Challenges of Outsourcing: a Case Study of the Relationship between Contractor and Outsourced Companies for Core Activities

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Abstract

The outsourcing process has taken its place in Brazil in the 1980s. It was initially adopted to support services, expanding into productive activities undertaken by the contractor enterprise (CE), called core activities or nuclear activities. The process of outsourcing has been sometimes poorly deployed and analyzed from the controversial perspectives. There is no law in Brazil, addressed directly to outsourcing. Its regulation is referred to only in sumula (331) of the Superior Labor Court (TST). In this context, the aim of this study is to characterize the results and future challenges of the relationship between CE and outsourced activities that develop exclusively so. This article is structured from the literature on the subject and a case study focuses on the relationships among small outsourcing firms and an enterprise of large size, of rubber sector, tied to the automotive supply chain. These companies operate in a municipality located in the Administrative Region of Ribeirao Preto, Brazil. The evaluation of the reasons for the implementation of outsourcing and its results was performed making use of the Transaction Costs Economics. Some conclusions can be highlighted. Outsourcing companies face particular problems of survival because they have to manage the costs imposed by the chain. It is a strong point in the outsourcing relationships the understanding of the organizational culture and the objectives of the EC by outsourced; however, exclusive and continuous learning, with a single company, can lead the outsourced to lose their identity.

Keywords: outsourcing; order activities; nuclear activities; automotive chain; transaction costs economics.

1 Introduction

The outsourcing has taken its place in Brazil from the 1980s, adopted as a possible solution to increase the internal productivity of the companies, due to the economic crisis of that decade. It was used as a strategy for enterprise management, to promote the optimization of production enterprises. Its acceptance was therefore due to the growing need for reengineering of companies aiming to overcome the crisis. This strategy gains importance at a time when companies need to rationalize resources, redefining its operations, operate with leaner and flexible structures. Thus, it presents itself as an instrument of organizational restructuring aid, to increase productivity and competitiveness and the search for identity and commitment to the vocation of the company, according to Sá et al. (1997 cited in Valencia; Barbosa, 2002).Outsourcing has become an irreversible trend in organizations, showing that it is not just a passing fad, but rather a management strategy adopted to raise the performance of the companies making them more competitive (Emmendoerfer; AndradeSilva,2009).

For Fleury, Fleury (2003), due to the increasing competition, the companies and their businesses are subjected to an intense and profound process of restructuring and the pursuit of collective efficiency is adopted at the expense of individual efficiency. This leads to the creation of partnerships for the purpose of additional resources and achieve objectives.

2 Conceptual, historical and theoretical referential

2.1 Concept and scope of outsourcing

The outsourcing is part of the effort to provide companies with flexibility and adaptability in the face of a changing market that requires endlessly assembly and disassembly of its organizational arrangements (Fleury, Fleury, 2003).

Polonius (2000) contributes to a better understanding of the term outsourcing, defined as when a business process management, in which a contractor transfers to third parties (individuals or legal entities) services that previously ran itself.

Brazil (1994) defines outsourcing as a transfer process of functions within the firm (company / source), that can be performed by other companies (company / destination). These functions include support activities or those directly related to the production process of the firm.

To Amato Neto (1995), outsourcing constitutes as a process of transfer of activities from within the contractor enterprise (company-origin) that are now performed by other companies (destiny companies), designated outsourced. These functions may include steps of the production process of the company-origin (designated nuclear activities) or just activities or support services (non-nuclear activities) as maintenance, cleaning, security, power, logistics and others.

For Queiroz (1998), the nuclear activity (core activity) is essential for the organization that adds value directly to the product and, consequently, can generate greater profitability to the company. The support activity is the intermediate in the production process, not directly interferes in the quality of the product, but may interfere in the production cost.

In Brazil, outsourcing was initially adopted for support services, expanding into productive activities undertaken by the contractor enterprise (CE), so called core activities or nuclear activities.

Both the academic literature as the character business, legal and union agree that outsourcing was one of the strategies adopted in pursuit of efficiency and organizational flexibility (Costa, 1994; Freitas, 2004). Pedriali (2004) remembers that, in the 1990s, the Brazilian economy went through trade liberalization and the privatization process. At this point, many Brazilian companies have been pressured to invest heavily in technology ,as experienced strong competition from multinational companies. This fact led to falling profit margins, leading to an increasing search for cost reductions. It was found in the outsourcing a way to lessen this problem.

Results of research carried out by the Getulio Vargas Foundation in October 2001, involving 1885 industries, representing about 45% of sector sales in the country showed that 46% of these companies were using third party services to perform activities, which demonstrates that the outsourcing at that time was already implemented in Brazil (Giosa, 2003). CNI's research (2009) confirms the growth of this process and projects the motivation of companies towards outsourcing. Thus, in terms of prospects for subsequent years, the results were as follows: 62% of companies surveyed with the intention of keeping the process of outsourcing its activities, 17% intended to expand the process, 3% for the purpose of no longer be used this strategy and 18% with the intention to reduce this process.

These results suggest motivations for both expansion and retraction for outsourcing, and warrant in-depth studies of the relationship between enterprises contractors and outsourced.

2.2 Settlement and regulation of outsourcing in Brazil

In its evolutionary process, the previously embraced outsourcing support services such as cleaning and feeding, for example, now tend to reach activities related to the sphere of and thus seek competitive advantages (Alves, 2007).

In its evolutionary process, the previously embraced outsourcing support services such as cleaning and feeding, now tend to reach the sphere of activities linked to production activities, designated nuclear activities or core activities

Studies developed in Brazil indicate that the process of outsourcing has been frequently deployed in a precarious manner and analyzed from controversial perspectives. Due to the lack of regulations on the law, the lack of technical knowledge of some opinion leaders and inadequate implementation by the companies themselves demonstrate this difficulty and, in particular in the context of judiciary.

According to Costa (1994), few companies with the most appropriate management practices, have been absorbing the sense of partnership through supply contracts with quality assurance, improvement of products / services, knowledge transfer, implying effective collaborative relationship.

The historical analysis of the outsourcing process in Brazil shows that in many sectors, this feature has been used almost exclusively in order to reduce costs, achieved through the use of labor with lower levels of qualification and / or lower standard of pay and benefits, leading to a break ties between employees and organizations and a deterioration of conditions and the employment contract (Bresciani, 1997; Costa, 2001; CarvalhoNeto, 2001 apud Magalhães, 2008).

Saratt et al. (2008) refer to the use of outsourcing in an inappropriate manner, and in many instances, with issues arising from lawsuits and a growing generation of labor liabilities. The structured business organization from outsourcing relationships deserves special attention, for hover on companies on with this formatting, management and legal risks arising from that strategy.

Initially, a significant portion of the labor court understood that the activities that can be delegated to third parties by the companies were restricted to the support, such as security, transportation, cleaning, conservation. Other activities were classified as delegated to third parties, and the relation of providing service in most cases deemed fraudulent. Faced with the need to unify the understanding of outsourcing processes, standardizing their understanding, appeared in the late 1993 the wording of the summary of the 331 TST (Higher Labour Court) partially modified in the late 2000 by Resolution No. 96/2000 the same Court , remaining, however, the Resolution 121/2003, which in its paragraph III: "This is the contracting of services and regulates outsourcing." Considers the outsourcing legal since it is restricted to the support activities, from the perspective of the contracting enterprise (CE) and do not be configured the employment relationship, therefore, from which there are no direct subordination and personhood (TST, 2010).

In a seminar sponsored by the Brazilian Institute of Employment and Labour Relations (IBRET), held at the Faculty of Economics and Business Administration from USP – University of Sao Paulo, in 2010 with the participation of trade union and business representatives was pointed out the necessity of outsourcing be regulated and defended the proposed regulation in the country, similar to what occurs in Europe, Japan and the United States.

The type of outsourcing, focusing on nuclear activities or core activities, of the EC is not legalized in Brazil and needs to be regulated by rules set so that the impacts are minimized. This regulation is vital, because this strategy is already incorporated by the organizations and disseminated throughout the country and by several chains.

Therefore, the contracting enterprise (CE) and the outsourced enterprises are facing constant uncertainty (limited rationality), fragility and a total dependence on exogenous and uncontrollable, resulting in high transaction costs. The uncertainty provides opportunistic behavior and, according to Souza (1996), none control or process coordinated management can avoid problems, resulting in an increase in transaction costs.

According Williamson (1996), institutions are created and they operate with the aim of reduce transaction costs. However, in the case of the relationship between the CE and outsourced to nuclear activity, there is an increase in these costs, which may lead to the closure of the outsourced activities.

To protect themselves from possible litigation, work and respond by outsourcing, the EC must prove the payment of taxes and charges. So, there is an increase in structural costs and in transaction costs, and generate conflicts between EC officials and outsourced.

Despite the Brazilian companies are expanding the use of outsourcing by multiple threads, you can identify what the challenges are great, when it comes to relationships, processes, management, legal and other aspects (Gutierrez, 2011).

2.3 Transaction Costs Economics (TCE) and outsourcing

According to Williamson (1996), by opting for outsourcing, the organization leaves a field known, represented by its internal coordination mechanisms and a traditional hierarchy, and initiates relationships based for a specific contract and actions arising from the behavioral attributes of individuals, creating conditions for the occurrence of transaction costs. The possibility of adjustment problems leads individuals to draw institutions which have the function to alleviate these problems and thus enable the transaction (Farina et al., 1997).

For Williamson (1985 apud Farina et al., 1997), the organizational form is a choice variable in the analysis of a transaction and the main theoretical reference for this type of analysis is the Transaction Costs Economics (TCE) has as main objective study the cost of transactions (unit of analysis) as the inducer of the alternative modes of production organization (governance), within an institutional analytical framework.

To participate in the automotive supply chain, it is necessary that the company be flexible, with management and controls that take to meet this chain efficiently, ensuring its permanence. This chain is supported primarily by reducing costs and maintaining quality. Thus, the outsourced for nuclear activity to have to follow certain quality standard, meet delivery deadlines and practice the price set by higher levels of the chain. To work with a restricted space of profit margin is necessary that companies possess: effective management, controls, internal and external information to circumvent possible structural problems, knowledge and mastery of specific assets, information about the opportunities and threats relevant to the size of the company; calculation of production costs and of the size of transaction costs that occur to close the contracts. All this to maintain the financial health of these companies and not let their survival could be affected.

The outsourced, in most cases, have the right to use, but all decisions with regard to machinery and equipment are of the contractor enterprise. This position entails a great difficulty in their negotiations, resulting in transaction costs that can be measured even in the pricing of your service (Williamson, 1996).

Transaction costs arise mainly from opportunism and the fact that they are not available to all employees the information for making decisions. Therefore, it is based on the statement of information asymmetry and opportunism that occurs the incompleteness of contracts inter firms, gaps are generated and triggered actions that lead outsourced to uncertainties and difficulties in achieving full rationality in the transactions. This condition is to require real resources to bear the costs ex-post, an internal control and appropriate to the specific businesses to remain in jail and even to survive.

3 Objectives

It is general purpose of this article: characterize results and challenges arising from outsourced relationships, developping, with exclusivity,nuclear production activities - or core activities - for a contracting company, large size, included in the sector of rubber, linked to the automotive industry.

Specific objectives are: to characterize the conditions for implementation of outsourcing in Brazil; submit questions concerning the legality of outsourcing, analyze outsourcing in light of the Transaction Costs Economics (TCE).

4 Methodology

The investigation which gave support to this article was based on relevant literature and field research. It was developed using survey data from different sources: 1) literature search for the structuring of the theoretical, conceptual and empirical, 2) data collection and information collected: a) in enterprises outsourced that develop core activities or nuclear activities; b) in its contractor, a large multinational auto parts, manufacturer of rubber parts for automotive industry. All the companies under investigation are located in a municipality in the state of Sao Paulo, belonging to Administrative Region of Ribeirao Preto, Brazil

For reason of confidentiality will not be identifing the contractor enterprise , the enterprises outsourced and the municipality in which they develop their activities

Data collection and analysis of relations between the contracting company, large, and small units outsourced was performed taking advantage, according to Yin (2010), the case study as research strategy. This is a case, properly contextualized, the relationship between contractor and outsourced for nuclear activities, gathered in groups, exclusive suppliers of such contractor, belonging to an automotive supply chain.

In order to investigate the various aspects involved in the adoption of outsourcing have been prepared two interview scripts.

The script for the contractor was divided into six sections, containing: a) historical and general characterization of the company, b) position of the company in the supply chain and product lines; c) outsourcing, describing all the processes involved; d) characterization of the contracts e) strengths and weaknesses, threats and opportunities arising from outsourcing (from the perspective of the contractor enterprise) and f) the strategies adopted by the company when the crisis in the late 2008/2009.

The script of interview for the outsourced was the most comprehensive and structured into nine blocks containing: a) historical and general characterization of the company's competitive advantage and b) the relationship with customers; c) the acquisition of machinery, equipment and maintenance; d) labor used, motivations and consequences; e) characterization of the contracts; f) credit issues, cost and price; g) inter-relationship with the contractor enterprise; h) strengths and weaknesses, threats and opportunities arising from outsourcing; i) advantages or disadvantages of outsourcing (from the perspective of the outsourced).

The script for the outsourced had the objective to collect information and assessments related to outsourcing and about internal processes and forms of management outsourced enterprises. This script was applied to the leadership of two of the three groups of outsourced: the first, ETR1, composed of three companies and the second, ETR2, by two companies.

The organization, analysis and evaluation of results of field research were developed from a qualitative perspective, in conjunction and comparison with the literature.

The evaluation of the reasons for the implementation of outsourcing and its results was performed relying on the Transaction Costs Economics.

Because of the way of insertion of the chain in the country's economic activity, the relations between the companies involved are subject to factors internal to them, externals and systemic. This condition of the object of research made possible, through the use of literature on the subject, the generalization of conclusions.

5 Case Study of the relationships between contractor enterprise and outsourced to nuclear activity exclusive

5.1 The contractor enterprise

The contracting company has four factories in the city surveyed, one in MG and other unit being built in another city in the state of Sao Paulo. The four factories employed in 2010, 2326 workers. The contractor is one of the production chain and the hierarchical assembly and is part of a restricted number of direct suppliers who occupy the first level of this pyramid. To occupy this level follows the specifications required efficiency, world-class production, productive capacity and development projects, being the determining factor of this relationship the price. Compliance with these specifications is distributed along the chain. Thus, the non execution by any of the links of the chain may result in deletion of the chain. For the decision-making and adoption of the outsourcing contractor considers primary factors: 1) cost reduction and 2) guarantee that the supplier has the technical capability to perform the task or whether it is possible to receive necessary training.

The types of outsourcing and activities used by the contractor are: 1) AA (Support Activity), asset security, concierge, reception, restaurant and transportation (other than logistics), 2) NA (Nuclear Activity - linked to production). As the respondent reported: "We outsource the final part of the production process, which we call finishing, which consists of removing burrs, cuts, splices and cut pieces for the molding process." There is a transfer of enforcement activities ancillary to companies that have specialized services for this service, promoting agility and competitiveness. However, the respondent added that: "The reason for outsourcing is solely because of cost reduction."

5.2 The outsourced enterprises (nuclear activities)

The two groups of outsourced - ETR1 and ETR2 - are made by companies in fragmented micro enterprises. According to the respondent group ETR2, this is a survival strategy in the face of heavy taxes and charges imposed on businesses, enabling thus the frame Single National System.

ETR1 The group comprises three companies, all working in the area of Service Delivery in machining / finishing of rubber parts, metal, rubber and plastics, and employ the first 145 workers, 184 the second and third 21.

According to the respondent Group ETR2, this group was born from the need for a "second supplier". Following the same selection model for the adoption of outsourcing, a former official was asked to start a business. This group is composed of two companies founded, the first in 2002, and second in 2008, working in the area of services for trimming, inspection and packing rubber parts and employ approximately 125 workers.

The following are some characteristics of the outsourced: 1) assets (machinery and equipment) are owned by the CE and the outsourced are on loan. Given the specificity of assets, is granted the right to use outsourced to perform their activities. 2) The products of the CE and outsourced are directly linked to the given type of outsourcing (nuclear activity), 3) for some even the third-party transportation is made and formalized in the contract, 4) training of their employees are under the guidance of the technical quality of the CE who are full-time in them and 5) other features may still be available to give support to the activities of outsourced.

5.3 Relations and the challenges of outsourcing

Some aspects can be highlighted from the results of interviews relating to the performance of companies and the relationship between contractor and subcontractors.

The following are the criteria, in order of importance, pointed out by the contractor for the establishment of the partnership in the context of outsourcing: a) price and quality, if not cheaper than doing the work internally, there is no reason to outsource and quality must be equal to what we have internally, it is this

level of quality that we have contracted with our client. Not meeting the quality requirements involves heavy fines for us, 2) for the location: they are all located within our city and this is important to not have high transport costs. Still, according to testimony of the president of the contractor: "We do not interfere in the management of outsourced, nor have any direct contact with employees of the same. There is no bond of responsibility in running these companies, nor any relationship that characterizes employment with its employees. But the practices of productivity, ISO / TS, respect for the environment, respect for labor laws, no use of labor, child labor, agents are required and indispensable for all our suppliers, who does not follow, does not work for us ". Assessing the positive experiences and difficulties arising from outsourcing, says: It is very gratifying to see a former employee become an entrepreneur, creating jobs and enabling the competitiveness we need to continue growing market. On the other hand, the nuclear activities difficulties occur with the problems linked to the action of the local union, but the main problem is the Brazilian legislation. It is urgent passage of the legislation that is in congress, under penalty of nuclear outsourcing be eliminated.

It was observed through the information obtained in interviews pressure on relationships, the difficulties and challenges for the performance of the outsourced activities, the weaknesses in coordination and control processes.

The fact that the outsourcing of a nuclear type / end of the case study, to be owned by former employees presents itself as a facilitator in spreading the culture of the outsourced to the contractor enterprise.

Also noted is the existence of a strong dependence on outsourced in relation to the contractor enterprise (CE). In this sense, a failure to comply with standards agreed between the parties may cause the interruption of the relationship and the outcome of the risk of survival outsourced.

It’s convenient to be highlighted some elements of weight in outsourcing relationships with obvious impacts on outsourced planning, use of machinery and equipment, labor, contracts, quality and price.

As companies take part in a production chain, are subordinate to it directly depending on the applications and the development orientation of its operations. Thus, the outsourced part of their planning production planning of the CE.

All decisions relating to machinery and equipment used by contractors are on the CE adopted the system of lending.

For the survival of outsourced, cost-cutting end up falling on his great and unique heritage that is the labor, setting the transfer of the responsibility that this represents and what motivates the adoption of outsourcing by general contractors. In this case, however, the rotation for the two groups is not regarded as high, but it exists.

All participate in the drafting of contracts, because that is when we analyze the proposals and the costs necessary for carrying out the activity on the part in question. We analyzed the volume and manpower needed for further elaboration of the budget. In negotiation, the parties shall adjust the conditions simultaneously. The third-party vendors participate as normal, with a competition among them, the most competitive given greater involvement in business.

The quality of the outsourced service is defined according to previously established standards and the decision occurs in conjunction with CE. This maintains technical quality full-time monitoring this factor within the outsourced for quality control and minimize potential problems.

Price is the deciding factor in closing the contract and the development of outsourcing activity. Although other issues are considered important, it is from him that is made option by either company. Wage bargaining occurs only when the price can be modified by initiating a new process of negotiation.

6 Conclusion

The following are the conclusions drawn from the literature reviewed, the fieldwork and the relationship between literature and empirical research.

Ratifying statement Souza (1993), small companies have outsourced the dynamics, functions, performance, survivability and the process of capital accumulation, largely linked to the accumulation potential and strategies of contractor enterprises, representing the their complementarity.

While the outsourcing presents itself as a strategy, which favors the competitiveness of enterprises, creates problems and challenges in its implementation process for both: contractor enterprise and enterprises outsourced.

Due to the existence of controversy between authors and lawyers with respect to activities that may or may not be outsourced, it is essential to differentiate the activities in support of the nuclear activities, especially for the guidance of the companies, avoiding in this way they act in a non legalized.

There are specific relationships between contractors and suppliers, resulting from the case of outsourcing: a) through activities, support, b) the purpose or nuclear activities without exclusive relationship, c) or nuclear activity with respect to exclusivity. Some results challenges for the contractor enterprise and the outsourced enterprises require special attention.

Companies that have adopted outsourcing were aimed early the immediate reduction of their costs through downsizing of its staff of employees, eliminating hierarchical levels and reducing its payroll. This mechanism, however, is not sustainable in the medium term, because it enhances the generation of underemployed by salary reduction, conflict intensifies and causes distortion of that process in society.

The outsourced face problems of survival, especially because they have to manage costs imposed by the contractor enterprise. These problems are aggravated when they are linked to a chain, condition of outsourced enterprises, object of field research, from which this article was prepared.

Although the understanding of organizational culture and objectives of the contractor enterprise (CE) be a strong point to a third party, this cancels during the time of relationship, its identity, its mission and objectives. These latter, which were initially confused with the EC, no longer exist, due to the continuous learning of the exclusive relationship with a single company.

These differences in perception between the point of view of contractor enterprise and of outsourced may hinder cooperation, commitment and partnership between them. The critical success factors most important key to the success of the relationship, perceived by the third party may not be the same as those perceived by the contracting company.

It might also conclude that outsourcing is a strategy exposed to challenges, due to factors of several orders. Taking advantage of the Transaction Cost Economics (TCE) it is possible highlight the asymmetry of information and bargaining power, as well the mutability in the scenario. Its components are often independents of actions of the companies, but make up its environment, requiring outsourcing to have flexibility and adaptation. The challenge is greater when the outsourcing relationships occur in the interior of a chain and when the third party maintain exclusive relationship with the contractor enterprise. Despite this exclusive relationship may not be explicit or formalized in a contract, this dedication results in total dependence by enterprises outsourced.

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