners' specialty, because as better these know your work in your branch of activities, more select it will be your efficiency and effectiveness in your services.

The market of the taker will demand from the companies more quality in the offer of your services, because it will be in game the managerial survival. The results of the execution of the activities, in the best possible way, are the productivity earnings with the economical and financial optimization.

The objective of the companies, with application of the outsourcing projects, is your customers' satisfaction, maintaining them and conquering new consumers.

The quality is to main concern, being considered that from it that will depend the continuity of the partnership.

Of the part of the taker a constant concern should exist in auditing your partner's quality, always comparing it with the pre-established parameters and that are expected.

With relationship to the third is fundamental to know the defined quality goals very well for your contracting party. The first step for your customers' satisfaction is to do with that your subordinates know and focalize all your knowledge and their efforts, in the sense of the integral attendance of the expectations of quality of the taker. For this the producer of services/third necessary to develop a program of technician-operational training and still to provide to your personnel the instruments, equipments and modern and appropriate machines to the work that intended to do.

The accomplishment of the quality goals will only be concrete, if the third is perfectly integrated and to accompany your subordinates' acting well closely in the facilities of the taker.

Of your part the taker will only get the programmed qualitative results, if it is always close to your third, observing and evaluating the development of the services,

being compared the results. It is always necessary to dialogue with your partner on the aspects that deserves more attention and which the corrections to be processed, or then, where there are not corrections they to be made, which the points where the quality indexes were reached.

The effectiveness of the quality is directly linked:

- to the full knowledge of all the goals she be reached;
- when finding out perfectly of all the phases of the process;
- to the constant improvement of the labor;
- to the continuous modernization of the machines, equipments and instruments;
- to the updating of the consumption materials;
- to the entrepreneur's conscience;
- to the compromising and aware that is well important the service rendered and with quality, in the mutual result of the partnership, that you/they are the respective final products.

11.2. THE EVALUATION OF THE RESULT

In the administration of outsourcing projects, the taker and your suppliers of services need together to develop a program that can measure the efficiency and the effectiveness in the acting of the jobs that it is being executed. This providence is fundamental and very useful in the verification of the successes and of the deviations comparatively to the project initially proposed.

In that evaluation of results it is that we can identify the mistakes, to quantify them and to guide the corrections so that the supplied services reach the wanted objectives and expected.

The forms and the instruments to execute those analyses are several. Some simple one, other more compounds. We have been noticing that the options adopted by the takers and suppliers have been the most uncomplicated and fast, so that it is possible to get immediate information, facilitating the interpretation of the data and activation of the corrections, making flexible the operations with the necessary speed.

An evaluation instrument, objective and concise, it is the most suitable so that she can maintain a good pattern, and quality of the outsourced projects.

Those instruments should be developed and established among the partners, in the phase of the negotiation of the recruiting of the project. Both should contribute in the suggestion of the items they be appraised, the moments, the criteria, the methods and the comparative parameters.

It is gotten to obtain good results in projects where the partners are specialized. The more deepened they are the knowledge of the suppliers, best will be the success opportunities.

The taker needs to accompany the development of your suppliers, closely, if they want to have effective results. Never to abandon him with inadequate postures, such as: " this is not more of my responsibility", I won't worry myself more with this activity, you assumed it and solve the problems " or " from now on the problems are forward yours ".

For your time, the supplier, also, needs to be close to your employees, supervising your activities, guiding and transmitting the needs of the taker, in terms of results. It is fundamental the development of a good training plan and an understanding of the importance of the services that are being rendered. For the warranty of the quality of the supplier, it is essential condition, that this provides to your employees, the instruments and more current and efficient equipments possible, instructing them in your operacionalization, in such a way that can make them to work, getting from of them the maximum in efficiency and effectiveness in the works.

To create and to develop good evaluation instruments, they are fundamental the following premises:

- to know the goals of the projects very well
- to find out well of all the phases
- to specialize continually
- to establish objective criteria to evaluate
- to know very well what and how it will evaluate
- to combine with the suppliers the important points
- to facilitate the understanding of the data.
- A good program of quality audit, in the outsourcing, it will generate conditions for the obtaining of qualified results.

XII - OUTSOURCING IN THE PUBLIC ADMINISTRATION

12.1. BIOGRAPHY AND LEGALITY

Since 1969, due to the alterations introduced in the Ordinance-law no. 200, for another of no. 900, it is allowed in the area of the government administration, centralized or decentralized, to appeal through contract of civil nature to the indirect execution of the public activities of planning, coordination, supervision and control, since they exist developed private company and qualified to carry out such activities, (TRT-3^a area - 2nd Group - Ro 3806/90).

In the decentralized public administration, it is possible and it is not framed in the two exceptions mentioned in the old Statement 256, that it was modified by the no. 331, I. In that new legal diploma, the administration can, without characterizing the entail, to hire interposed companies the one that places the labor to the contracting party disposition. It is a treatment differentiated in relation to the private company, whose entail is formed for the subordination, simply. In the public company this is only possible through the public contest.

Besides the Ordinance-law no. 200, the Law no. 5645, of 1970, exists authorizing the direct or autarchical public administration, to negotiate in a stable way the labor services rendered in transports, surveillance, environmental and property conservation, cleaning and assimilated, telex operation, copiers, operators, firemen and drivers, with help in the Ordinance-law n°2300/86, it was recently altered by the Law no. 8666/93, which was also altered by the of no. 8883/94. In both, the recruiting of services of third is fully possible and guaranteed. However, the form is foreseen in the mentioned Laws, in the article 6th, item II - Services and in VIII, letter c, the indirect execution, through the recruiting with third the execution of tasks, for price global or unitary. The mentioned legislation has origin in the federal area. In the state, more precisely, in the Government of the State of São Paulo, the Law no. 89/72 exists, the one which in your article 2nd, item IV, letter e, it clears to be possible the recruiting of specialized technical services, characterized by a company of well-known technical specialization.

The outsourcing in the public administration, at this time is growing a lot, motivated by the difficulties in hiring labor, in function of the demand, foreseen in the Federal Constitution 88, article 37, item II, that determines the act of effecting of the public contest for the completion of positions. That easiness for the outsourcing/contract

out of services, being used labor of partner-third, it is assured by the Statement 331/94, that basically, it liberates the public company, of the establishment of the entail of employment with the employees of third. However there is the proviso that, in case of irregular recruiting, of labor of third it has executed, before the promulgation of CF/88(Federal Constitution), in the date of 05.10.88, the risk of the establishment of the entail of employment exists, ordained by the Justice of the Labor, with the public entity that it has practiced the irregularity, in outsourcing processes.

What we can observe, it is that in the public administration, being direct or indirect administration, the outsourcing is a technique in big development, taking into account the entail of employment, but and so only the need of the remunerative isonomy.

12.2. OUTSOURCING IN THE PUBLIC ORGANS

It is notable to notice that the outsourcing, applied according to the focus of the administration modernization, it can provoke in the mechanisms of the State, with relationship to the quality, productivity, reduction of costs and valorization of the human talents.

The outsourcing in the State is not innovation. However, it has been adopted as a way and not as an end in itself. If it was like that, it would be found by basic components of administrative administration that they would give significant and durable pulses in the public machine, be at level municipal, state or federal.

We are before a permanent economical crisis and in the exact moment of redefinition of the role of the State, wishing, with competence and without supporting entails, a complete revision of this same model.

To modernize is necessary, besides everything in the public section, whose mechanisms, no so clear, slow and gotten jammed they left aside the valorization of the techniques and of the knowledge, to get lost in the individual and political skirmishes, going away more and more of the new reality of applied administration in the private companies and in the countries of the first world.

Only with the use of new patterns of administration of the public section it is that will take the process of the government's modernization.

And this only will reach with a firm and resolved combination of the political attitude with the managerial behavior, administrator and the ruler's supervisory in the search of the conduction of results truly positive for the State, while administrative machine, and for the society as a completely.

What is necessary to be clear it is that the outsourcing in the State is possible, and it should follow the strategic premises reached by the private initiative.

It has to have courage, disposition and competence to face the political challenges and collectivists.

But, its introduction in the public scenery is inevitable and irreversible.

We could detach some items formers of this statement:

The first would be the impact provoked by the outsourcing in the State with the regionalization of services.

The State is the largest buyer of services, through the organs of the direct and indirect administration (state companies, of mixed economy and foundations).

With the strategic implementation of the outsourcing, new opportunities will be open so that companies of small and medium loads, at regional level, have possibility to assist to the new demand, and, at the same time, to consolidate the participation of the great companies of the several segments, when of the execution of the great contacts.

Therefore, this impact will mean an undeniable possibility of economical growth, as a whole, of the State, giving full conditions for the opening of new companies, increasing the labor offer, and, consequently, generating more revenue for the own State.

The possibility of economical growth, with the opening of new companies, it will unchain a sequence of actions negotiate, involved in the mesh that bounds these operations.

Like this, new suppliers will be developed for the attendance of these demands, with the appropriation of resources, labor offer and technology use.

Besides, the State can print, as maximum principle of the outsourcing, the philosophy of the quality of the rendered services, establishing with the suppliers/partners a formal commitment for the valorization of this process and of the techniques innovators of the administration.

The generation of new employments will be naturally expanded. However, other commitment can be proposed: the constant development of this labor, through training and they will facilitate for the use of the technology. With that, the human talents will be valued, inside of the scenery of performance of the public organs.

The second factor that emerges of this proposition is the need of the State to treat the outsourcing to the light of a strategic planning.

The moment demands, above all, this posture.

A lot of changes can be proposed, be to level organizational with relationship to level of the norms, procedures and internal controls. There is to aim at the improvement of the administrative machine, with the revision of a series of activities, where, invariably, there are a productivity fall, attendance slowness and too many expenses.

The outsourcing, in this environment, it should provoke changes that will have administrative and political reflexes, because they will generate posture changes, with an administration process that will take, naturally, to the revision of the mission of the public organs, modernization of the administrative machine, optimized conditions of administration, incentive to the creativity, reduction of costs, and, for consequence, an improvement of the public services, with reflexes in the attendance to the society.

States of São Paulo, Ceará, Paraná, Mato Grosso do Sul and Santa Catarina, among other, they are having the disposition of applying, not still in complete way, the administration process that is the outsourcing.

For consequence, your actions already make to notice in the regional managerial atmosphere, with wide repercussions, establishing new paradigms for this situation.

However, the whole foundation of introduction of the outsourcing should be supported by the effective legislation, governed according to the juridical precepts that predisposes such initiative.

The basic topics are to proceed discriminated.

1. JURIDICAL ASPECTS

1.1 - the activities of the public sector

The Public Sector exercises, besides services public, other activities of the community's interest, how to mediate relationships among individuals providing safety in the transactions; to exercise instrumental activities offering equipments, technology and necessary human resources for the services rendered; to foment activities of interest common with the creation of incentives fiscal or material; and to fiscalize the activities of the matters exercising, for so much, your power of administrative police.

Of all those functions it stands out the services rendered for the State or for who does it for it. The service offered by the Public Sector has nature different from that service presented by individuals, position that the juridical regime is of Public Law, configuring like this a preponderance of the interests of the society and not of the individuals.

The services are not considered publics because rendered by the State or for your entities, but non-publics because the interest in your installment is general and it reaches the whole community faintly. The services rendered for the State is part of your mission, in other words, he exists while producer of some services or inherent activities to your essence.

Beside the public service, it can be said, with sure, that the State exercises other services non-defined as publics, to example of the cleaning of the building of the City hall or of the Senate. A lot although they are different, there are per times some confusion. However, it is important to affirm that the Public Power can be been worth of them in a direct way - executing them for your own means - or in an indirect way, when it negotiates with third that can, in your place, to execute the wanted activity.

The activities that the Public Sector doesn't offer to the community directly can be executed by third, because the beginning of the supremacy of the public interest is not discussed, for treating of activity it interns, very away all the acts of the Public Administration should assist to the law. But doubts can appear when the State delegates to a third the execution of a service that will be offered to the population.

1.2 forms of execution of public service

The institution, regulation, execution and control of the public services are, as rule, of the State. This means that is the Administration Public, direct and indirect, who decides, in the terms of your legal and constitutional competence, which the services that it will offer to the community and that form will be. The doctrine points two forms of installment of public service: centralized (direct) and decentralized her (indirect) that, for convenience and opportunity, they can, in beginning, to be used by the Public Power.

It is centralized when the State, in your name the under total responsibility, to avail of your own organs to execute a public service. It will be decentralized installment or indirect when the execution is attributed the other entity, different from the Public Administration, for it accomplishes consonant the law and the common interest.

The decentralization of the installment of the public service can feel through a public person, as it is the autarchy, or of a private person (private company, public company, society of mixed economy or foundation).

1.3 some services can be: authorized, allowed, granted or contracted.

The nature of the service or the legislation can define the form (direct or indirect) that the State should use to execute a certain service. In general lines, the Public Power, after select analysis of the community's needs and of your political and economical conditions and based in the law, it can choose among the concession, the permission or the authorization, if it wants, for instance, that the individual is remunerated directly of the costs through tariffs, or it can opt for the recruiting when the remuneration be made

by the own State. Or still if it disposes of own means it will directly be able to offer the service, being remunerated with general taxation.

In a fast reading of the articles 30, V and 175 of the Federal Constitution, that turn about an indirect administration of the service of collective transport and, of the concept of public service, it is possible to think that such services could only be rendered indirectly by permission or concession. However, a harmonic and systematic interpretation of the Federal Constitution and of the effective legislation and with support in the doctrine and in the jurisprudence, it is allowed, to the State, to be avail also of the authorization and of the recruiting of services of third, when it chooses for a decentralized form (indirect) of execution of the services.

The main aspect to be considered for the choice in the execution way should not be the payment form, but the form that best to assist to the longings of the population. Like this of anything it will be worth to choose for the concession if the user not to be satisfied.

Informed of this possibility the State cannot be avoided of your mission, in other words, it cannot delegate the third functions that are it own and therefore, non delegated, to example of public safety's service, of the judiciary service, of the production of laws and normative acts, of the fiscalization, etc.

It is opportune to point out that if in the private initiative the objective is the profit, consonant, the market laws, in the State the objective is the public interest, consonant the juridical ordering. If in the private initiative we have middle-activity- and end-activity, in the Public Administration we have as activity-middle those services that can be delegated and, as end-activity-end, those not delegated, for they contain empire acts.

1.4 contracted public services are outsourced services

It is possible to the State to delegate the execution of some services for authorization, permission, concession or simple recruiting. The authorization, the permission and the concession contain an own juridical regime of the Public Law for they be unilateral acts, while in the recruiting, very away the State has prerogatives consonant

the Administrative Law, there are also rules of Private Law, for treating of act plurilateral. This distinction allows to end that the recruiting of services for the Public Power or for entities for him generated are actually a **OUTSOURCING PUBLIC SERVICES**, being the administrative contract the instrument of this outsourcing.

The outsourcing of services accomplished by the State it can be defined as an administration process for which some activities are reviewed for third, under a regime of Administrative Right, being the State just concentrated on the own activities and of empire, that are not delegated.

Such statement is based, also, in the legislation that disciplines the recruiting of works, goods and **SERVICES**. Like this if the law regulates as hiring third for, on behalf of the State to execute certain activities, it allowed, in other words, to the State to be worth of an outsourcing. However, the process of recruiting of the services is different from that seen in the private initiative. It is different because the State has prerogatives to assist to the public interest. It is different because there is an own legislation for the State to hire services. It is different because the State should observe the pertinent rules to the servers and the public agents. But it is not for being different that is hindered to the State to hire third in an outsourcing process adapted to the Public Law.

Like this when the State hires third it should observe the procedure of auctions, the rules of the organic act when it Municipal district, the nature of the service and so much other demands that appear to each case goes, that are not foreseen for the private initiative.

Being possible the outsourcing of public services, it remains to know if there are limits for the Public Sector to contract out. The affirmative answer. The limit is in the nature of the service because nor all can be delegated.

The inherent services to the State must be rendered directly or for the government entities, as education services, health, public safety. One cannot speak like this in outsourcing of the teaching, but it could be spoken in outsourcing of the cleaning of the dependence of the schools of the public net. As well as it is not able to outsource the

installment of health, but nothing impedes that a service of patients' transport is had executed by a contracted company. The limits are inherent to the mission of the State.

The rule could be: all the state activities of being able to or of empire they are not delegated and, therefore, they cannot be outsourced; and all the others that don't present such a characteristic they can be outsourced for the State.

1.5 the outsourcing in the government entities

The outsourcing can also reach some services rendered by the government entities, that are those created by the State to render public services or to explore economical activities. Those government entities are the foundations, to example of the Foundation Major Faria Lima - CEPAM, the Foundation Padre Anchieta – Centro Paulista de Radio e TV Educativas, the Biennial Foundation of São Paulo, the public companies as the Brazilian Company of Mail and Telegraphs, the National Bank of the Economical and Social Development (BNDES), the Company of Engineering of Traffic (CET), the Municipal Company of Urbanization (Emurb); and the societies of mixed economy as the Bank of Brazil, the Company of Basic Sanitation of the State of São Paulo (SABESP), among others.

For they be private organizations, the government entities are submitted to the regime of Private Right could negotiate with third, in the terms of the law.

The government entities can be, still, concessionary or permissionary of the Public Power and in this case they won't be able to outsource the services object of the permission or of the concession. Here is the limit for these entities outsourcing its activities.

1.6 the servers and the public agents in the outsourcing process

In an outsourcing process the Public Administration can extinguish departments, clerkships and, consequently, the positions and employments. With the extinction of the positions of the direct Administration, the servers will be in regime of paid readiness if you were, until that are taken advantage of appropriately in another position (art. 41, §

2nd of the Federal Constitution) or then they should be released, by administrative process, if they go servers not stable.

With the extinction of the employments in the government entities, the public agents will appropriately be able to be taken advantage of or released, consonant processes administrative that demonstrates the public interest.

We demonstrated in objective way, the phases that will compose a "spreadsheet of operacionalization" of the outsourcing in the public organisms and that, if adopted, they will give beginning integrated balanced, for your implantation.

How to begin:

- a)** recognition of the leaders' political will
- b)** strategic Planning with the complete definition of the areas to be outsourced and identification executes of the mission of the company
- c)** involvement of the functional body with the creation of work groups with activities and periods previously defined
- d)** put in details of the items to be outsourced with the a deep studies as:
 - d.1 involved costs;
 - d.2 quality of the services;
 - d.3 physical areas;
 - d.4 regionalization;
 - d.5 interests strategic and logistic;
 - d.6 available labor and search for new positions in areas of future expansion;
 - d.7 identification of probable suppliers;
 - d.8 potential of attendance for the suppliers.
- e)** definition of partner's contract.
- f)** re definition of the operational functions and of coordination close to the areas to be outsourced.

- g) Projection of the costs/benefits, the short/medium periods.
- h) Readiness of partnerships with ex-employees (attention to the effective laws).
- i) effective control/accompanying of the process through the: directory/labor group/work group with multiple viabilization of those involved.
- j) definition of indexes that identify the results reached with the outsourcing.

The activities more commons outsourcing than today they have been used in the state companies and organs of the direct administration are:

- Microfilming
- Fleet Transportation
- Development of systems
- Data processing
- Labor administration
- Cleaning, conservation and landscape work
- Administration of restaurants
- Graphic services and printing
- Special projects
- Safety/surveillance
- Lease of vehicles
- General maintenance, civil and property maintenance, among others

2. EXPERIENCES IN THE PUBLIC SECTION WITH OUTSOURCING

The direct Public Administrations and indirect try to look for alternatives for us to offer your services in a more efficient and economical way. The outsourcing, as a process of administration of the public thing, has spread. Among the most varied experiences, that news is had, they can be showed the following ones:

- the outsourcing of the bureaucratic services in the military police of the State of São Paulo;

- the public cleaning and it collects of garbage they are outsourcing in more than 80% of the Brazilian cities with more than 50.000 inhabitants. The new municipal districts of Saltinho and Holambra, in the State of São Paulo are also using this process;
- the basic sanitation, with the amplification of the nets of water and sewer, it is being outsourced in Campo Grande (MS), in municipal districts from São Paulo like Hortolândia, São José dos Campos, São Carlos, São Paulo, Saltinho, Holambra;
- the collective transport has also been object of the outsourcing in municipal districts as Saltinho and Holambra (SP);
- the Municipal Company of Collective Transports, in São Paulo, outsourced the operation activities and maintenance of your trolley bus fleet;
- the municipal district of Campinas de Monte Alegre is trying the outsourcing of all the services, although of doubtful legality. It is registered the administrator's daring that intends a modernization of the Public Service;
- in Maringá (PR), there was the outsourcing of the municipal teaching that contributed pair to reduce the school escape;
- in São Paulo, the DER - Department of Highways and Wheelwork comes outsourcing the control of the tolls; also in São Paulo, EMTU - Metropolitan Company of Urban Transports, outsourced the control and distribution of the you are worth transports.

XIII - THE ADMINISTRATION OF A PROJECT

Three forms exist usually used to manage an outsourced activity. The most common is the search of a company producer of services, that is gone back to the outsourcing and know as to manage the task under your responsibility. Two another are being developed gradually: the employees' transformation in ex-employees, that became professional autonomous and they started in this condition to render services to your ex-boss; and those that to the they leave your old employers, they constituted companies and they were also contracted for the former-employers, as partners, producer of services.

In the three forms risks exist in the administration of the projects. When the partner is professional autonomous, we should be careful to avoid that undergoes your ex-boss (in the old company now contracting party). It needs to be specialized; it should have your instruments and work equipments; in the execution of the tasks the taker cannot control it. When the ex-employee constitutes a company, your taker of services it cannot allow the headquarters of the same to locate in your facilities.

To understand each other that it can give up physical space, it should proceed a complete and real segregation of the area, without any physical communication among the companies.

In the two situations above will never be able to happen the dependence operational or economical, and nor the supervision of the partner's activities for the taker. To happen, it will create conditions that can take to the subordination and the presumption of the entail of employment. The risk is enormous of rendering.

The taker, already choosing as future partner a company existent in the market, very away the cares should be important, it will have smaller risks, once such company, in beginning is suitable, specialized, competent, capable and it has operational credibility.

In the three situations already mentioned it is very important that a good economical support, technician exists and financial to allow the sustainability of the activities. Having the economical non-viability, the taker will assume the labor obligation and your partner's welfare in relation to the employees of this.

Another primordial factor is a perfect interaction of the parts in the outsourced activity, for it is obtained the expected results, with the appropriate quality.

In the three mentioned situations the illustration of the agents is fundamental. So much the taker, as the partner, should have representatives (boss, supervisor or manager) specialized and capable, with coherent managerial postures, respectively, of appraiser and of advisor in the correction of the failures. Both need to maintain constant contacts along the development of the works, without the agent of the taker wraps up in the execution of the tasks, affecting to the partner, producer of services. It cannot give direct orders and nor to control the partner's employees.

It will so only be due in auditing the quality of the works and when there are corrections they to be made her it should pass them to the partner's agent, for this to inform and guide your subordinates of the necessary alterations.

The agents (also named call), to avoid labor claiming, they cannot allow a turnover of employees to exist for among the companies producer of services, for a same taker. For the labor justice, that fact gives the connotation of being having the exploration of the labor, with reduction of wages and loss of benefits originating from of the collective conventions.

That fact can generate establishment risks, through the judiciary, of the entail with the taker.

Another important care is whenever possible, to provide a constant change of employees of the partner-third, for among the functions, in the taker, under your responsibility.

Examples: guards, cleaners, gardeners, operators, mechanics, electricians, typers, receptionists, messengers, drivers etc. This providence avoids the criterion of the personality and habitualness, both presents in the article 3rd of CLT, as factors that lead the subordination to the taker of the services.

In the administration of an outsourced activity we should have a lot of attention and knowledge exactly the factors that take us to the labor claiming and criminal. In the first case, the result is the entail of employment the subordination to be established. And in the second it is a condemnation to the punishment that varies from 01 month to 01 year of detention. In this case, this can happen if it has had the labor law frustration prescribed in the legislation.

In the administration of a project it is very important an accompaniment of the evolution of the operational costs. So that we can be always updated with relationship to the economical and financial acting of the outsourced area, it is strongly advisable a

gauging of the maintenance of the cost/benefits, original, select in phase of the planning of the project.

In the qualitative and quantitative evaluation of the results, it is fundamental to establish with the partner the evaluation form, your important points, the punctuation, which are the expected indexes of quality and with that frequency will be proceeded the audit to measure the results. The development of a program of evaluation of the satisfaction index interns helps a lot in the qualitative and quantitative verification of the outsourcing projects.

Once obtained the conclusive data, these should be discussed with the partner-producer of services/third for, if it goes the case, there to be the necessary corrections.

XIV - LEVELS OF SATISFACTION

Research accomplished by KPMG - UK Management Consulting

The research shows clearly that to reach the best levels of the customer's satisfaction, the third should know the expectation of the trust of the service and consistence, maintaining a good work relationship which reflects a deep understanding of the customer's business.

Although nine among ten interviewees were usually satisfied with the service level that are receiving from the third, 3/4 declared a significant dissatisfaction.

The satisfaction was usually a reflex of a good attendance. The factor-key was:

- **Service levels** -where buyers used the contract of third, they were less probable to feel that they received a good service.
- **Efficiency** - this was an obscure point, where contracts with third were accomplished without terms to measure and to tell the service levels.
- **Trust** - They were shown less probable to feel that third were trustworthy if they had with your current thirds for 3 years or more.
- **Communication** - they would be probably less satisfactory if the solicitations of performance of minimum understanding don't been established.

Where interviewed they were very unsatisfied, inflexible and ambiguous, the contracts were mentioned as the main reason. The quality of the relationship of the third was also enhanced, particularly with relationship at the control level that could be exercised by the customer.

In general, the expectations were larger and less they were at relationship level. More than 9 among 10 of the interviewees they expected reliability, good relationship with third, attendance to the consumer, value for the money and responsibility and efficiency in the part of the third. Those aspects of the relationship went more important for the interviewees than the considerations of technical expertise of the third, costs, contractual terms and organization or industrial knowledge.

EXPECTATIONS OF THE RELATIONSHIP

Reliability	94%
Usually good work relationship	93%
Good attendance level to the consumer	92%
Value for the money	92%
Efficient and responsible your requests	91%
It understands your needs	87%
Good communication at a tactical level	84%
Good advice level	83%
Without hidden costs/taxes	83%
Consistence in arrangements of staff of the third	77%
Contract non ambiguous	76%
Good communication at strategic level	72%
It understands your company	67%
Expertise inside of your industry/company	64%
Flexible contract	62%
It understands your business goals	56%

These interviewees that had problems, most commonly proposed a medicine that would be a more intimate relationship with your third.

More than a third (1/3) said:

- They were very dependent of the third
- They were locked/stuck in the third
- They were unable to influence the levels of third
- The third took a long time to do the right service
- They had limited control or none on the third
- They spent more time of administration with the service of third that they wished
- The third were not as dynamic or innovative as they wished

Only less than a third (1/3) said, adding

- The third were compliant on service levels
- The third reacted slowly to changes in your development
- The third didn't understand and it was not tuned with the businesses of the company/taker
- They didn't feel in the control of your short term activities or your long term destiny

The way as the agreement/contract was made originally it was also a significant influence in the results of the satisfaction levels. Where the interviewees were very satisfied they would have used a process of obtaining of more probable structure and they looked for offers of several thirds. That would be more probable significantly to have happened if the buyer used external consulting.

The use of the external consulting and lawyers had an influence additional significantly in the obtaining of benefits and get minimum of the dissatisfaction.

The chance of the dissatisfaction was three times higher if term were not specified in the contract. Takers would be probably much more unsatisfied if they didn't have a compromising for contract to measure and to tell the service levels.

Through the research the following points were enhanced in those specific sections:

The interviewees in the areas of administration services, safe and sale section was more probable than the interviewees in other sections in the expectation of " good communication level to at tactical level and, with the interviewees in the public sections, they were more probable to the expectation of " flexible " contracts and they placed more emphasis in the relationship subjects that other interviewees. Interviewees in the public section placed larger emphasis in " low " prices that interviewed in other sections and they were more probable than interviewees in other sections that expected for "good advice/consulting level". The interviewees of the public section, together with the interviewees of the financial and bank area, they were more probable than the other interviewees to expect "industrial expertise", Interviewees in the service areas

administrative, safe and sales, were more probable to expect to " flexible " contacts that in other sections.

CAUSES OF DISSATISFACTION

Over dependence in the third	42%
Locked inside of the third	39%
Influence lack in the levels of service of the third	27%
Time of duration in obtaining the right service	37%
Without control or limited control on the third	33%
More worn-out time in the administration in the negotiation	33%
Loss of abilities in your applications	32%
Not to understand the business of the companies	30%
Without control of logistic resources	29%
Indulgence of the service of the third	28%
Slow reactions to changes in your development	26%
To define communication levels supplier (3rd)/buyer(taker)	23%
Uncertainty in subjects of personnel	22%
Increment of operational costs	22%

XV - OUTSOURCING AND THE FUTURE

15.1. OUTSOURCING AND THE VISION OF THE FUTURE - AS IT WILL BE?

The development of the outsourcing next years it will rule in the roads of the scientific administration, tends as main factors the efficiency, the effectiveness and the efficacy, so that the planned results and the expected ones can appear in a continuous and perennial way.

With relationship to the efficiency, the companies must in a rational way to organize your activities in such a way that can get a constant decrease in your operational costs, with a considerable increment and improvements in the methods of development of your works. For that it will be necessary that the forms and the instructions regarding the preparation of outsourcing projects start to do part of the manuals of norms and procedures of the companies, so that it is possible the managerial improvement, through that administrative technique.

The effectiveness basically will seek to the result, in other words, the product will be competitive to the point of to show better than the one of the competition, with that winning market and projecting the mark. At this time the managerial focusing goes back exclusively to the improvement of the product and that concern becomes of short and medium period. The administrative processes and the managerial development in the companies should worry about the objectives and results to be reached.

The companies define the results through the established goals, referring to the products or services that render. It is the moment of the largest interest for the customer, for that that he wants to consume, but the product is the way of capturing the customer. Therefore, it should have the enough and appropriate quality to assist to the consumers' needs.

The effectiveness will be the more select close it is the result of the company, in relation to the needs of your consuming market.

The managerial effectiveness will be measured in the long period, when can observe which will be the interest of the companies in turning your perpetual businesses. Equal that the companies can stay competitive and acting in your market will be quite imperative that worries with the attendance of your consumers' anxieties and doesn't try to impinge to the market products that that not accepts.

The companies need to know very well which is the demand and then they leave for the innovative and premature development of new products, in other words, they need to be creative and they reach your consumers' individual needs, that if assisted, they will surely consider the products with the quality that them (customers) they sought.

The effectiveness basically consists of producing better, with less responsibilities and still to do the work for the first time, the possible best and the more quickly possible.

The warranty of the managerial effectiveness is in the maintenance of the consumers' fidelity. It will only like this be able to have the perpetuation of the business, with the necessary earnings. For get-millstones the customers' fidelity will be very important that we have companies competent employees, motivated and committed with the results of the business.

Then, and without any doubt shade and with the whole certainty, the roads of the future, of the companies, go obligatorily by the outsourcing processes that as we understand it is the most modern form of manage the businesses and the most suitable and appropriate technique to allow to the companies to dedicate to your final product, making it with quality and being competitive.

15.2. CSEA - THE CALIFORNIA STATE EMPLOYEES ASSOCIATION

New Study Reports that Outsourcing Will Increase by Almost 60 Percent by 2001

A study by the Massachusetts-based International Data Corporation (IDC) predicted that worldwide spending on outsourcing services will grow from \$86 billion in 1996 to more than \$136 billion by 2001. The U.S. proved to be the strongest outsourcing market in the world, comprising almost 50 percent of all outsourcing spending. American corporations spent \$41.2 billion on outsourcing in 1996, and the IDC expects that figure to grow to \$65.7 billion by 2001. IDC analyst Lisa Maio Ross attributed the growth in outsourcing largely to "globalization, privatization, deregulation, and technological innovation."

Electronic Data Systems (EDS), IBM Global Services, and Computer Sciences Corporation are the three leading outsourcing contractors, but numerous other contractors are thriving in this marketplace as well. The study stated that "processing services" such as payrolls and claims accounted for two-thirds of all outsourcing, while information technology services accounted for just over 30 percent. "Business process outsourcing," which includes human resource and customer service functions, was minuscule by comparison, but the IDC predicted rapid growth in this area over the next four years.

A related survey by KPMG Peat Marwick found that 88 percent of corporate executives believe that outsourcing is a "key strategic tool" that allows companies to focus on their "core competencies." Of the nearly 200 executives surveyed, outsourced legal and tax services rated the highest in satisfaction levels, while information technology services rated the lowest due to "a lack of expertise among providers, generic systems, short-term solutions, high costs and poor or slow service...." Nevertheless, outsourcing for information technology assistance, along with legal, tax and human resource services, were rated as the outsourced services providing the greatest potential benefit, followed by administration, customer service and finance/accounting.

There are of course ample indications those efforts to "rightsize" government and run it "like a business" will persist, so the threat of "outsourcing" through privatization will no doubt persist as well. The degree to which it poses a threat will depend in good part on the inclinations of political state.

XVI - CONCLUSION

Brazil needs, urgently, to enlarge your comparison horizons, and that being fact will show evident the level of competitiveness, which we are living, due to the phenomenon of the globalization, the world without borders.

It is necessary to have humility to notice what is happening with other countries and to analyze the tendencies - at least for next 10 years.

To assist to the quality criteria, now, it is so only a passport to participate in that internationalized market. The critical factor to expire now, is the participant creation of the satisfaction. Who is in the center of the attentions is the human being - so much that that produces as what consumes - and the communities, with your values and cultures.

It is through the analysis of the tendencies, changing the concern with the innovation of production technology for the administration technology and in work relationships it is that the companies will survive.

The outsourcing is a technology of powerful administration where companies can be focused in your end-activity and to leave that the middle-activity is due to the thirds/partners, gaining agility and quality in the production process.

Such administration line is also applied in the public sector. We can observe not only the application of the technique of the outsourcing, as well as the concessions, permissions and privatizations, what evidences the tendency of the administration decentralizing functions but, however, without losing the authority/control of your activities.

But for the decentralization it is done in a coherent way, it is necessary to have in mind, very clear, which is the mission of the State, delimiting the government's essential functions, avoiding inappropriate "cloning" that puts in private hands essential functions as if they go perfectly privatized.

Inside of the competitive world, mainly in Brazil, that after the opening to the world through the globalization, saw himself late per decades, it is normal that companies " break " and accuse the government for that.

We shouldn't wait for government saving the companies. Competent companies will only survive inside of a bureaucratic regime, without aiding, without market reservations.

REFERENCES

QUEIROZ, Carlos Alberto Ramos Soares de, Manual de terceirização. **8.ed. São Paulo, Brasil, Editora STS Publicações e Serviços Ltda.,1996.**

GIOSA, Lívio A ., Terceirização uma abordagem estratégica. **5 ed. rev. aum. São Paulo, Brasil, Pioneira, 1997**

REGIS Rachel; MOGGI Jair, O despertar da empresa brasileira – como se preparar para o futuro. **São Paulo, Brasil, Editora Cultrix Ltda., 1996/97.**

DOMBERGER, Simon, The Contracting Organization. **New York, Unites States, Oxford University Press Inc., 1998**

MANDIETA, Manoel Villoria, La modernización de la administración como instrumento al servicio de la democracia. **Madrid, Espanha, MAP – Ministerio de Administraciones Publicas, 1997**

KPMG – Managment Consulting, United Kingdom, september 1998. Available in internet:
<http://www.kpmg.co.uk/services/manage/outsrc/mature/part7.html>

CSEA – The California States Employees Association, september 1998.
Available in internet: <http://www.calcsea.org/research/1997/005/html>