

Study on Working Conditions and the Rights of People with Disabilities in Brazil

Summary

This study discloses and analyzes aspects related to the rights of workers with disabilities in Brazil, with emphasis on issues involving their trajectories in the labor market, also considering their relationships with elements of union life. To achieve this central objective, we conducted interviews with workers with disabilities from two sectors: metallurgical and commerce/services in the cities of São Paulo, Osasco and São Bernardo do Campo, with the help of trade unions that represent workers in these sectors in the mentioned cities.

In addition to this field research, to have more elements for a more qualified analysis of the various dimensions that address people with disabilities, we pointed out and verified, with the help of various bibliographic material:

- For centuries, people with disabilities have been neglected in their rights by being victims of discrimination and exclusion.
- The integration of people with disabilities into society was marked by phases that were marked by these traits of discrimination and exclusion.
- Inclusion and care were often the responsibility of the PWD themselves, the family structure or some assistance and charitable entity.
- The biomedical model, in modernity, began to explain cases of disability, gaining hegemonic status, supported by science, often classifying the disabled subject as abnormal.
- Despite the efficient medical techniques developed for the improvement and survival of people with disabilities, the biomedical model receives criticism from the social model, another theoretical strand that emerged in the twentieth century, due to the excessive medicalization that the biomedical model subjected to the disabled subject and for despising the sociopolitical structure of this subject, which is not prepared to understand and support their needs and specificities.
- These two theoretical paradigms still coexist in contemporary times, they are references in the disputes and conceptions about the interests of the PWD's, as well as that the biomedical model restricts disability to the private world of the subject and to the care related to health professionals, while the social model displaces and expands the meaning of disability, placing discussions about the rights of people with disabilities in the territory of the sociopolitical structure.

- The struggles for the inclusion of people with disabilities began to occur through different social subjects (unions, militants, sector entities, multilateral bodies, among others), after World War II.
- Not being a homogeneous process, each social context, with its peculiarity, due to this political-social struggle, starts to register some advances in the rights of the population with disabilities following recommendations and guidelines from multilateral bodies.
- In Brazil, the advances that have been institutionalized have as their main mark the Federal Constitution of 1988 (such as quota policies, combating discrimination, fighting for equality to include the same rights that workers without disabilities have).
- Decrease in the conception of the treatment of the PWD (by the welfare form, etc.) and the greatest achievements for the disabled segment have occurred in recent years, under the management of popular-democratic governments, which managed, among other policies, to approve the UN Convention on the Rights of Persons with Disabilities and the Statute of Persons with Disabilities.
- Despite the legal advances, however, people with disabilities experience many obstacles, having their rights restricted in several areas such as employment, health, etc., as we can point out according to the testimonies collected in the interviews (as in the reports of the company's negligence in the face of the injuries suffered, in the discrimination now experienced for being PWD's and for the lack of support necessary to carry out the professional activity were some of the examples mentioned) and indicators (average pay, access to education, etc.).
- Many unions, such as the participants in this study, are important actors in the struggle for diversity, inclusion and guarantee of rights, using various forms of action to achieve such goals, such as:
 - ✓ Use of Collective Bargaining Agreements
 - ✓ Operation of collectives, secretariats and other union spaces
 - ✓ Posting job openings
 - ✓ Participation in public policy spaces (councils, commissions, conferences, etc.)
 - ✓ Dissemination of training materials
 - ✓ Reports of violations concerning legal guarantees, among other initiatives

- Although we point out and note the various challenges that need to be overcome for a better quality of life for people with disabilities, we found initiatives that can stimulate and inspire actions, initiatives that are covered with resistance in the face of the obstacles experienced that we were aware of in the collection of testimonies from the interviewees, such as the insurgency of some against the discrimination and violence suffered in the work environment, as well as by the proposals for improvements made by others.

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Contents

1. Introduction.....	9
1.1. Research Objectives.....	10
1.2. Background, Context and Rationale	11
1.3. Conceptual Framework	12
2. Literature Review	14
2.1 A Little Historical Context	14
2.2. Policies Adopted in Popular-Democratic Governments (January 2003 to August 2016).....	17
2.3. Data and General Characteristics of PWDs in Brazil and Protective Legislation.....	23
3. Methodology and Scope of the Research	37
4. Conclusions of the Study	39
4.1. Characteristics of the Employment of People with Disabilities in Brazil	39
4.2. Qualitative Research through Focus Groups and Individual Interviews	46
Focus Groups with Workers with Disabilities (Groups A and B).....	50
Main Results Obtained Through Group A.....	51
Main Results Obtained Through Group B.....	52
Main Results Obtained Through Group C	54
4.3. Semi-structured Interviews with Union Leaders.....	56
4.4. Interview with a family member of a PWD worker	58
4.5. Semi-structured Interview with the Collective of Workers with Disabilities of the Central Única dos Trabalhadores (CUT).....	60
5. Recommendations.....	64
6. References.....	66

Thanks

Hoping to achieve the intended objectives, with information that can qualify the union struggle to obtain better living conditions for PWD workers, we want to thank SASK for supporting and entrusting this work with a relevant theme to IOS and DIEESE, to the unions participating in the study for the interviews granted by their leaders and support for conducting the interviews with the workers and relatives.

To the coordinators of the National Collective of Workers with Disabilities of the Central Única dos Trabalhadores (CUT) our greetings and thanks for agreeing to be interviewed and presenting information about the operation, the actions carried out in favor of the workers with disabilities and the challenges of this relevant instrument for the union struggle.

And no less important, we want to thank immensely the workers and relatives who accepted the invitations to participate in the interviews, whose testimonies enriched us, and made us learn and reflect on their experiences, struggles and resilience. We are also grateful for the trust they placed in the research team by committing ourselves to the responsible use of the information they brought as well as for the commitment we established with the interviewees to seek to help, with the experiences reported, the unions with data so that they can fight for improvements for workers, including those who have some disability.

Finally, we would like to take this opportunity to thank the teams of the organizations involved for their participation in the process of elaboration and development of this research.

Responsibility

We clarify that the research entities hired for this study are solely responsible for the collection and analysis of data, transcription and analysis of the interviews, as well as for the preparation of the questionnaires applied and this Report that follows below. Therefore, any errors and omissions are the sole and exclusive responsibility of the researchers who prepared the study.

List of Abbreviations

ANAC	National Civil Aviation Agency
BPC	Continuous Benefit
CF	Federal Constitution
CONADE	National Council for the Rights of Persons with Disabilities
CORDE	National Coordination for the Integration of Persons with Disabilities
CUT	Unified Workers' Central
DIEESE	Inter-Union Department of Statistics and Socioeconomic Studies
FGTS	Length of Service Guarantee Fund
FUNDEB	Fund for the Maintenance and Development of Basic Education and for the Valorization of Education Professionals
IBGE	Brazilian Institute of Geography and Statistics
ICMS	Tax on the Circulation of Goods and Services
INSS	National Institute of Social Security
IOF	Tax on Financial Transactions
IOS	Social Observatory Institute
IPEA	Institute for Applied Economic Research
IPI	Tax on Industrialized Products
IPVA	Vehicle Property Tax
LBI	Brazilian Law for the Inclusion of Persons with Disabilities

MEC	Ministry of Education
MTE	Ministry of Labor and Employment
ILO	International Labour Organization
UNO	United Nations Organizations
PWD	People with Disabilities
PNAD	National Household Sample Survey
PNS	National Health Survey
RMV	Lifetime Monthly Income
SASK	Trade Union Solidarity Centre of Finland
SIT	Labor Inspection System
SUAS	Unified Social Assistance System
SUS	Unified Health System

List of Lists

Table 01	Planned actions of the New Living Without Limits - pages 15 and 16
Table 02	Rights of people with disabilities in various areas - pages 23 to 29

List of Tables

Table 01	Number of vacancies reserved and filled by workers with disabilities (Law No. 8,213/91, art. 93) - pages 34 and 35
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List of Charts

Chart 01	Number of formal employment contracts of people with disabilities and proportion (in %) in relation to the total Brazil, 2011 to 2021 - page 33
Chart 02	Number of formal employment contracts of people with disabilities, according to type of disability - Brazil, 2011 to 2021 - page 33

1. Introduction

This report presents a study of the rights of people with disabilities (PWD's) in the context of working life in Brazil. At the international level, the rights of people with disabilities are regulated and guaranteed in the United Nations (UN) Convention on the Rights of Persons with Disabilities. Another reference in the struggle and defense of the rights of people with disabilities that needs to be appropriated by public entities, civil society entities and society in general so that it can be implemented is goal 8.5 of Goal 8 (Decent Work and Economic Growth) of the 2030 Agenda of the United Nations (UN) for Sustainable Development, which reads: "*By 2030, achieve full and productive employment and decent work for all women and men, including youth and persons with disabilities, and equal pay for work of equal value*".

However, the full implementation of this protective system that allows inclusion and perception that people with disabilities are subjects of rights and that they have the right to decent work, like others, is still a challenge. Several countries, such as Brazil, after several struggles by the representative entities of the segment, guarantee rights to this group of the population so that they can live with more dignity and without prejudice.

With the support of the Trade Union Solidarity Center of Finland (SASK), and in conjunction with the Unions of the sectors involved, this study, in addition to providing diverse data regarding the milestones involving people with disabilities, listened, sought to know the opinion, the point of view of workers about their rights and what can be done to implement them. Especially in the work environment, after all, no one can be better than the workers themselves, who experience certain situations to say what happens in the workplace and present proposals to guarantee the rights conquered, something that is still far from what is ideal.

According to its institutional page¹, the Finnish Trade Union Solidarity Centre - SASK is a development cooperation and solidarity organization of the Finnish trade union movement. The entity believes that a decent job and a living wage are the most sustainable way to reduce poverty. A strong, independent and democratic union is the best guarantee to ensure good working conditions. Founded in 1986 by the Confederation of Trade Unions of Finland and its affiliated organizations, SASK has become a representative centre of solidarity for most of the Finnish trade union movement. Today, SASK has *two confederations* and a total of *34 national trade union federations* as members. For this research we had the support of SASK

¹ Information about SASK was taken from the organization's website: <https://www.sask.fi/in-english/>

affiliates: the Finnish Industrial Union, the United Service Union PAM and the Trade Union Pro.

The study has the following structure:

1. Introduction, in which we present the Objectives of the research, Background, Context and Rationale and the Conceptual Framework
2. Literature review
3. Methodology and scope of the research
4. Conclusions of the study, opportunity in which we describe and analyze the following topics:
 - 4.1 Characteristics of the employment of people with disabilities in Brazil,
 - 4.2. Qualitative Research through Focus Groups and individual interviews,
 - 4.3 Semi-structured interviews with union leaders,
 - 4.4 Interview with a family member of a PWD worker,
 - 4.5 Semi-structured interviews with the collective of workers with disabilities of the Central Única dos Trabalhadores (CUT) and
5. Recommendations

1.1. Research Objectives

The main objective is to search for data and analyze the situations of workers with disabilities, in the commerce/services and industrial sectors, in the context of working conditions, as well as collective bargaining. In detail, the objective will be fulfilled by examining and verifying the following aspects:

- 1) Pointing out the possible varied discrimination experienced by workers.
- 2) Considering the career path of workers with disabilities.
- 3) Ascertaining the access of people with disabilities to employment and social protection.
- 4) Investigating the possibilities of workers with disabilities in the field of education and skills training.
- 5) Examining union representation for workers with disabilities in the negotiation of working conditions.
- 6) Considering the perception of workers regarding infrastructure and technology to facilitate the employment of PWDs in Brazil.
- 7) Observing the degree of awareness of co-workers, supervisors and employers about the rights of people with disabilities.

8) Suggesting measures in relation to challenges faced by people with disabilities employed in the public and private sectors.

1.2. Background, Context and Rationale

For centuries, people with disabilities have suffered an excess of neglect, without the state and social protection they deserve. In general, it was through the conflict triggered by the entities and people who worked for more dignity and inclusion, in various historical moments, that they provided attention and brought to the public agenda the importance of the issues and rights of people with disabilities.

Oliveira et. al. (2017:111) assess, in consultation with some scholars, that the paradigms in relation to people with disabilities would have happened in four phases, characterized by different times and social contexts. According to the authors, the first phase in relation to the paradigms experienced by people with disabilities was called the "eugenic policy of elimination", a moment when PWDs were considered abnormal who should be exterminated.

The second phase was known as "institutionalization", in which people with disabilities were removed from their homes to live in nursing homes or hospitals, a context that helped characterize the second phase, which had also become known as the "assistentialist" or "charitable mercy" moment.

The third phase, according to the authors, became known as "integration" or "tolerance", in which persons with disabilities were inserted in the different social institutions without them receiving the appropriate preparation for taking care of the needs of the people. In the third phase, people with disabilities were responsible for their insertion in the different entities that remained. The other characteristic of "integration" was to provide for the insertion of people with disabilities in places with some adaptation so that they could study, work, have leisure, etc. The experience of the "integration" phase was not considered effective, say the authors, since only those with disabilities who could adapt to the places used by people without disabilities were integrated, while the other PWDs were left in the condition of exclusion.

To talk about the fourth phase, it is necessary to innovate the Magna Carta of 1988. The Federal Constitution of 1988 instituted another paradigm, placing the fight against all forms of discrimination and the fight for equality among all with constitutional status. The fourth phase, called "inclusion", considers the constitutional principles to be a phase. Therefore, continuing the authors' argument, in the fourth phase, the nature of the subject's disability (physical, sensory or mental) should not be an obstacle to having access to their different

rights (health, education, political, social, etc.), and society should be responsible for adapting to the needs of people with disabilities.

Oliveira et. al. (2017:112) reveals that the history of the inclusion of people with disabilities in various social spaces grows in many countries as a result of the combination of several causes, such as the unfolding of World War II. The authors report that many American and European soldiers who were wounded went through a rehabilitation process and were able to resume productive activities, as well as that people and institutions that worked in favor of the defense of former soldiers were able to implement quotas for people with disabilities, in countries such as Germany, Italy and France. In addition, the authors continue, other forms of integration were conquered for people with disabilities, such as the development of Paralympic sports, which has English origins and is linked to the conditions of physical and productive recovery of soldiers wounded in World War II.

In a text available on the Ministry of Health website², we are aware that, in 1992, through the approval, in the UN General Assembly, of Resolution No. 47/3, the International Day of Persons with Disabilities was created, celebrated on December 3rd. The idea of the day is to demonstrate to society the importance of discussing and guaranteeing the well-being, dignity and all rights of people with disabilities. By consulting UN data, the Ministry of Health clarifies that there are more than 1 billion people with some type of disability in the world, with 80% residing in developing countries such as Brazil. The Ministry of Health, in the text, admits that there have been advances, however, people with disabilities experience many obstacles, having their rights restricted in several areas such as employment, health, etc., and are among the most socially excluded groups.

1.3. Conceptual Framework

Santos (2008:504), using some of Michel Foucault's writings, points out that bodies considered historically different have always given rise to curiosity, astonishment, indifference and segregation in the most varied societies. As Santos (2008-504) and other thinkers argue, these are perspectives that, in the historical sphere, classify bodies as "normal" and "abnormal". The "abnormal", classifying people with disabilities, were the pathological beings.

By presenting the historical path in the West of these differences that demarcated bodies, Santos (2008:554) clarifies that those subjects whose bodies were considered different were understood to be so, by virtue of a kind of "mystical

² Available at: <https://bvsmis.saude.gov.br/solucoes-transformadoras-para-o-desenvolvimento-inclusivo-03-12-dia-internacional-das-pessoas-com-deficiencia/#:~:text=De%20acordo%20com%20Organiza%C3%A7%C3%A3o%20das,est%C3%A3o%20em%20pa%C3%ADses%20em%20development>.

evidence", something like the work of the divine. However, by the end of the eighteenth century, with scientific development, the biomedical area, more precisely, began to gain strength in explaining the differences of bodies and saying what they had, so that religious discourse began to lose its explanatory force, becoming "a cultural narrative authorized by modernity" (SANTOS, 2008:554). Mobilizing, once again, Michel Foucault, Santos (2008: 554) says that, in fact, biomedical discourse becomes legitimate to explain diseases and, consequently, bodies are clinically diagnosed as normal, abnormal, monstrous or deficient.

The person with disabilities, due to the scientific authority of the biomedical person, is considered abnormal. This conception according to which disability, in a body that was evaluated as docile, explained by medicine, is considered as an illness and became known as the "medical model of disability".

The modern path of disability from the mystical to the pathological sphere has allowed the body with restricted abilities to be docile, through surgical intervention or rehabilitation (FOUCAULT, 2001). In this way, disability has become a social phenomenon explained by bad luck or the unpredictable and, above all, seen as a private and individual experience, understood as an oppression caused by bodily injury and the restrictions of capacities resulting from it. (SANTOS, 2008:505)

In fact, after World War II, from the 1960s onwards, theorists of social movements and militants in defense of the rights of PWDs began to question the biomedical model, as a hegemonic area, until then, to explain the deficiencies. According to Santos (2008:505), sociological studies prepared by English and American thinkers are the pioneers, questioning the biomedical model of disability, placing the apparatus of the social sciences as an alternative for understanding disability. Among the works cited by Santos (2008:505) by the authors who proposed a new social theory for the understanding of disabilities, we can highlight, among others: "The sociology of physical disability and rehabilitation", a collection organized by Gary Albrecht in 1976; "The Making of Blind Men" by Robert Scott, in 1969.

The critique of the biomedical model carried out by authors in the social sciences to explain disabilities created another explanatory resource called the "social model of disability". This new theoretical resource, also considered a political and social movement, proposes that the adversities promoted by disability were not due to bodily injuries, but were oppressions also resulting from the social structure. As the author consulted by us puts it about the social model:

For the defenders of the social model, the injury would be a bodily characteristic, such as sex or skin color, while the disability would be the result

of the oppression and discrimination suffered by people due to a society that is organized in a way that is not very sensitive to diversity (SANTOS, 2008: 506)

In a well-summarized perspective, the biomedical model restricts disability to the subject's private world and to the care related to health professionals, while the social model displaces and expands the meaning of disability, placing discussions about the rights of people with disabilities in the territory of the socio-political structure. Currently, the two models coexist and are the references for debates and disputes around issues and policies for PWDs.

Using the contribution of the analysis of the researcher Débora Diniz, Santos (2008:508) narrates that the theorists of the social model of disability, when criticizing the biomedical model, did not disregard the relevance of medical progress applied in the treatment of the disabled subject. The critical point that led the thinkers of the social model to bring their theory to the public debate and propose something new was the excess of medicalization that the biomedical model subjected to the disabled subject. Regarding the discussions of theoretical models about disability, Santos (2008:58) says that, despite the advance promoted by the social model, feminist thinkers proposed that, in addition to considering social oppression as a subject to the disabled body, it was necessary to contemplate the analysis with other aspects, such as race inequality, gender inequality, age, etc. Feminist theorists, Santos (2008:58) continues, advocated the importance of care and that the situation of seriously injured subjects should be included in the analyses, people who would have little or no independence and would not be able to productivity the economic system, regardless of improvements in public transport and other arrangements in the architecture of other social environments.

2. Literature Review

2.1 A Little Historical Context

A demand of the political-social struggle of many social actors, which emerged in Brazil in the late 1970s and early 1980s, the Constitution promulgated in 1988, instituted the Democratic Rule of Law at the formal level in Brazil. In contrast to what was happening in some Western countries in the 1980s, which reviewed and reduced their social welfare policies, since they began to be influenced by the conceptions of neoliberal ideas, the Federal Constitution of 1988 gave the Brazilian State an essential role in guaranteeing several rights, until then absent to the majority of the population, as well as the population with disabilities.

In this context of political effervescence, of struggle for democracy and rights, social movements also emerged that represented the interests of people with disabilities, something that, as we have seen, happened in other regions of the planet. As Oliveira et. al. (2017:113) social movements held the First National Meeting of Entities of Disabled Persons between October 22 and 25, 1980, in Brasília, an event that approved, among others, the following proposals: i-) *"that people with disabilities with employment should have rights and duties equal to people without disabilities"* ii-) *"the increase of disability retirement to 100% of the salary because there is no other source of income for people with disabilities"*.

Continuing the exposition, the authors inform that the Brazilian government decreed 1981 the International Year of Persons with Disabilities, on the recommendation of the United Nations (UN); that, in 1984, entities were created that would act in favor of the interests of people with disabilities, such as the National Organization of Entities for the Physically Disabled (ONEDEF), the National Federation for the Education and Integration of the Deaf (FENEIS) and the Brazilian Federation of Entities for the Blind (FEBEC).

As Oliveira et. al. (2017:113), the Brazilian Constitution guarantees legal equality among all citizens, and it is up to us, however, not to interpret this equality in a restrictive way, but as an isonomic condition among citizens: strictly speaking, we must conceive the constitutional provisions in an integrated way, taking into account the specificities and differences of groups and people who must have a respectful treatment while having their dignity preserved. Brazilian legislation, around the protection of the rights of people with disabilities, sought to follow international regulations, such as those produced within the scope of the United Nations. Such a movement will be demonstrated, below, from the compilation made by Oliveira et. al. (2017) and Table 2.

According to the authors, because of the International Year of Persons with Disabilities, created by the UN in 1981, the World Program of Action for Persons with Disabilities was approved for the following year, whose main objective was to offer the same opportunities for people with disabilities and without disabilities by all countries. The UN instituted in the 1990s to carry out the World Action Program for Persons with Disabilities in the countries: Oliveira et. al. (2017:124) point out that the experience of the Program allowed and helped in the development of 22 standards to implement initiatives, as well as overcome any obstacles aimed at offering opportunities for people with disabilities to have a more active life in society and with rights to be observed. As mentioned, such norms provided the basis for other norms that the UN created later, a fact that guided the legislation of many countries, and some points became central, such as the laws converting the person with disabilities into a subject of rights, creating the understanding that social

environments must undergo modifications to meet the specificities of the person with disabilities, among other elements.

In continuity, Oliveira et. al. (2017:124) report that, in the early 1990s, Brazil ratified ILO Convention No. 159, a norm relating to the vocational rehabilitation and employment of people with disabilities. In fact, in the 1990s and 2000s, the authors say, international documents were prepared for governments and societies to pay attention to promotion of the inclusion of all people, regardless of their condition. It is in this perspective that several countries, such as Spain and Brazil, have begun to adopt mechanisms in their legal structures that allow the promotion of dignity and expansion of rights for people with disabilities, such as the adoption of affirmative actions in the labor market and in the Public Administration, in order to mitigate the various forms of discrimination that compromise professional success and a guarantee of a better life for some social groups.

Continuing to demonstrate the achievements that began to occur in favor of people with disabilities from the 1980s onwards, because of the efforts of the struggle of social groups and initiatives of multilateral bodies, in 1989, Law No. 7,853 was sanctioned in Brazil, which deals with the support and care of people with disabilities and their integration into society. It imposes a crime on anyone who refused to hire a worker due to disability. The authors also report that Law No. 7,853 determined the creation of the National Coordination for the Integration of Persons with Disabilities (CORDE), a public institution that was the embryo of the National Secretariat, created in 2010, the last year of President Lula's second term. In the wake of including the theme of people with disabilities in the interior of the Brazilian State, on June 1, 1999, through Decree 3.076, in the second term of the Government of President Fernando Henrique Cardoso, the National Council for the Rights of Persons with Disabilities (CONADE) was established, a space for discussion and deliberation of public policies for PWDs, made up of social society entities and governments.

In December 1999, the authors stated, Decree No. 3,298 was published, which instituted the National Policy for the Inclusion of Persons with Disabilities. In Lula's two governments, the authors confide, CONADE was under the management of the Special Secretariat for Human Rights and in 2010, there was a legal change in the name of the body, due to the ratification of the UN Convention on the Rights of Persons with Disabilities, and that changed the name of the body to the National Council for the Rights of Persons with Disabilities, with the exclusion of the terms "Carrier Person or a person carrying a disability". In the early 1990s, two important laws were created, respecting the guidelines and initiatives of the UN, as well as maintaining the spirit of greater inclusion. Law No. 8,112/1990 was sanctioned,

which ensures people with disabilities up to 20% of the total vacancies offered in public tenders, and Law No. 8,213/1991 (known as the Quota Law), which provides that, in the private sector, companies (public, private and mixed-economy) with more than 100 employees hire 2% to 5% of people with disabilities, depending on a scale that considers the number of employees of the enterprises. The Quota Law, the authors correctly state, can be a "gateway" to workers with disabilities, allowing them to have a formal job with labor and social security rights and also allows large companies to promote the professional development of this social group, if they comply with legal requirements, helping companies to also promote the diversity of their workforce that helps in the training of people for tolerance, respect and access to information, in order to combat prejudices arising from mistaken socialization.

Although these laws were created in the early 1990s, it was only at the end of that decade that institutional conditions were created for their compliance, as they needed to undergo a regulation that only happened in 1999, with the enactment of Decree No. 3,298, which was updated in 2004, with Decree 5,296. Essentially, the regulations dealt with the definition of disabilities, the different categories of disabilities, and points about accessibility. As we will see below, full compliance with the Quota Law is a challenge in the country and on the part of the Government, its inspection occurs by the Ministry of Labor and Employment, which can be assisted by initiatives of the Public Ministry of Labor and initiatives of the union struggle when denouncing violations of the Law.

2.2. Policies Adopted in Popular-Democratic Governments (January 2003 to August 2016)

Until the political coup in 2016 with the support of economic elites and the justice system, in general terms, although it did not make structural changes (such as deconcentration of private property), in popular-democratic governments, important policies were adopted for the benefit of the working class, due, to a large extent, to economic growth, the fight against inflation, popular participation in public policies, a more favorable environment for achievements in collective bargaining, appreciation of the minimum wage, innovative social policies, etc. In relation to people with disabilities, in popular-democratic governments, several accessibility policies were created in their various spheres, collectively.³ Although challenges persisted and more government efforts were needed to fully guarantee the rights of persons with disabilities, it was in the popular-democratic governments

³ The inclusion policies of the Lula (2003-2010) and Dilma (2011-2016) governments were taken from this article: <https://www.brasildefato.com.br/2022/09/21/lula-firma-compromisso-de-reconstruir-e-avancar-em-politicas-para-pessoas-com-deficiencia>. Access: Miscellaneous.

that the Convention on the Rights of Persons with Disabilities was approved and incorporated (as we have seen) into our legal system in 2008; that the Brazilian Law of Inclusion was approved in 2015 (Statute of Persons with Disabilities), giving a more institutional and political character in terms of inclusion, as a State policy. In addition, in 2011, the "National Plan for the Rights of Persons with Disabilities, Living without Limits" was created and launched, which integrated and carried out several actions in the areas of health, education, accessibility, etc., ensuring advances for people with disabilities. Through the National Neonatal Screening Program, implemented by the Ministry of Health, in 2016, more than 2.3 million newborns were submitted to the so-called heel prick test, an exam that identifies six genetic conditions, which can be treated. In the housing area, as of 2011, the units of "Minha Casa, Minha Vida (My House, My Life)" began to be planned and built following specific accessibility standards: 954 thousand residences were built in the period following such standards.

In education, some policies were created that ensured the rights of people with disabilities, such as the "BPC at School Program", which allowed access to the benefit to the families of thousands of students who needed financial support to support themselves. With the creation of the Fund for the Maintenance and Development of Basic Education and the Valorization of Education Professionals (FUNDEB), there was an increase in enrollment of students with disabilities in Basic Education, jumping from 24% in 2003 to 82% in 2015. In terms of inclusive education, in 2003, the Inclusive Education Program: Right to Diversity was created, which, among others, carried out the training of teachers throughout the country. Among others, still in terms of inclusive education, more than 57 thousand schools received funding to create spaces of accessibility for students; in addition, 30 Training Centers for Education Professionals and Assistance for People with Deafness (CAS) were built. In Higher Education, enrollments of students with disabilities jumped from 5,078 to 33 thousand.⁴

And, it is worth mentioning, it was in the popular democratic governments that National Conferences were held, with the participation of governments and entities of society, an occasion in which more public policies for people with disabilities were institutionalized, whose elaboration was participatory. With neoliberal governments, from 2016 onwards, public policies for people with disabilities decreased, had little relevance and the existence of social dialogue with social entities lost space, hindering the formatting of participatory and more inclusive

⁴ The inclusion policies for students implemented by progressive governments have been removed from the following page of the Forum in Defense of Inclusive Education: <https://inclusaoja.com.br/2014/10/14/pela-educacao-inclusiva-vamos-com-dilma-13/>.

policies for sectors of the population that needed them most to obtain a better quality of life.

Being formed by a broad coalition that brings together forces from the left and right and finding itself in dispute (demanding pressure from progressive forces so that the right-wing agenda does not become hegemonic), the current federal government has resumed some policies in favor of the working class and some mechanisms for democratizing the state. Regarding the segment of people with disabilities, according to an article in Carta Capital Magazine⁵, in November 2023, the current federal government, on November 23 of that year, issued and published a decree that recreated the "New Living Without Limit", a policy that aims to benefit people with disabilities. Planned with 95 actions created by the Ministry of Human Rights, the "New Living Without Limits", says the report, will be carried out by 27 Ministries and is expected to foster an investment of up to R\$ 6 billion in projects for the benefit of PWDs, during the current administration. The new plan has been updated and contains measures that must be adopted considering the following axes: management and social participation; confronting ableism and violence; accessibility and assisted technology and promotion of the right to education, social assistance, health and other economic, social, cultural and environmental rights. In Chart 01, below, we list some actions of the "New Living Without Limits" based on some areas of public policies.

Table 01: Planned actions of the New Living Without Limit

Area:	Goals
Health	The "New Living Without Limit" Program provides for the construction and delivery of 90 fully equipped polyclinics, with gynecological tables and mammography machines in proper functioning and accessible capacity.
Housing and infrastructure	The Program provides for the renewal of the bus fleet in cities with more than 150 thousand inhabitants, with vehicles equipped with accessibility.
Work and employment	In the Program, there is a commitment to hire 120 thousand people with disabilities or rehabilitated by Social

⁵ Available at: <https://www.cartacapital.com.br/politica/lula-anuncia-investimento-de-r-6-bilhoes-em-novo-programa-para-pessoas-com-deficiencia/>. Access: Miscellaneous

	Security in companies that are required to follow the Quota Law.
Education	The "New Living Without Limit" Program aims to train 63,000 teachers and 106,000 managers for inclusive education within the scope of the National Training Network. In the educational field, the program provides for the creation of the National Center for the Interpretation of Brazilian Sign Language, whose idea is to offer a 24-hour translation and interpretation service in the language.

Source: "New Living Without Limit" Program and article in Carta Capital magazine entitled "Lula announces investment of R\$ 6 billion in new program for people with disabilities"

At the launching ceremony of the "New Living Without Limit" Program, the article reports that the federal government issued a decree dealing with aspects for the construction of new buildings with accessibility and another creating the Interministerial Chamber of the Rights of PWD's, whose task is to assist the monitoring of the "New Living Without Limit" Program in conjunction with the National Council for the Rights of Persons with Disabilities.

Not held before due to the pandemic and due to the lack of interest of neoliberal governments (2016–2022), the National Conference on the Rights of Persons with Disabilities had its 5th edition held, with the central theme "Current and future scenario in the implementation of the rights of persons with disabilities - Building a more inclusive Brazil", between July 14 and 17, 2024. As part of the initiatives of the current popular-democratic government to democratize the Brazilian State and with the participation of representatives of the government and civil society, the Conferences were resumed and are positioned as spaces for popular and democratic participation, with the objective of discussing, articulating proposals and guidelines for public policies. The 5th National Conference approved a series of public policy proposals that should be monitored and demanded by members and institutions of civil society, to further promote inclusion and guarantee the rights of people with disabilities.

Among the approved proposals, we can see some such as: creating a federal law that determines the mandatory creation or reactivation of municipal, state, district and federal councils for the rights of people with disabilities, with funding, plans and resources bottom to bottom; promote the continuing education of professionals from public and private service networks, public servants, managers,

counselors, leaders, social movements, civil society organizations, people with disabilities and their families, with the objective of raising awareness in society about the rights of people with disabilities, improving social control, encouraging the participation of people with disabilities and expanding the understanding of the intersectionalities between disabilities and others social markers; establish an independent monitoring mechanism, in accordance with Article 33 of the Convention on Persons with Disabilities which, among other attributions, provides for the creation and improvement of the monitoring, follow-up and evaluation of public policies for persons with disabilities; implement and supervise the National Registry of Persons with Disabilities (Inclusion Registry), ensuring a unified, integrated and accessible database of all information on health, education, social assistance and other public policies, universalizing the identification of people with disabilities in data collection and identity documents such as the SUS card, etc.⁶ In the propositions for the inclusion of PWDs in the labor market, the delegates present at the conference activity approved:

- ✓ **In Axis 2 - Ensuring access of people with disabilities to public policies and unified biopsychosocial assessment**, among other proposals, one decided that people with disabilities have training for the labor market, that initiatives be carried out for the employment of caregivers in the labor market and that a "Caregiver Aid" be created in the amount of a minimum wage, as a complement to the Continuous Cash Benefit (BPC), without incorporation into the calculation of family income, intended for the caregiver, family member, guardian, tutor or curator of a person with disabilities, when the need is proven through the unified biopsychosocial assessment.

- ✓ **In Axis 4 - Citizenship and Accessibility**, a broader proposal was approved regarding the insertion of people with disabilities in the labor market, which advocates that the PWD can have an insertion, permanence and equal pay in the labor market, so that: (a) programs are created to welcome and include people with disabilities in companies; (b) that a database be prepared, fed by the third sector, which facilitates hiring; (c) that training and professional education activities be promoted for people with disabilities, caregivers, family members, employers and other collaborators, in partnership with federal institutes, the third sector and the S System, through vocational learning programs, technical courses and training and qualification centers; (d) that remuneration of persons with disabilities during training and supported employment be guaranteed to achieve social and professional integration; (e) that the percentage of mandatory quotas for persons with

⁶ To know all the approved proposals, access: <https://www.5cndpd.org/propostas>

disabilities be increased, including in management positions, in public and private companies, at all levels of government, guaranteeing the following percentages of quotas for persons with disabilities: (I) 10 to 20% of vacancies in public contests; (II) 30% of the vacancies for electoral candidacies and; (III) 10% of the vacancies in positions in commission; (e) that there be supervision of compliance with quotas, the equitable distribution of vacancies among all disabilities, compliance with accessibility parameters, equal pay and decent working conditions; (f) that the Learning Plan for Young People with Disabilities be created, instituting quotas in the Minor Apprentice program, with emphasis on their professionalization, and without prejudice to any benefits acquired, such as the Continuous Benefit (BPC) or the Bolsa Família.

At the end of the 5th National Conference on the Rights of Persons with Disabilities, on July 17, 2024, the federal government announced more measures aimed at ensuring social inclusion and other rights of PWDs. Among others, the federal government announced the following measures⁷: signing of documents between the Ministry of Human Rights and Citizenship and other federal agencies with the commitment that studies be carried out, within the scope of Public Administration, to identify the regulatory, social, political and economic impacts of the Biopsychosocial Assessment modality; creation, due to the signing of a decree, of the National Registration System for Persons with Autism Spectrum Disorder (SistTEA), a computerized and standardized system under the management of the Ministry of Human Rights and Citizenship, which aims to facilitate the standardized issuance of the Identification Card for Persons with Autism Spectrum (Ciptea) throughout the country; signing of a technical cooperation agreement between the Ministry of Human Rights and Citizenship and the Ministry of Development and Social Assistance, Family and Fight against Hunger aiming to create effective ways, from the point of view of public policy, institutional means so that all people with disabilities, who meet the legal requirements, can have the rights provided for in the Unified Social Assistance System in a more agile way; signing of an agreement between the Ministry of Human Rights and Citizenship and the Ministry of Management and Innovation in Public Services with the commitment to provide federal buildings with the necessary accessibility for all PWDs; public delivery of the Final Report of the Working Group on the Unified Biopsychosocial Assessment of Disability for analysis by the Chief of Staff, so that the Executive has reports to propose a model of disability assessment based on the biopsychosocial model aiming to have a format, in terms of conception of disability, beyond the traditional medical model, admitting it, in dialogue with the social theoretical model, that we

⁷ More details about the measures disclosed, access: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2024/julho/governo-federal-anuncia-novas-iniciativas-para-garantir-mais-dignidade-e-inclusao-a-pessoas-com-deficiencia>

have dealt with above, in a complex interaction that aggregates the biological, psychological and social elements.

2.3. Data and General Characteristics of PWDs in Brazil and Protective Legislation

The 2010 Census carried out by the IBGE, according to the Ministry of Health, found that 46 million Brazilians, 24% of the Brazilian population at the time, reported having some degree of difficulty in at least one of the skills investigated (seeing, hearing, walking or climbing steps), or having mental/intellectual disabilities. According to the data, in 2010, there would be 12.5 million people with disabilities in Brazil, or 6.7% of the population, considering the sum of those who declared to have great or total difficulty in seeing, hearing, walking or climbing steps, as well as those who reported having mental or intellectual disabilities.

The Ministry of Health, using the National Health Survey (PNS) conducted by the IBGE in 2013, found that there were, in Brazil, 200.6 million people living in permanent private households, and of the total 6.2% would have at least one of the four disabilities, described as follows:

- ✓ **Visual Impairment:** In the 2013 PNS, according to a report from the Ministry of Health, a prevalence of 3.6% of people with visual impairment; 3.3% acquired disability through illness or accident; 0.4% had visual impairment at birth; 6.6% used some mechanism to help with locomotion and 4.8% participated in some driver's license services.
- ✓ **Hearing Impairment:** Prevalence of 1.1% of the population with hearing impairment; 0.9% would have acquired hearing impairment due to illness or accidents; 0.2% had it since birth; 20.6% of the population with hearing impairment claimed to have an intense or very intense degree of limitations or could not perform usual activities and 8.4% of the population with hearing impairment needed the help of some habilitation service.
- ✓ **Physical Disability:** In the 2013 PNS, the prevalence of physical disability was 1.3%; 0.3% already had this deficiency since birth; 1% had it due to illness or accident; 46.8% had an intense or very intense degree of limitations regarding physical disability. On the other hand, 18.4% of the population with physical disabilities needed rehabilitation services.
- ✓ **Intellectual Disability:** In the 2013 PNS, prevalence of 0.8% intellectual disability; 0.5% of the total population had an intellectual disability since birth; 0.3% were affected by intellectual disability due to illness or accidents, and 30.4% of the persons with intellectual disabilities needed health rehabilitation services.

Especially in relation to the legal protection structure, the Ministry of Health recalls that Law 13.146 of 2015, the Brazilian Law for the Inclusion of Persons with Disabilities or simply the Statute of Persons with Disabilities incorporated the principles contemplated in the International Convention on the Rights of Persons with Disabilities approved in 2006 by the UN and ratified by Brazil in 2008. In a very tight summary, the LBI deals with and provides mechanisms against discrimination, the guarantee of priority care, the right to rehabilitation, the making by employers of the necessary adaptations to carry out the professional activity for the PCD worker, etc. The Statute of Persons with Disabilities also recommends that the worker is authorized to withdraw the credit from his or her Guarantee Fund for Length of Service (FGTS) for the acquisition of prostheses and orthoses, it is forbidden to charge extra fees in educational institutions, provides penalties for the employer who denies employment to the PWD, prohibits and punishes those who refuse to offer medical assistance, among other rights.

Furthermore, it is in article 2 of the Statute of Persons with Disabilities that we will find the definition of a person with a disability, which is *"one who has a long-term impairment of a physical, mental, intellectual or sensory nature, which, in interaction with one or more barriers, may obstruct their full and effective participation in society on an equal basis with other people", and how the assessment of the subject of the disability will take place, carried out by a multiprofessional and interdisciplinary team and, when appropriate, it will be biopsychosocial.*" (BRAZIL, 2015)

Strictly speaking, the Ministry of Health informs that the main causes of disabilities are congenital and perinatal disorders, resulting from the absence or improper care of women in the reproductive phase; due to communicable and chronic non-communicable diseases; psychiatric disorders; because of alcohol and drug abuse; malnutrition; and due to traumas and injuries from urban centers, caused by traffic accidents and cases of violence; and so on.

In Brazil, September 21 is the National Day of Struggle for People with Disabilities, a date that was established by Law 11.133, of 2005, in Lula's first term. The date, among other purposes, is an invitation to reflect on the construction of a more inclusive society, which allows diversity, equality and opportunity for all. Thus, the National Day of Struggle for People with Disabilities should make us aware of the existence of the struggle for the inclusion and accessibility of people with disabilities through affirmative public policies, ways to promote quality of life and censorship of all ableist behavior.

As it is a Federative Republic, in Brazil, the federative units (Union, States and Municipalities) have legislative and budgetary autonomy to achieve public policies.

Some are specific to each entity (such as, for example, the Union is exclusively responsible for international relations issues) and others are common (such as, for example, health policies and care for the environment). Public policies for people with disabilities can be planned and implemented within the scope of several areas common to the entities, such as in the segments of education, health, social assistance, human rights, etc., so that, in Brazil, the three federative entities are constitutionally authorized to carry out actions for people with disabilities. In this way, unions, other civil society entities and people who advocate for the defense and protection of the rights of people with disabilities must demand from all federative entities public policies for this population segment and, in the existence of public policies, compliance to promote the dignity and well-being of all PWDs and their families.

In August 2021, IBGE published PNS with data for 2019⁸. Specifically, regarding data on PWDs, the Institute reported that 17.3 million aged 2 years or older (or 8.4% of this population) had at least one of the disabilities that were investigated in the survey. 8.5 million (or 24.8%) of the elderly were PWDs. In the PNS 2019, in the Brazilian population aged 02 years and over, 3.4% (equivalent to 6.978 million) had visual impairment; 1.1% (or 2.3 million) had hearing impairment and 1.2% (or 2.5 million) had mental impairment. Of the people between 05 and 40 years old who had hearing impairment, only 22.4% knew the Brazilian Sign Language (LIBRA). Only 28.3% of people with disabilities at working age (14 years of age and over) were in the workforce against 66.3% without disabilities. 67.6% of the population with disabilities had no education or had incomplete elementary school, an indicator that was 30.9% for persons without any disability.⁹

In fact, for a long period the issue of disability in Brazil was the target of inattention, not having dealt with the political and legal point. In summary, in the country, the protection of people with disabilities concerned the spheres of charity, care for family members and closest people, and welfare. We agree with Santos (2008:510) when he argues that, despite the legal guarantees, provided for in the Federal Constitution of 1988, to improve the situation of PWDs in various areas such as the labor market, social security (social assistance, social security and health), accessibility, etc., there is a long way to go for rights to be fully implemented and,

⁸ Information taken from this page: <https://agenciadenoticias.ibge.gov.br/agencia-sala-de-imprensa/2013-agencia-de-noticias/releases/31445-pns-2019-pais-tem-17-3-milhoes-de-pessoas-com-algum-tipo-de-deficiencia#:~:text=Em%202019%2C%20segundo%20a%20Pesquisa,de%20idosos%20estavam%20nessa%20condi%C3%A7%C3%A3o>

⁹ At the same time, it should be clarified that more recent data about PWDs in Brazil, such as the total number, places where they live, the disabilities that affect them, among other attributes will be disclosed and treated in the last IBGE Population Census, which was carried out in 2022, not in 2020, as expected, a survey that is considered one of the most important of the Institute and whose data from the country has been presented gradually. The IBGE, at the time of this study, had not released Census data on the population with disabilities.

moreover, there is an understanding that disability is something corresponding to an illness and not a condition of human diversity.

In fact, in continuity with our agreement with Santos (2008:10) when he states that this understanding hinders Brazilian society from assuming its responsibility to deal with the issue of disability with more equity, in order to update and make adjustments to the different social spaces to the different needs, in the promotion of education policies, in the labor market and other areas for people with disabilities. The primacy of the so-called "medical model", which we will deal with later, denounces Santos (2008:510), contributes to the fact that the different segments of medicine (such as genetics and rehabilitation), not disregarding their importance for the care of PWDs, have more strength to offer improvements to people with disabilities than the principles of social justice and freedom to guarantee the specificities of this social group. By asking questions about the degrees related to the difficulties they routinely experience due to the disability that PWDs are affected by, from the 2000 Census onwards, the IBGE, according to Santos (2008:510), provided an advance in the country by enabling what he called the "demographic recovery" of people with disabilities. In doing so, according to the author, the IBGE incorporated the social model into the Census to capture the number of PWDs considering the specific elements of disabilities, not considering the exclusivity of the injury alone. From the 2000 Census onwards, the IBGE included in its research instruments the understanding that disability is a complex process that involves interaction of the injured body and an environment that is not at all up to date with bodily diversity (SANTOS, 2008:510).

As we have seen, the Federal Constitution of 1988, meeting the demands of the struggle of social and progressive entities, in addition to instituting the democratic rules of operation of public entities and for society, conferred on the State policies to minimize the social effects of the contradictions of capitalism on the most economically vulnerable populations and subject to other forms of prejudice, guaranteeing them a more dignified and materially fairer life, in a perspective of the social welfare state. In dialogue with this perspective, there is a social protection system in Brazil, which, despite suffering from neoliberal measures, has legal mechanisms of operation intending to reach and give capillarity throughout the country to the families that need it most.

Among others, the Continuous Cash Benefit (BPC) belongs to this social protection system, provided for in the Constitution and in the Organic Law of Social Assistance of 1993 and considered one of the largest income transfer programs in the world. The BPC is a remuneration made by the State to people who do not have financial conditions to provide themselves and their family members with minimum

conditions of existence, that is, people who do not have formal employment, who have extremely low remuneration from precarious and informal jobs. The BPC is paid by the National Institute of Social Security (INSS), a Social Security agency, and is a remuneration of one minimum wage per month to the elderly aged 65 or over or to the disabled person of any age. In the case of the person with disabilities, to access the BPC, the condition of the person with disabilities must be one in which it causes long-term physical, mental, intellectual or sensory impairments (with effects for at least 2 years), preventing the person from participating fully and effectively in society, on equal terms with other people.

Despite the existence of adversities experienced by workers with disabilities who are hired by labor laws, and it is a challenge, as we can see in this study, to implement improvements in working conditions, it must be said that, at least, they have the rights provided for by law (such as monthly salary, rest hours, working hours, access to Social Security, vacations, etc.), many other workers, including those with disabilities, need to take advantage of Social Assistance policies to survive and maintain their families, since they are not in the formal labor market or are in activities that pay poorly, in more precarious and informal work situations. Hence the importance of the existence and expansion of social programs such as the Bolsa Família and the BPC to minimize the impacts of the contradictions of the capitalist system.

It is also worth noting some points about the BPC, such as, among others: it is not a social security benefit (like retirement, therefore not guaranteeing the payment of the 13th salary as guaranteed to other beneficiaries of Social Security, as well as does not leave a pension for death to dependents) and there is no need for the subject who accesses it to have contributed to Social Security; to have access to the BPC, it is necessary for the person with disabilities to prove, in a request to the INSS, that they do not have the means to provide for their own maintenance, nor to have it provided by their family, and such proof is made taking into account that the income per person in the family group is equal to or less than 1/4 of the minimum wage in force; the request for the benefit can be made remotely, with no need to attend the INSS in person, unless requested to prove something that cannot be done remotely; to have access to the BPC, the applicant with disabilities must be submitted and have approval in an INSS expert opinion, characterizing the disability; to have access to the BPC, the beneficiary must be in the Unified Registry of Social Benefits of the Federal Government for 02 years; the beneficiary of the BPC is entitled to the Social Energy Tariff, cheaper than the conventional one.

In addition to the BPC, disability retirement is another form of income transfer that can be obtained by workers with disabilities. Before the existence of the BPC, the

government allocated to the worker, the Lifetime Monthly Income (RMV) benefit that was instituted in 1974, made the payment to workers over 70 years old and who proved that they could not perform any professional activity (such as having a disability that prevented them).

The BPC reaches millions of Brazilians. In 2020, for example, 4.65 million were beneficiaries, of which 2.55 million were people with disabilities and 2 million were elderly¹⁰. As with the Bolsa Família, the beneficiaries of the BPC contribute to the local economic development by demanding products and services and start to have a little improvement in their material life, minimally rescuing their dignity with the offer of citizenship.

The BPC helps in better social cohesion by reducing extreme poverty and preventing people from committing illegal acts in exchange for payment; In addition, it is a social policy that, unlike social security insurance, does not require the beneficiary to have contributed financially. Some of the main problems with the BPC are the delay in the analysis of applications (a situation that is aggravated in neoliberal governments that dismantle the agencies that act in social policy), something that contributes to harming the livelihood of families that already live in a situation of social and economic vulnerability and emphasis often given to income as the main eligibility criterion to the detriment of others.

Regarding this last item, only very recently, with Law No. 14,176/2020, the possibilities were created in order to include people who need the BPC and can be included in the program and those who are waiting for the analysis of their request, by including, in the legislation, other criteria for eligibility such as the analysis of exceptional cases in which the income per person in the family can reach half a minimum wage (higher than that required in the general rule is that less than or a quarter of the minimum wage), an opportunity in which some criteria are analyzed, including the dependence that the elderly person has on caregivers to perform basic activities; the level of family commitment concerning health expenses related to the acquisition of medicines, diapers, special foods, etc. (for the elderly and the disabled) if they are not made available free of charge by the Unified Health System (SUS) or with services not available in the Unified Social Assistance System (SUAS); the degree of disability of the person with disability.

Chart 02 presents, in a summarized way, the legal framework that deals with the rights of people with disabilities in Brazil. Some bills are in progress in the National Congress and can be followed by people and entities that act in defense of the

¹⁰ [1] Data taken from this page: <https://www.gov.br/pt-br/noticias/assistencia-social/2021/06/governo-aprimora-as-regras-do-beneficio-de-prestacao-continuada-e-cria-o-auxilio-inclusao#:~:text=Em%20abril%20deste%20ano%2C%20o,para%20os%20integrantes%20do%20programa>

rights of this social segment, since some of the legislative projects want to remove rights, such as the one that intended to make the quotas that must be filled by workers with disabilities more flexible, in companies with more than 100 workers, this project, it is worth making clear, had the support of the neoliberal government of Jair Bolsonaro.

Other legislative projects, however, want to expand the rights of people with disabilities, such as those that want to contemplate some diseases that are not contemplated in existing laws.

Table 02: Rights of persons with disabilities in various areas

Warranty Type	Summary of what the legal guarantees for people with disabilities advocate
Tax exemption on car purchases	PWD car drivers or those who have drivers are exempt from some taxes when buying a car worth up to R\$ 200 thousand. By proving that they are PWD, the person is exempt from the following taxes for the acquisition of vehicles: Tax on Industrialized Products (IPI), Tax on Financial Operations (IOF); Tax on the Circulation of Goods and Services (ICMS) and Tax on the Property of Vehicles (IPVA). This tax exemption for the purchase of a car is guaranteed until 2026, which is regulated by Law No. 14,287/2021.
Exemption from income tax	Law No. 7,713/1988 provides, among other points, for income tax exemption for those people who are diagnosed with serious diseases. Some diseases can affect or characterize people with disabilities, such as mental alienation, blindness (even monocular), etc. Income tax exemption occurs on income related to social security benefits, such as retirement and pensions.
Quotas in the public service	Article 37 of the Federal Constitution, in its article VIII, provides for the reservation of vacancies for people with disabilities in the Public Administration. Thus, article 5, paragraph 2, of Law 8.112/1991, recommends that up to 20% of the vacancies offered in public tenders should be allocated to people with disabilities.
Combating discrimination	The 1988 Federal Constitution, in some of its passages, offers protection against possible forms of discrimination. For example, in view of item XXXI of article 7, any discrimination regarding wages and admissibility criteria with a worker with a disability is prohibited. Constitutional protection against negligence, exploitation, torture, exploitation, etc. is ensured. Workers with disabilities, according to paragraph 2 of article 34 of the Statute of

	Persons with Disabilities, are guaranteed payment of an amount equal to that of other co-workers without disabilities. The same article 34 deals with equal opportunities with other people and fair and favorable working conditions.
Priority in processes	Workers with disabilities have priority in the progress of labor lawsuits, based on Law 12.008/2009. In dialogue with this content, item VII, of article 9, of the Statute of Persons with Disabilities, determines the priority service, in judicial and administrative demands, to the person with disabilities.
Reservation of parking spaces	According to article 47 of the Statute of Persons with Disabilities, parking lots must allocate 2% of the spaces to people with disabilities, who must have in their vehicles a credential conferred by the regional traffic agency.
Half-price payment	Law 12.933/2013 provides that PWD's who are beneficiaries of the BPC or who are retired are entitled to the payment of half-price tickets for artistic, cultural and sports shows.
Discount on the purchase of airline tickets for companions of passengers with disabilities	By edition of Resolution No. 280/2013 of the National Civil Aviation Agency (ANAC), companies must offer a discount that can reach at least 80% on tickets for the companion of a passenger with a disability who cannot travel alone
Access to the Free Pass	Law 8.899/1994 stipulates that people with disabilities and low income have free conventional interstate public transport by bus, train or boat, including semi-urban transport. In some cases, the local and state public authorities also offer exemption from the payment of municipal, intermunicipal and interstate public transport (including buses, trains and subways) for people with disabilities or with reduced mobility. In Brazil, we can cite as an example, the City Hall of São Paulo and the State of

	<p>São Paulo, which offer free public transport. Specifically, the State of São Paulo offers free service to people with disabilities in rail transport (subway and train) and bus lines in the 39 municipalities of the so-called Metropolitan Region. In addition, some places, such as the city of São Paulo, offer transportation services that transport people with disabilities from their home to places that need to carry out certain activities, such as medical treatments. This service in the city of São Paulo has existed since the 1990s, it is called Special Care Service - Serves¹¹ and assists people with autism, deaf, blindness or physical disability and highly reduced mobility who prove that they do not have mobility conditions and autonomous accessibility to conventional means of transport and who have strong impediments to restrictions on the use of urban equipment.</p>
Discount on the electricity bill	<p>Law No. 10,438/2002, which instituted the Social Tariff for Electricity and guarantees discounts between 10% and 65% on the electricity bill, depending on family income, provides that families enrolled in the Unified Registry of Social Policies of the Federal Government, who have a monthly income of up to three minimum wages and who take care of a person with disabilities in whom the treatment requires the use of appliances that require the intensive use of energy electricity, can request the social tariff from the local distributor. As we have seen, the person with disabilities who receives the BPC will be automatically guaranteed the social tariff for electricity.</p>
Guarantee of special seats and accessibility on public transport	<p>Law No. 10,048/2000 ("Priority Service Law") determines that public transport companies or concessionaires reserve exclusive seats for people with disabilities. Such a policy is ratified in the Statute of Persons with Disabilities, but with the addition that not only vehicles, but also stations must be accessible to people with disabilities.</p>

¹¹ [1] For more information about the Special Care Service offered in the city of São Paulo, access: <https://www.sptrans.com.br/atende>

Priority service	Law No. 10,048/2000, combined with the Statute of Persons with Disabilities, provides priority service to people with disabilities in public companies and public service concessionaires, public offices, public places and toilets and financial services.
Disability retirement	<p>With the enactment of the 2019 Social Security Reform (Constitutional Amendment No. 103/2019), of neoliberal inspiration, which had the far-right support of the then President, Jair Bolsonaro, disability retirement was renamed permanent disability retirement. However, for most workers, they refer to the benefit as disability retirement. Thus, as with other benefits, disability retirement had a change in the way the benefit is calculated, a factor that reduced the amount to be paid, harming the income of the worker who had their benefit granted. In disability retirement, it must be proven, after the medical examination, that the applicant is permanently unable to work or do activity. From this perspective, it is necessary to state that disability does not give rise to disability and is not disabling, however, disability retirement can be obtained by PWD workers who have severe restrictions on work activity and cannot be rehabilitated for another occupation. The applicant for disability retirement must have contributed to Social Security, when a formal worker, for at least 12 months. However, if the case of generating the benefit request is an accident, no grace period is required. Other factors to consider about disability retirement: the insured can be submitted to the Social Security expert examination every 02 years to verify whether or not he or she has improved, to verify whether or not he or she continues with the benefit; insured persons over 60 years of age and over 55 years of age (with more than 15 years in disability benefit) are exempt from performing an expert examination every two years, making the benefit permanent in these cases; the benefit can be revoked at any time, if it is proven that the worker has defrauded to have it (using, for example, a false document to get the benefit); the applicant who reaches the condition of insured and already has an</p>

	<p>illness or injury that would generate disability retirement, will have his request rejected; In the event that the worker is retired due to disability, needs permanent assistance from another person for his or her daily care and chores, he or she may request and obtain an additional of up to 25% in the amount of his or her benefit.</p>
<p>Priority of income tax refund</p>	<p>The following taxpayers have priority in the release of income tax refunds: those aged 60 or over (special priority being given to subjects over 80 years of age), people with disabilities, taxpayers with serious illnesses and those whose main source of income is teaching. To achieve priority, such taxpayers must indicate their conditions when filing the Income Tax Return to the Federal Revenue Service.</p>
<p>Accompanying the guide dog in public and private places</p>	<p>Both the Statute of Persons with Disabilities and Law No. 11,126/2005 ensure that visually impaired people have the right to enter and remain with the guide dog in all means of transport and in public and private establishments for collective use.</p>
<p>Hiring of PWD apprentices</p>	<p>In general terms, the condition of "minor apprentice" is that special employment contract, which governs the employment relationship of people between 14 and 24 years old in companies and who are enrolled in an apprenticeship and technical-professional training program. The minor apprentice is governed by Law No. 10,097, of 2000 ("Apprenticeship Law"). The legislation is intended to minimize one of the obstacles faced by young people in their search for a job, which is lack of experience. To be hired as minor apprentices, young people, in addition to being between 14 and 24 years old, must be studying or studying (attending or having completed elementary or high school) and be regularly enrolled in technical-professional training schools. The employment contract of a minor apprentice can last a maximum of up to 24 months. Even though they do not have all the rights provided for in the labor legislation, minor apprentice is ensured: the payment of the</p>

	<p>minimum wage/hour, daily work, vacations, transportation vouchers, 13th salary, social security payments to ensure access to benefits, lower rate to be paid by companies in the collection of the guarantee fund, etc. The working day is 06 hours a day, 30 hours per week. Nightwork is forbidden for young people under 18 years of age. At the end of the contract, the minor apprentice can be hired in the company. Under penalty of a fine, companies with 07 employees or more must hire a quota of minor apprentices, which varies from a minimum of 5% to a maximum of 15% in view of the total number of employees in the company. Smaller and non-profit companies are not obliged to hire smaller apprenticeships. Companies must use programs to hire minor apprentices, with partnerships with schools and professional training entities. To ensure diversity in its staff by hiring minor apprentices and helping in the development of young people, job vacancies must be filled considering the training that the young person is acquiring. Regarding people with disabilities, it is necessary to highlight there is no age limit for hiring young apprentices with disabilities; the limit of 24 months for young apprentices with disabilities also does not apply; The workplace must be adapted to the specific conditions of the young apprentice with disabilities in order to properly carry out their professional routine.</p>
<p>Prohibition of discriminatory dismissal</p>	<p>Law No. 9,029, of 1995, provides that the dismissal of workers is considered discriminatory when caused by race, origin, color, marital status, age, family situation, rehabilitation and disability. If the dismissal occurs for any of the reasons mentioned, the same legislation ensures the worker compensation for moral damage, reinstatement to the job, with full compensation for the period in which he or she was away.</p>
<p>Special criteria for retiring</p>	<p>As we have seen, the neoliberal-inspired Social Security Reform in 2019 tightened the eligibility criteria for access to the various benefits. When it comes to the retirement of the PWD, the regulation is given by Law No. 142/2013.</p>

	<p>The male PWD must be at least 60 years old and the women 55 years old and both must have contributed 15 years as a PWD. Such a condition, to achieve retirement, does not depend on the degree of disability.</p> <p>There are other special rules for obtaining retirement for people with disabilities provided for in Law No. 142/2013, which considers the type of disability, which is evaluated by the INSS medical expertise and social service. In the case of mild disability, the contribution time is 33 years for men and 28 for women. In moderate disabilities, the contribution time is 29 for men and 24 for women. For severe disabilities, 25 years of contribution is required for men and 20 years for women. For all types of disability, it is necessary to have contributed 15 years with the condition that characterized the disability.</p>
Receipt of Inclusion Aid	<p>With the enactment of Law No. 14,176/2020, the inclusion aid, provided for in the Statute of Persons with Disabilities, was regulated. The inclusion aid is the amount of half a minimum wage that is granted to the beneficiary of the BPC, who enters the labor market. To access the inclusion aid, the person with disabilities cannot have a <i>per capita income</i> higher than two minimum wages and must receive or have received BPC at some point in the last 5 years. Contemplated with the inclusion aid, the person no longer receives the BPC. In case of dismissal, the person with disabilities automatically returns to receive the BPC.</p>

Source and elaboration: Superior Labor Court and Instituto Claro. Information, respectively, based on the following pages of the institutions: <https://tst.jus.br/direitos-das-pessoas-com-deficiencia> and <https://www.institutoclaro.org.br/cidadania/nossas-novidades/reportagens/18-direitos-da-pessoa-com-deficiencia/>

As we can highlight throughout this study, there have been legal advances and the existence of public policies to promote social inclusion and improve the living conditions of people with disabilities in Brazil. It is worth noting that, as a social group, Brazilian PWDs suffer from numerous barriers and difficulties in various areas when compared to other social groups. Let's look at the cases of violence to which they are subjected. Research carried out jointly by the Brazilian Security Forum and

the Institute of Applied Economic Research, released in 2023, shows, among other data, that:

1) 1 in 3 people with intellectual disabilities suffered sexual abuse in adulthood, and women with this type of disability, in 2022, accounted for more notifications than men: there were 45 notifications of sexual abuse for every 10 thousand women with intellectual disabilities, while men with the same condition had 16.2 notifications for every 10 thousand people with the aforementioned disability. For the authors of the study, in 2022, there was a high rate of notification of sexual violence against women with intellectual disabilities because there is probably a higher probability of reporting sexual violence.

2) when the violence they suffer is considered as a function of the age group, younger people with disabilities are the ones who had the most notifications of violence. According to data provided by the Atlas of Violence, most of the records of people with disabilities in 2022 occurred in people who were between 10 and 19 years old.

3) in fact, the Atlas of Violence reveals that there were more notifications of violence against girls with disabilities in cases of extra-family/community violations, with 558 records, a figure that is three times the number of cases against boys and men in the same situation, with 204 notifications. Such violence, the authors point out, may be related to elements of gender issues.

4) among people with disabilities, the most common violence, with 50% of the records, was domestic violence. Physical disability accounted for 65.4% of all domestic violence notifications, followed by hearing impairment with 59.6% and multiple disabilities with 58.8% of domestic violence. The Atlas of Violence informs that for women with physical disabilities, domestic violence accounted for 70.4% of the total records.

According to the authors of the Atlas of Violence, PWDs are more exposed to cases of violence due to the dependence they face and the asymmetry of power to which they are subject in relation to caregivers, as well as due to obstacles related to communication, prejudices, stereotypes and stigmas.

3. Methodology and Scope of the Research

The field research will be carried out from a semi-structured script created collectively between the IOS and DIEESE teams, which combined the objectives of the research, specific aspects that can be found in the daily work of workers with disabilities and aspects concerning the ILO's theme of decent work.

The IOS surveys seek to present the reality of the working and living conditions of workers from different economic segments using a differentiated methodology, based on Decent Work Indicators developed by the Institute, and with the participation of the various parties involved in the process of preparing the study. The research seeks to create the conditions for decent work and stimulate social dialogue, which can be seen in several studies already carried out by the Social Observatory.

DIEESE, throughout its 68 years, has a long experience in developing the various types of research, in particular:

- 1) Qualitative research - The option for the adoption of a qualitative method is justified by the exploratory purpose of the research and the decision to work with perceptions, experiences, evaluations and expectations of the actors. Among the advantages of the qualitative method, it is possible to point out the deepening of the subjects on which it is intended to speculate and the openness to the emergence of questions not initially foreseen, enabling the incorporation of new elements to the analysis. On the other hand, all the information that derives from this type of research refers exclusively to the individuals interviewed and its results cannot be extrapolated to the group examined.
- 2) In-depth interviews - The application of individual in-depth interviews, guided by a script of questions through dialogue between interviewer and interviewee, in which the latter freely answers the questions addressed to them, involves the elaboration of a semi-structured script, to enable the emergence of questions not addressed when surveying the themes that compose it. This procedure ensures greater freedom of expression for the interviewees and guarantees flexibility in the application, allowing adjustments during each interview according to its progress and the creation of a favorable environment for reflection on the subject on which one wants to investigate.
- 3) Focus Group - The purpose of this technique is to promote group discussions on selected topics, through the conduction of a "moderator", who guides the debate through a previously determined script, to encourage participants to express their opinions, experiences and perceptions.

With experience in research, analysis, focus groups of IOS and DIEESE, for this project, a specific questionnaire on PWDs was prepared, with indicators of Decent Work, in the light of the proposed objectives. For focus groups with PWDs, a

methodology of dialogues and dynamics was used, observing the relevant needs for communication and understanding. The composition of the groups must respect the heterogeneity of the category being examined, to contemplate the diversity present in the group of workers in the sector and capture the different views that may exist. Thus, first, the characteristics to be represented in the workers who participate in the groups should be defined - such as sex, race and age, for example - and the cut-off variables for the formation of the groups should be hierarchized. For more information about the dynamics of the interviews and their methodological path, we have chosen to present in detail the aspects below in item 4.2.

4. Conclusions of the Study

4.1. Characteristics of the Employment of People with Disabilities in Brazil

According to the Continuous National Household Sample Survey (Continuous PNAD) - Persons with Disabilities, released on July 7, 2023, by the Brazilian Institute of Geography and Statistics (IBGE), ¹²there were an estimated 18.6 million persons aged 2 and over with disabilities in Brazil. In general, this module of the Continuous PNAD on Persons with Disabilities found that these people had less access to education, work and income, despite the existence of legal frameworks that guarantee a set of rights to the population with disabilities. Data from the Continuous PNAD - Persons with Disabilities reveal that 47.2% of persons with disabilities were 60 years of age or older, while among persons without disabilities, there were only 12.5% in this age group.

Regarding schooling, in 2022, 25.6% of persons with disabilities had finished high school, while 57.3% of persons without disabilities had completed the stage of Basic Education. In 2022, the illiteracy rate among people with disabilities was 19.5%, while among people without disabilities the rate was 4.1%. Also, according to the Continuous PNAD - Persons with Disabilities, most persons with disabilities aged 25 and over had not completed Basic Education, 63.3% were without education or with incomplete elementary school and 11.1% had completed elementary school or incomplete high school. Among persons without disabilities, these rates were, respectively, 29.9% and 12.8%. The inequality suffered among people with disabilities in relation to access to Higher Education was verified when comparing access in relation to people without disabilities: the net attendance rate, in the age

¹² The information for the preparation of the text was extracted from the following page: <https://agenciadenoticias.ibge.gov.br/agencia-noticias/2012-agencia-de-noticias/noticias/37317-pessoas-com-deficiencia-tem-menor-acesso-a-educacao-ao-trabalho-e-a-renda>

group of 18 to 24 years, among the first group was 14.3%, while the rate among young people without disabilities was 25.5%.

With respect to the profile, this specific module of the PNAD shows that most people with disabilities are women, with a rate of 10%, while men reach 7.7%. Most persons with disabilities, in 2022, identified themselves as being 9.5% black, compared to 8.9% of browns and 8.7% of whites. Regarding the region, the Northeast, accounting for a rate of 10.3%, is the one that concentrated the largest number of persons with disabilities (equivalent to 5.8 million persons), compared to 8.8% who lived in the South, 8.6% in the Central-West, against 8.4% in the North and 8.2% in the Southeast.

The Continuous PNAD also revealed the inequalities experienced by workers with disabilities based on labor market indicators. While, in 2022, the labor force participation rate among people without disabilities was 66.4%, among people with disabilities there is a drop that reaches a rate of 29.2%. The age group of 30 to 49 years was the group that had the highest labor force participation rate among persons with disabilities, whose value was 55.3%, compared to 43.9% of the age group of 14 to 29 years; 42.6% among persons with disabilities between 50 and 59 years old compared to 10.2, with the lowest rate, of elderly people aged 60 and over.

In the third quarter of 2022, when the field survey of the Continuous PNAD - Persons with Disabilities took place, there were 99.3 million employed persons in Brazil, of which only 4.7% were workers with disabilities. In terms of employed women, 5.4% had disabilities and among men 4.1%. Considering the employment level, the rate of employed people in the population at working age was 26.6% among persons with disabilities compared to 60.7% among persons without disabilities.

Another aspect that highlights the disparities suffered by workers with disabilities in the labor market is related to the fact that a little more than half, 55% more precisely, were employed in an informal situation, while those without disabilities the percentage was lower, with 38.7%. In addition, the income from work among workers with disabilities was lower than what was paid to workers without disabilities: the PNAD found that the income usually received, per month, referring to the main work of people with disabilities was R\$ 1,860, something close to 70% of the average income paid to workers without disabilities, whose value was R\$ 2,652.

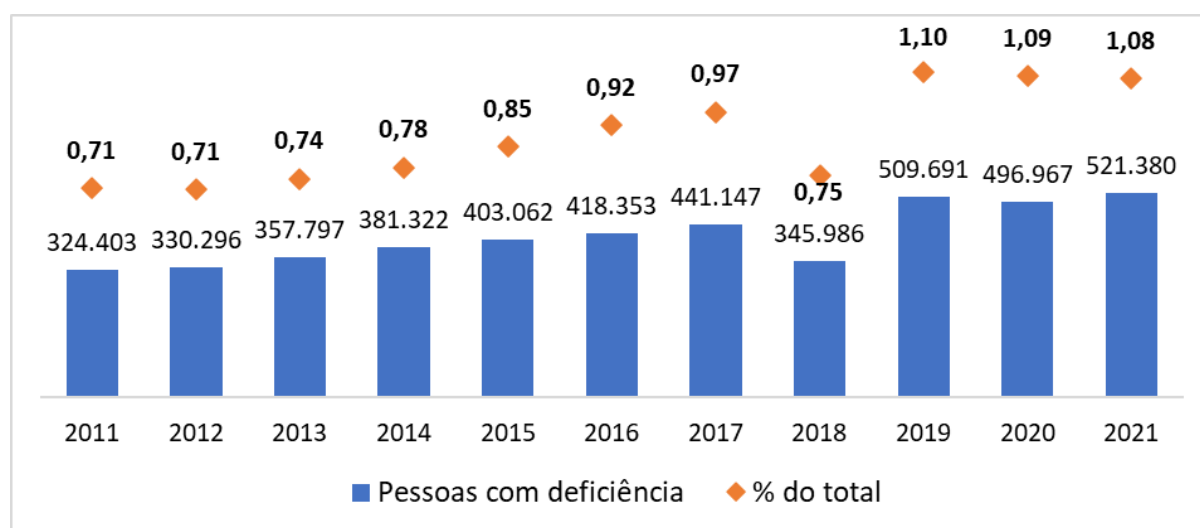
For a better illustration of the labor situation of workers with disabilities in the Brazilian market, we include, in this text, some data collected and analyzed by

DIEESE, based on consultation of some sources and administrative records linked to the public sector.

The number of formal employment contracts of PWDs grew between 2011 and 2021, from 324.4 thousand to almost 521.4 thousand, (almost 197 thousand, or 60.7%). In the same period, the number of contracts of people without disabilities increased by 5.1%. However, the low participation among the total number of contracts (1.1% in 2021) should also be highlighted. In the pandemic, there was a reversal of this movement: the number of contracts of people with disabilities increased at a slower pace than that observed for the general population.

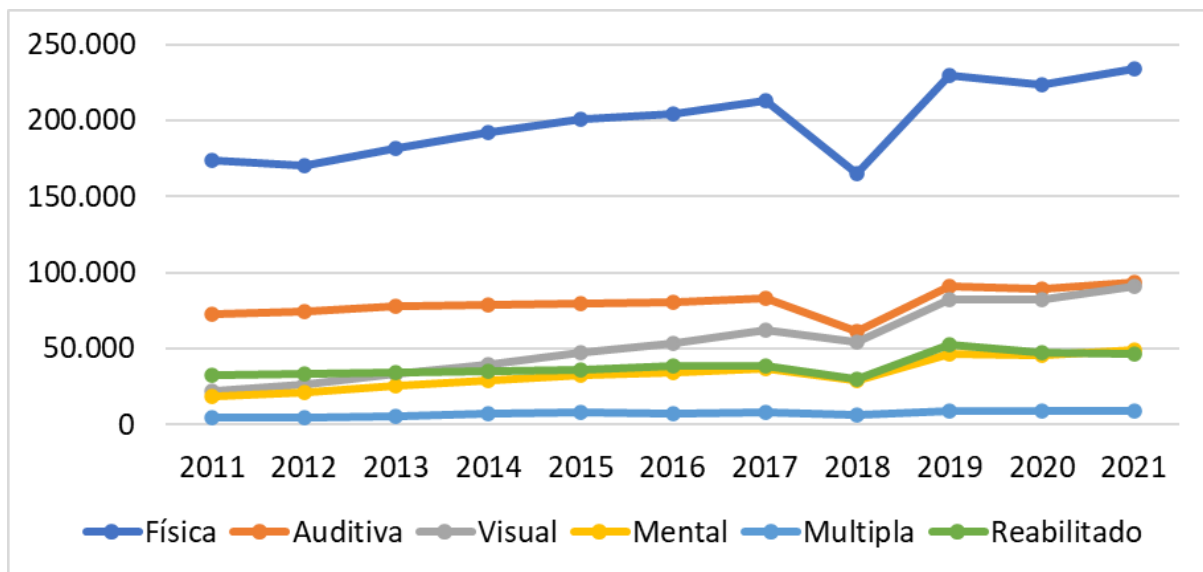
The type of disability most present in the bonds is physical, followed by hearing and visual. The most frequent occupations: General Office Assistant, Administrative Assistant, Cleaner, Production Line Feeder, Merchandise Stocker. Regarding the level of education: more than 70% had completed high school or more. Regarding the age group: on average above the general formal labor market, with a higher proportion of employment contracts aged 39 years or older.

Graph 01: Number of formal employment contracts of people with disabilities and proportion (in %) in relation to the total in Brazil, 2011 to 2021



Source: Elaboration DIEESE from RAIS/MTE data

Graph 02: Number of formal employment contracts of people with disabilities, according to type of disability - Brazil, 2011 to 2021



Source: Elaboration DIEESE from RAIS/MTE data

The movement in the formal labor market has been positive in 2022 and 2023, both in general and for people with disabilities. What changes are the proportions: more than 2 million (from 2022 to Q1 2023), against only 1.7 thousand for people with disabilities. Regarding compliance with the Quota Law (8.112/1990 and others), according to data from the Labor Inspection System (SIT - MTE) we are still far from full compliance with quotas. Data from 2021 indicates that the current situation remains problematic for workers with disabilities: more than 50% of vacancies are not filled. Let us remember that there have even been attempts to make the quota law more flexible in the recent period. In general, there was a drop in the number of inspections (lack of personnel, pandemic, etc.) and this may have been decisive in breaking the trend of increasing the occupation of quotas.

Nowadays, to demonstrate that they comply with the principles of Social Responsibility, many large companies allege and publicize initiatives of corporate practices of observance of diversity by saying that they hire different social groups, that they respect the environment by offering support to the communities where they have production centers, that they comply with labor and union legal standards by saying that they undertake social dialogue, etc. However, it is necessary to be prudent, careful and critically analyze some of these corporate initiatives based on Social Responsibility, because, as we have seen and pointed out here, many companies do not even comply with the Quota Law, since 50% of the vacancies for workers with disabilities are not filled.

Table 01: Number of vacancies reserved and filled by workers with disabilities (Law No. 8,213/91, art. 93)

Year	Reserved vacancies				Occupied vacancies				% share (general)	Number of inspections
	Public administration	Public companies and public-private companies	Private companies	TOTAL	Public administration	Public companies and private companies	Private companies	TOTAL		
2003	25.548	29.134	398.700	453.382	1.324	2.415	81.136	84.875	18,70%	99
2004	24.492	29.858	440.900	495.250	1.462	2.526	96.892	100.880	20,40%	615
2005	27.419	30.453	472.217	530.089	1.564	3.210	113.188	117.962	22,30%	3.011
2006	26.696	32.023	508.978	567.697	3.139	11.367	123.947	138.453	24,40%	4.379
2007	25.105	32.186	562.693	619.984	1.845	8.717	155.869	166.431	26,80%	5.511

2008	26.648	33.933	603.139	663.720	2.132	9.732	177.248	189.112	28,50%	5.385
2009	29.433	34.115	629.032	692.580	2.336	9.667	193.913	205.916	29,70%	6.455
2010	27.069	35.173	690.550	752.792	2.566	11.756	213.247	227.569	30,20%	7.634
2011	29.086	36.279	734.715	800.080	2.237	12.687	232.940	247.864	31,00%	9.715
2012	28.478	37.308	758.332	824.118	2.190	13.475	249.533	265.198	32,20%	9.547
2013	27.189	37.809	783.848	848.846	2.329	14.395	275.494	292.218	34,40%	10.749
2014	26.297	38.083	789.344	853.724	2.619	14.567	292.813	309.999	36,30%	10.965
2015	24.743	37.915	741.502	804.160	2.382	15.353	308.794	326.529	40,60%	10.572
2016	23.181	36.898	699.916	759.995	2.449	15.710	322.215	340.374	44,80%	6.686

2017	21.485	35.519	699.050	756.054	2.303	15.709	342.720	360.732	47,70%	9.741
2018	20.343	35.551	712.829	768.723	2.281	16.228	370.656	389.165	50,60%	11.401
2019	20.052	34.602	646.770	701.424	2.440	18.159	351.314	371.913	53,02%	12.020
2020	20.097	35.354	755.321	810.772	2.500	18.780	380.051	401.331	49,50%	6.508
2021	20.870	33.768	773.618	828.256	2.423	18.266	391.831	412.520	49,81%	8.532

Source: Elaboration DIEESE from RAIS/TEM data

Some data on PWD workers in the public service. Nogueira (2023:77), in a survey by the Institute of Applied Economic Research (IPEA) informs that, in November 2022, the Federal Public Administration had 1,221,084 civil servants, of which 567,665 were active, 417,949 retired and 235,470 pensioners. In January 2020, there were 5,493 civil servants with some disabilities, a number that grew to 6,499 in January 2022.

Regarding the types of disability that affected federal employees, Nogueira (2024:78) reports that the most numerous cases were partial vision with 1,066 of the records (16.4% of the total cases), with congenital or acquired deformity with 841 of the records (12.94%) and reduced mobility (temporary or permanent) with 727 of the records (11.19%).

The author also reveals that, in 2022, the Ministry of Education (MEC) was an agency of the Federal Public Administration with more PWD employees compared to the number of other bodies: there were 3,379 with some disability in the MEC, equivalent to more than half of the total number of employees (52%) of the institution's staff had some disability. This fact, the author reports, made the MEC play a relevant role, within the scope of the Federal Administration, in the adoption of accessibility policies in the building of its headquarters, in Brasília, for a better reception of workers with some type of disability. Finally, the author states that, in 2022, 671 public servants had retired due to disability, a number that corresponded to 6.1% of the total pensions that year.

4.2. Qualitative Research through Focus Groups and Individual Interviews

The conception, planning and execution of research depend fundamentally on three factors: the objectives to be achieved, the financial resources available and the deadline for execution.

In the case of the research presented here, the short time and budget foreseen for completion required adaptations of the methodologies and techniques traditionally used to enable its completion within the given deadline. This restriction, however, did not prevent the collection of valuable subsidies to complement and/or corroborate the analyses on the conditions of insertion and development of workers with disabilities in the metallurgical and commercial sectors, their perception of discriminatory processes and suggestions for improving this insertion.

The research proposed in this study is exploratory, therefore, with the objective of obtaining information about the working conditions of workers with disabilities,

providing elements to understand the exclusion or inclusion of these workers. It also intended to capture impressions and opinions of these actors about possible changes.

Due to the exploratory purpose of the research and the decision to work with perceptions and experiences of the actors involved, the qualitative method was adopted, ideal for raising and validating narrative hypotheses, to deepen questions (understanding the "hows" and "whys"), among others. Two techniques were used: 1) focus groups with workers with disabilities in the metallurgical and trade sectors; 2) interviews, with a structured script for leaders who follow and negotiate the issue for their union entities; an interview with a structured script for the collective of PWDs of the Central Única dos Trabalhadores - CUT Nacional and an interview with a family member of a PCD worker.

The technique used for research with workers with disabilities was the focus group (face-to-face and virtual), which is based on the experience and previous repertoires of the interviewees about the object of study, with their personal perceptions and the way they build their discursive argumentation about the areas of approach of the research being fundamental.

The face-to-face focus group technique, as used in qualitative research in the social sciences, can be defined as "[...] meetings of people in a given session, in which group intervention techniques are used to facilitate interaction between people and promote the exchange of ideas, feelings, experiences, regarding a specific subject" (Abreu, Baldanza, & Gondim, 2009, p. 8).¹³

This methodology enables interaction between the participants, according to the theme, and allows the observers of the group to perceive the postures and interactions of each of the respondents in relation to the group, to the theme.

The online focus group differs from the face-to-face one in some points which are worth highlighting:

- a) Ease to bring people from other places together in a single place, with greatly reduced costs.
- b) The fact that the participants are in their environments (home or work) can make them more comfortable debating the proposed themes.
- c) The online focus group makes it easy to register.
- d) The quality of the connection can be a problem, and the participant falls all

¹³ Abreu, N., Baldanza, R., & Gondim, S. (2009). Online focus groups: from conceptual reflections to application in a virtual environment. *Journal of Technology Management and Information Systems*, 6(1), 5-24. doi: 10.4301/S1807-17752009000100001

the time or cannot speak.

- e) It requires greater attention from the moderator and does not allow the analysis of the participants' reactions as clearly as in a face-to-face group.
- f) In a virtual environment, it is more difficult to keep the attention of the group participants.
- g) The duration of the online group must be a maximum of one and a half hours.

To carry out the FGs of the project, the interview was carried out in face-to-face and virtual mode, through the Zoom platform and was recorded with the authorization of the participants and after explaining the objectives of the interview and the guarantee of confidentiality of the information declared. The focus group followed a previously prepared script, divided into the following axes: discrimination and prejudice; working conditions; the role of the union; mental health and suggestions for improvements.

The script was designed to ensure that all important themes for the scope of the study were fulfilled by the participants, however, it is noteworthy that the script is only a guide for discussion, and was used in a fluid way, without the obligation to follow exactly the order or wording of the questions.

Based on the spontaneous reaction of the participants to the questions posed, their speeches and narratives, and the categories they use, the moderator conducted the conversation to achieve the objectives of each research more effectively.

Assembly of Groups

The groups were set up from three sources: indication of the secretariats of PWDs of the unions of metalworkers of the ABC, metalworkers of Osasco and merchants of São Paulo. The Osasco merchants' union, although activated and dedicated, was unable to indicate workers with disabilities who were willing to participate in the interviews. The trade union of São Paulo appointed trade workers who share their daily lives with workers with disabilities.

Contacts were made to fill the vacancies in the groups, establishing a limit of up to 4 workers per group, since more than this amount, the virtual FG could be compromised.

The workers were divided into three groups: two groups of metallurgical workers with disabilities and one group of non-workers with disabilities who live and work with people with disabilities in commerce. In this case, the same script was adapted (Annex II).

The reports on the groups of workers with disabilities (groups A and B) and those with disabilities (Groups C) can be read in the next section.

The trajectory of assembling the reports followed the dynamics of the groups, which were different for PWDs and non-PWDs.

Semi-structured Interviews

For the research with the leaders, with the collective of the National CUT and with the family member of a PWD worker, it was decided to apply individual interviews, via WhatsApp and on the zoom platform. Four (4) structured interviews were conducted in October 2024. They were recorded with the permission of the interviewees, to be systematized.

The structured script, previously sent to the interviewees, intended to capture the union's performance in the defense and expansion of the rights of workers with disabilities and their perception of the challenges faced by PWDs, the real spaces for collective bargaining on the subject and the advances achieved. The interview with the collective aimed to raise the debate on the challenges of the participation of these workers in union organization and negotiation. The most important topics addressed in the study allowed them to apprehend their perceptions about work in companies.

The analysis of the interview with the collective of workers with disabilities of the National CUT is arranged in four (4) questions:

- 1) Is the collective a space for exchanges, the people who participate are from which sectors and what deficiencies do they present?
- 2) In the labor market there are several challenges that PWDs face, which are the main ones that are shared in the collective?
- 3) With the organization of the collective, do you consider that you have already made progress in your organizations? What are the main agendas, what do you already consider as an achievement and what are the biggest challenges?
- 4) In union organization, have you already conquered spaces of representation? And are there advances in collective bargaining agreements or collective bargaining agreements?

The interviews with the union leaders were organized based on five (5) questions:

- 1) Do the workers with disabilities participate in the activities promoted by the Union?
- 2) Are there other union initiatives to promote the rights of workers with disabilities?

- 3) In its organization, Is there a space to deal specifically with union initiatives for workers with disabilities?
- 4) What are the main problems of PWDs in their base? And what are the main challenges for workers with disabilities to have their rights fully respected by the companies in their base?
- 5) Does your Union participate in any governmental space to deal with public policies for the inclusion of workers with disabilities? Is there any union evaluation of these spaces?

The interview with a family member of a PWD worker was guided by the following questions: 1 - Talk about the discrimination faced by PWD workers in Brazil in their professional life; 2 - What do you follow about the working conditions and professional development of PWDs?

To preserve the anonymity of the interviewees, and thus allow greater freedom to testify, the conversations are presented through numbers. From 1 to 3, the individuals were listed in random order for the purposes of discursive coherence only.

The quotations tried to preserve as much as possible the content of the discourse prepared by the interviewees, however, there are times when small adjustments were made to facilitate the reading of the material. The content in quotation marks, for example, is authored by the interviewers. The scope of the testimonies was quite broad and transcends the topics raised. Any defects in the spoken discourse are preserved in the original transcription.

According to the study, although the insertion of people with disabilities in the Brazilian labor market has advanced significantly in recent years, the levels remain relatively low. In addition, informality is considerably more prevalent among these people with disabilities compared to those without disabilities, and various forms of discrimination continue to compromise the professional success and quality of life of these workers. Thus, it is evident that there is ample room for improvement in the inclusion of people with disabilities in the labor market, both in quantitative and qualitative terms, as evidenced by the analysis of qualitative research carried out.

Focus Groups with Workers with Disabilities (Groups A and B)

In groups A and B there were workers with disabilities, who had already been hired in this condition and those who acquired this condition after years of work in the companies.

Main Results Obtained Through Group A

The four participants in Group A were aged between 37 and 42 years, all men, one white, two brown and one black. All participants have completed high school or incomplete higher education and share the same experience of having acquired injuries throughout their work trajectories in the company.

"Today, with 15 years in the company, I have acquired many problems... I try to stay healthy to have a healthy life outside the company"

"I've been working for 14 years... I acquired the disability in the company"

Discrimination and Prejudice

Workers report explicit and subtle discrimination by their supervisors and colleagues, especially after developing injuries, including a certain abandonment by the company, evident in several statements and moments of the interview:

"When you get injured, they have prejudice, yes. You're no longer good."

"They started treating me as if I were a bum."

"The company put me on the shift that I don't like, as if it were a punishment."

"The company said I was no longer useful, turned its back on me, and that for me is prejudice"

Working Conditions

Workers face strenuous conditions that result in serious injuries over the years, a reality experienced by all interviewees in this group. Poor ergonomics and the lack of effective support aggravate the situation.

"Today I have problems with both my shoulders, knees, cervical and wrists."

"My shoulders were destroyed after years of mounting door rubber."

"I can't hold my son in my arms for a long time."

"The chairs were bad, without ergonomics, they only changed recently."

"Even to get cleanliness in the sector we have to fight."

The lack of support and psychological pressure are constant. Workers report that bosses do not offer the necessary support and, in some cases, aggravate the situation.

"I looked for the boss, but no one paid attention to me. I found out in the outpatient clinic that I was no longer part of the production."

"The boss prefers to force you to adapt to the medicine instead of improving working conditions."

The perception is even that there is pressure for the worker to resign

"They change your shift and leave you standing still, without a function, to see if you give up."

Role of the Union

The recognition of the union and the factory committee was evident, which in the view of all interviewees, plays a crucial role in the protection of injured workers, fighting for more dignified conditions and for the preservation of employees' rights.

"If it weren't for the union, many would be discarded by the company."

"The union is essential, otherwise the situation would be one of slavery."

Mental Health

In addition to physical injuries, workers face psychological problems, resorting to the use of medication to cope with the pressure and stress of work.

"I take medicine to sleep, to be in good spirits, and not to have a bad environment at home."

"I take it from the comfort of my son to pay for my treatment."

Suggestions for Improvements

The interviewees offer several suggestions to improve working conditions, especially regarding ergonomics and the relationship with the manager.

"If there was a sector that took care of real ergonomics, we might not even be injured."

"The dialogue between management and workers should improve a lot."

"The boss needs to be trained to deal with those who have injuries."

Main Results Obtained Through Group B

The four participants in Group B were aged between 36 and 51 years, all men, one brown and three white. All participants have completed high school, and one has completed higher education. All the interviewees already had disabilities before being hired by the companies they currently work for.

Discrimination and Prejudice

As in Group A, workers in Group B also reported suffering prejudice and difficulties at work and in life in general.

"A manager told me that I didn't have the capacity to be promoted because I didn't know how to load a tray."

"Companies only pretend to help. The prosthesis takes two years to arrive, and maintenance is on us."

"Doctors from the INSS made fun of me, saying: 'In 30 days you can play ball'."

Working Conditions

In the opinion of the interviewees, ergonomics is a growing concern in companies, but there are not always enough resources to meet the needs of each worker.

"My boss says: 'Go to your limit. I don't want you to exert effort or gain weight.'"

"We always check that the equipment is safe before use, and we stop the machine if there is a risk"

"Working for a long time standing aggravates the pain. I need breaks, and there in the company they understand that."

Some workers highlighted that the company offers opportunities to adapt, but there are still challenges.

"The company put me in an industry where I could adapt. I worked in several areas, and today I am in the cutting sector."

"There is still a lack of adequate adaptations, such as specific chairs for each type of disability."

"They opened their doors to me, because other companies didn't do that."

The interviewees highlighted that, although opportunities exist, it is not always easy to progress in their careers due to physical limitations.

"I had the opportunity to be a leader, but I thought it was not the time. Then I accepted it when I felt ready."

"Industry changes are common, and this allows us to learn and grow."

"In the company, vacancies are advertised on the wall so that everyone can participate, including PWDs".

Role of the Union

The union was pointed out as fundamental to guarantee rights and support workers in situations of harassment and discrimination.

"The union is our shield. He guarantees that, if we are sent away, we will have a lawyer defending us."

"The union not only takes care of the factory, but also negotiates public policies that benefit all PWDs."

"The CIPA now has the function of discussing inclusion and combating moral and sexual harassment."

Mental Health

The pressure for productivity and the wait for benefits from the National Institute of Social Security - INSS cause mental health problems, which are mitigated by the opportunity to work.

"What saved me was the job vacancy. Being at home waiting for the INSS only made my anxiety worse."

"A colleague almost quit his job due to stress, but the company gave him psychological support and he went back to work."

"The support of my family was essential to overcome depression while I was looking for a job."

The practice of sports was mentioned as an important form of overcoming and well-being.

"Today I make crossings on the high seas, and every stroke is a victory."

"My sports routine helped me overcome physical and emotional difficulties."

Main Results Obtained Through Group C

The four participants in Group C were aged between 24 and 28 years, two men and two women, one brown, one black and two white. All participants have completed high school, and one had a postgraduate degree. None of the interviewees were PWD, but they all work with PWDs directly in the commerce sector.

Relationship with PWDs

The interviewees discussed the inclusion of PWDs in their workplaces. Most expressed a positive view of the presence of colleagues with disabilities, highlighting that PWDs are treated equally in relation to other employees. Interviewee A states that, in the store, there are three to four PWDs, and that all of them are respected according to their limitations. Interviewees B and C corroborated, emphasizing that adaptation for PWDs is a common and necessary practice.

"I think that for them, the fact is very positive, there in the store we have work for three, four PWDs... he is an employee like any other."

"All are of utmost importance... Everyone is treated equally."

Experiences of Discrimination

Participants reported experiences of discrimination that PWDs suffered from clients. Interviewees B and C shared cases in which clients did not understand the hearing limitations of their colleagues, resulting in negative responses. Interviewee D also witnessed a colleague who, due to speech difficulties, had situations of hostility from customers.

"Then the customer... Pay attention, ignorant, don't answer me."

"Many times, at the service counter... the customer complains"

When confronted with discriminatory attitudes, respondents said they tried to intervene. Many said they explain the situation to the customer, and sometimes customers even apologize. They emphasized the importance of taking a stand in defense of their fellow PWD.

"Talk to the customer, sometimes the customer even apologizes."

"There's no way, like, in a situation like this we can't take a stand."

General Considerations - Focus Groups

- The reports reveal a difficult reality faced by injured metallurgical workers. In addition to physical injuries, there is a lack of support from managers, added to the lack of adequate ergonomic and psychological conditions.
- The trade union plays a vital role in ensuring that workers' rights are respected, but there is still much to be improved, particularly in terms of prevention and treatment of injured workers.
- Interviews with PWD metallurgical workers reveal that, although the company has made efforts to include and adapt its workers, there are still challenges, especially regarding ergonomics and continuous support for PWDs.
- The union is a key player in guaranteeing rights and defending workers, and the practice of sports has been an important form of personal improvement.
- The inclusion and appreciation of PWDs are still processes under construction, but the testimonies indicate that there is progress and openness to improvements.
- The report of trade workers who live daily with workers with disabilities reflects a culture of inclusion in the workplace, where people with disabilities are integrated and valued. However, experiences of discrimination by clients highlight the need for greater awareness and education about the capabilities and limitations of people with disabilities in the labour market.

Peer intervention in situations of discrimination is a positive step, but it indicates that there is still a way to go in terms of awareness and empathy.

4.3. Semi-structured Interviews with Union Leaders

As evidenced in the analysis of the focus groups with workers, unions play a crucial role in defending and expanding the rights of workers with disabilities.

Collective bargaining is a fundamental process for building a fairer and more inclusive work environment, especially when it comes to the inclusion of workers with disabilities (PWDs).

In addition to collective bargaining, the unions promote various activities that promote an environment of respect and welcoming, as revealed by interviews with two union leaders, one representing the workers in the trade and the other representing the metal workers.

According to the interviewed leader, the Union of Merchants of São Paulo traditionally provides workers with disabilities with activities such as:

- a) Sustainable Materials Recycling Workshop, building new products that can be used at home, giving gifts to family and friends, and as an income generator: Dolls, gloves with alphabet in Libras; Christmas tree ornaments, notebook cover, etc.
- b) Corporate Sensory Coffee, Sustainable Sensory Coffee
- c) Sustainable Thrift Store: sales of used clothes to raise funds for the purchase of toys for three NGOs that the union supports.

He also highlighted other initiatives of the Trade Union to promote the rights of workers with disabilities are:

- a) Disclosure of job vacancies throughout the year, based on the request of the companies: Website, PCD Groups WhatsApp, Facebook.
- b) Disclosure of receipt of resumes: Website, reception of the union itself; at the events of the Secretariat vast informative materials such as: Reatech Fair, SDG/UGT actions, Citizenship Space/Osasco/; Task forces, via WhatsApp.
- c) Lectures, Conversation circle, Workshop for companies: ref. Legislation/Laws/Decrees and Norms of the rights of people with disabilities: Accessibility, Right to work, Decent work; Live with difference at work; Step-by-step for the inclusion of Persons with Disabilities at work; Assistive Technology, etc.

According to an interview with the metallurgical leader, the Metalworkers Union of Osasco and Region has played a fundamental role in promoting the inclusion of people with disabilities in the labor market. Through various initiatives and research, the union has sought to ensure that Quota Law is complied with and that workers with disabilities have equal opportunities.

He highlighted that the main actions of the Union are:

- a) Surveys and data surveys of PWD: The Union annually conducts the survey Quota Law: Workers with Disabilities in the Metallurgical Sector of Osasco and Region to assess the presence of workers with disabilities in metallurgical companies in the region. The survey serves as a basis for identifying challenges, advances and guiding the actions of union directors.
- b) Dissemination of the Quota Law: The Union in its media (Newspaper, Facebook and Instagram) promotes the dissemination of labor legislation that guarantees the rights of people with disabilities, such as the Quota Law. Through lectures, informative materials and campaigns, the union seeks to raise awareness among both companies and workers about their rights and duties.
- c) Dialogue with companies: The Union maintains a constant dialogue with companies in the metallurgical sector, seeking to sensitize entrepreneurs about the importance of inclusion and offering support for them to comply with the legislation.
- d) Inclusion programs: The Union develops specific programs to promote inclusion, such as the recent Program "Valuing Inclusion through the Quota Law in the metallurgical sector". This program aims to exceed the goal of 100% occupancy of vacancies in the metallurgical sector by November this year.
- e) Partnerships with various institutions: The Union establishes partnerships with institutions specialized in the cause, public agencies and others to strengthen inclusion actions. These partnerships allow for the exchange of information, the realization of joint actions and the search for solutions to the challenges faced.

As for the specific spaces within the organization, the metallurgical leader pointed out that they created a space called the Citizenship Space, where a group of people, various entities and unions meet to have discussions aimed at people with disabilities, including a sign language interpreter for union assemblies. The commercial leader highlighted the existence of the Secretariat for the Inclusion of

Persons with Disabilities, where all initiatives, actions, construction on the theme are implemented and monitored.

Regarding the main problems or challenges for workers with disabilities to have their rights fully respected by companies, both leaders point to the need to:

- a) recognize, respect and comply with the Quota Law 8.213/91
- b) to make workers aware of the person with disabilities in the workplace, their rights and capacities
- c) to be able to implement improvements in the work environment.

The leader of the Osasco Merchants' Union confided to us that most of the PCD workers, from her base, participate in union activities, as well as that her Union offers free transportation for them to participate. In addition, reports the union leader, the Union seeks to publicize specific job vacancies from the base employers for workers to get a formal job placement. To deal with issues of interest to workers with disabilities, from its base, reveals the interviewee, the Union created a specific folder. Despite these essential initiatives in favor of workers with disabilities, there are some challenges to be addressed at the base, including the lack of necessary support for workers with disabilities by companies. As the union leader narrates:

"The biggest problem is that they (the company) do not have specific monitoring, I have seen leaders resign for not having the patience and psychology to take care, in my opinion someone has to be especially careful to do their training."

All leaders stated that the unions participate in the various municipal, state and national government spaces, to deal with public policies for the inclusion of workers with disabilities. They believe that these spaces are appropriate for the discussions that have been going on for decades, as they are committed to contributing to solutions to the problems involving people with disabilities. They provide time, space, materials; collaborate in the construction of paths.

4.4. Interview with a family member of a PWD worker

The interviewee was the mother of a 37-year-old PWD worker, a cis, brown woman, with high school education, within her limitations since she has mental retardation. According to her mother, she knows many things, but soon forgets, if someone asks for something she will get it, but halfway through she forgets. He has few friends, because most people don't have the patience to listen to his stories that are very repetitive.

The mother pointed out that she likes to read and knows how to copy, loves children, is the first of two sisters, and loves to play with her nephews, in addition to being extremely organized.

It is her first job, and according to her mother, this has provided a great evolution, such as being able to take the bus alone, something she did not do before. She proudly reported that she knows her workplace well because she acts as a cashier, returns the products that the customer gives up taking, helps customers to find products on the shelf.

Discrimination faced by PWD in Brazil in their professional life

As she has difficulty remembering what was asked of her, often the "leaders" lose patience. She also suffers from discrimination from clients who are bothered by her insistent look (disability trait) and refuse to be attended by her, causing her to change sectors. She was even accused of harassment by a client.

Another episode of discrimination was because she takes a long time every time she goes to the bathroom, which the mother explained that this happens and she needs to be called, since she loses track of time.

Work and professional development of PWDs

This is her first job; she was hired two years ago. She started as a stocker, but was unable to fulfill the tasks, so she was transferred to the cashier, whose function is to take the products that customers leave behind to the warehouse and separates the goods that are good from the bad.

According to her mother, she goes to work happily, has the responsibility of waking up and getting organized, takes the bus and goes. She comes back happy most of the time, there are times when she comes back upset and tells her mother what happened, sometimes the boss calls attention and she gets upset.

He knows the work environment well, secondly, he uses the common spaces that are well signposted. Her working day is from Monday to Saturday, from 7 am to 3:20 pm, she does not work on Sundays, drinks coffee and lunch at the company's restaurant and according to her mother she really likes the food served. He has a formal contract, salary around R\$ 1,700.00, vacation, 13th salary.

When asked if there was any course or other type of incentive for her progression, the mother informed her that no, she never had any proposal for courses or training that she could have participated in.

The company does not offer support for some needs that she has due to her disability, such as help with times to clock in and not be discounted, as often happens or when she gets lost at lunchtime, exceeding the time available and eating more than is recommended.

4.5. Semi-structured Interview with the Collective of Workers with Disabilities of the Central Única dos Trabalhadores (CUT)

In an interview with the coordinators of the National Collective of PWDs of the CUT, asked about which sectors participated in the Collective, the interviewees clarified that it is composed of union representatives of the various categories. Considering the answer of one of them, we have better clarity about the formation of the Collective:

"The collective has people from different areas, from the public service, also from the private sector, a space for exchange, but also for political activism, for studying the subject, for monitoring public policies. And there are people with various disabilities, so hearing impairment, physical impairment, visual impairment, there are also people who are neurodivergent, including autistic people, among other disabilities."

According to the leaders, the Collective, as a space for exchange, seeks to forward together and in dialogue with the CUT unions concrete proposals for the improvement of spaces, in terms of accessibility, inclusion and

"Awareness activities, that workers with disabilities should be valued within companies as well as in our CUT spaces"

Furthermore, in the report, the National Collective can also be considered a space for the exercise of political militancy, study and monitoring of public policies. Regarding the questioning about the challenges in the labor market that are dealt with by the Collective, the coordinator reported that there is an understanding that employers focus, at first, on the type of disability that the worker who is in the hiring process has. And after focusing on the type of disability, employers focus on the qualification and then on the capacity of the worker with disabilities who is in the selection for the job vacancy.

The challenge would be to break this prejudice on the part of the employer, which, in the view of the interviewed manager, ends up prioritizing that type of disability that would require few adjustments for the company to adapt. In addition, another point to be considered in the labor market, in relation to the hiring of workers with

disabilities, is to oblige companies to provide opportunities for the growth and professional development of these workers. In the words of the leader, we have that:

First look at the disability, which Disability will give "more work", how to adapt the work environment. Unfortunately, that's how it happens. The qualifications and capacity of the person with disabilities are in the background. An absurdity, this is the first barrier, and after hiring the worker with disabilities has no professional access. She is there only because the company is forced to hire her, does not value her, does not see her potential as a professional.

In addition, another challenge seen in the Collective for workers with disabilities in the Brazilian labor market is the inclusion, notably, in compliance with the hiring percentages provided for in the Quota Law, a legal provision that, in the view of the interviewees, is much violated due to the low hiring by companies that are obliged to hire people with disabilities. From the perspective of the interviewees, by including this worker with disabilities, other issues are raised and gain attention, such as ensuring accessibility, combating ableism in the company and in society.

According to reports from the leaders interviewed, some unions of the members of the National Collective, due to the initiative and claims brought by members of the Collective, began to deal with and give importance to the agenda of the rights of workers with disabilities. Some unions created spaces to address issues of interest to these workers, carried out renovations in their headquarters to make it feasible and accessible to PWDs, created mechanisms for PWD workers to follow union activities, unions updated their official pages on the Internet to make it accessible (with Libras, for example, something that happened on the CUT website at the request of the Collective) among other transformations, aiming to include workers with disabilities in union life.

At the union level, the issue of the rights of people with disabilities, in the view of one of the leaders interviewed, needs to progress within the unions, giving voice to workers with disabilities, guaranteeing space in the union leaderships for people with disabilities, using membership forms with the inclusion of data to capture and identify the disability of the worker, etc. Precisely, in the narrative of this leader:

I am a person with disabilities who occupied this space, got there and discussed the agenda of people with disabilities. Something that perhaps in the future we need to advance in the sense of reservation within the leadership, within the central, places for people with disabilities to have the right to speak, not only in the union base, but also in the leaderships. Now,

about the conventions, the collective agreements, one of the things that we have advanced is to insert the CUT, through the CUT, through our congresses, an affiliation form, which brings in this form the characterization of the person with disabilities.

In the understanding of the leaders, the National Collective of Workers with Disabilities of the CUT has brought a series of advances and its political action has been able to help in the union struggle by giving prominence to workers with disabilities in terms of their interests, in facing setbacks (such as the change that the Bolsonaro Government wanted to make, which aimed to make the Quota Law more flexible), in the incidence of the unions' agenda by giving visibility to the rights of PWD's, in the participation in spaces for the formulation and deliberation of public policies, etc. However, in the assessment of a leader, despite the advances achieved, the struggle needs to advance, because certain achievements are still timid, and therefore demand the continuity of the struggle.

More related to some of the achievements, the Collective has participated in activities such as the 5th National Conference on the Rights of Persons with Disabilities, has been monitoring the fulfillment of the deliberations of this Conference, monitoring discussions on public policies (such as the recent discussion about the important biopsychosocial assessment that can help in the realization of rights), the launch and dissemination of documents that deal with the rights of people with disabilities, etc. In more detail, the achievements of the Collective in the speech of one of the leaders:

Our collective within the unions is happening and we must always reinforce, today the national collective of workers with disabilities of the CUT, this year, for example, launched the second booklet on rights, on the quota law, the history of the collective, in the notebooks there is accessibility, they are on the national CUT website and we carry out the accessibility of the website, And this site accessibility must have on all CUT sites. In addition, this year, we participated in the 5th. At the national conference on the rights of persons with disabilities that took place in Brasilia, we held our annual meeting of CUT workers with disabilities in August in São Paulo, where more than 12 states participated.

People with disabilities in Brazil face various forms of discrimination in their professional lives, reflecting a scenario that still lacks inclusion and respect for diversity. One of the main barriers is the prejudice that often manifests itself in misperceptions about the capabilities of these people, with pejorative nicknames, jokes made in fulfillment of the type of disability, etc. Negative stereotypes can lead

employers to underestimate the abilities of PWDs, creating an environment in which they are considered less competent or suitable for certain roles.

In addition, the lack of accessibility in work environments is a challenge. Many companies still do not implement necessary physical and technological adaptations, such as ramps, elevators, and specific tools, making it difficult to move around and perform everyday tasks. This situation limits not only the participation of PWD in the labor market, but also their ability to perform their functions fully.

Employment opportunities are also affected by discrimination. Companies are often hesitant to hire people with disabilities, motivated by adaptation costs or a supposed decrease in productivity. This resistance generates a cycle of exclusion that prevents PWD from demonstrating their potential.

In the workplace, discrimination can manifest itself through a hostile climate, where derogatory comments or social exclusion become commonplace. This type of environment not only affects the mental health of PWDs, but also harms their motivation and performance.

To combat discrimination, it is crucial for companies to adopt inclusive practices and implement policies that promote diversity. Awareness raising and continuous training on inclusion are essential to create a working environment that values the capabilities and contributions of people with disabilities. Only in this way can we move towards a more just and egalitarian society, where everyone has the opportunity.

Harassment of workers with disabilities (PWDs), both by co-workers, managers, and customers, is a serious and worrying issue in the workplace, reflecting a culture of discrimination that urgently needs to be addressed in the workplace. Combating harassment is a collective responsibility that demands everyone's commitment to building a fairer and more respectful work environment. Only in this way will we be able to ensure that everyone, regardless of their conditions, can contribute fully and feel worthy in the workplace.

Unions play a crucial role in defending the rights of workers with disabilities, acting as agents of transformation and inclusion in the labor market. This action is manifested on several fronts, from educational campaigns; awareness; in ensuring compliance with the Quota Law, which establishes the obligation to hire people with disabilities in companies with a certain number of employees; in the collective bargaining of conventions and agreements that include specific clauses for the protection and promotion of the rights of workers with disabilities. This can involve creating inclusive policies, adapting to the work environment, and ensuring that

working conditions are appropriate for everyone's needs. Finally, unions also collaborate with other organizations and social movements to promote inclusion and the defense of the rights of people with disabilities in a broader perspective.

In summary, the action of unions in defending the rights of workers with disabilities is multifaceted and essential to promote inclusion and ensure decent working conditions. The struggle for rights is continuous, and the union between workers, unions and civil society is essential to build a more inclusive future.

5. Recommendations

Respecting union autonomy and in view of the data presented in this study, we take the liberty of suggesting some initiatives that can lead to reflection and actions aimed at the dignity, inclusion and guarantee of the rights of workers with disabilities. Without prejudice against other proposals that may be formulated, we propose:

- **Create spaces in the unions** (such as Collectives, Secretariats, Working Groups, etc.) to deal with and monitor actions (such as public policies, clauses of Collective Agreements and Conventions and other initiatives of the Government and Unions) and **promote exchange** for the exchange of experiences on issues involving people with disabilities.
- Ensure that **Collective Bargaining Agreements** have clauses that contemplate the rights of workers with disabilities.
- Unions representing public sector workers demand that **public management bodies** create tables or spaces to address the interests of PWD's.
- Promote and articulate with trade union, civil society and public authorities' partnerships for **training processes** on the subject with information on disabilities and how to establish dialogue based on them, provide opportunities for exchanges, instruments for forwarding complaints, among other initiatives that deal with issues of interest to people with disabilities.
- Actively participate in institutional spaces to monitor, formulate and deliberate **public policies** for PWDs in the three spheres of government.
- **Monitor** and demand from employers and the Government **the implementation of all the rights** of people with disabilities, recommended by law and administrative measures (Ordinances, Resolutions, etc.), such as

the Quota Law, the Statute of Persons with Disabilities, reception policies, training of civil servants, creation of specific public bodies, among others.

- Propose actions and provide spaces that allow **the identification of the talents of people with disabilities**, so that they can direct them to the exercise of activities that require such talents.
- **Improve union spaces, making them more welcoming and accessible** for PWDs, such as updating buildings, union materials, creating spaces for listening and voice, union activities, Internet pages and others.
- **Support the preparation and dissemination of materials that deal with the rights of PWDs** (such as booklets, books, videos, etc.) so that people can learn about disabilities and how to dialogue with people who have these disabilities.
- **Publicize job vacancies** available for people with disabilities.
- Stimulate and demand from the competent bodies **the production of research** that can increasingly capture the characteristics and demands of people with disabilities, so that a database is obtained for the qualification of public, private and union actions.
- Demand that governments offer **better financial and institutional** resources so that public agencies that are responsible for planning and carrying out actions for the public with disabilities have the necessary conditions to carry out their duties.
- Demand from the Government **agility in requests for policies for people with disabilities**, such as requests for services from SUAS, Social Security, among others.
- **Train union leaders and expand participation** in municipal councils for the Rights of Persons with Disabilities, and other collective spaces, ensuring effective action in the construction and implementation of **local public policies**, in addition to the inspection of current legislation.
- **Train the members of the CIPAA** - Internal Commission for the Prevention of Accidents and Harassment, which had the A for Harassment recently incorporated, to demand solutions from the company's management in case of harassment in the workplace.

6. References

BRAZIL. Law No. 13,146, of July 6, 2015. Establishes the Brazilian Law for the Inclusion of Persons with Disabilities (Statute of Persons with Disabilities). *Planalto Palace*, Brasília, DF, 06 jul. 2015. Available at:

https://www.planalto.gov.br/ccivil_03/_ato2015-2018/2015/lei/l13146.htm.

Accessed in: Miscellaneous

BRAZIL. Ministry of Health. Virtual Health Library. *Transformative solutions for inclusive development: 03/12 - International Day of Persons with Disabilities*.

Brasília, DF. Available at: <https://bvsmis.saude.gov.br/solucoes-transformadoras-para-o-desenvolvimento-inclusivo-03-12-dia-internacional-das-pessoas-com-deficiencia/>. Accessed in: Miscellaneous

CORBELLA Castelo Branco, C. (2024). The evolution of the rights of people with disabilities in the Brazilian constitutional history. *Journal of the Federal Public Defender's Office*, Brasília, DF, n.20, p. 161-186, Jul./dez.2023. Available at: <https://revistadadpu.dpu.def.br/article/view/611/374>. Accessed in: Miscellaneous
BRAZILIAN FORUM ON PUBLIC SECURITY; INSTITUTE OF APPLIED ECONOMIC RESEARCH - IPEA. *Violence against people with disabilities*. Brasília/Rio de Janeiro, June 2023

HORIE, Leandro. Inclusion of people with disabilities in the Brazilian labor market. In: ENCONTRO SINDICALISMO, INCLUSÃO E ACESSIBILIDADE, 2023, São Paulo. *Presentation*. São Paulo: Inter-Union Department of Statistics and Socioeconomic Studies, 2023, p.01-27

BRAZILIAN INSTITUTE OF GEOGRAPHY AND STATISTICS - IBGE. People with disabilities have less access to education, work and income. *IBGE*, Brasília, DF, 07 Jul. (updated on Aug. 16). Available at:

<https://agenciadenoticias.ibge.gov.br/agencia-noticias/2012-agencia-de-noticias/noticias/37317-pessoas-com-deficiencia-tem-menor-acesso-a-educacao-a-trabalho-e-a-renda>. Accessed in: Miscellaneous

BRAZILIAN INSTITUTE OF GEOGRAPHY AND STATISTICS - IBGE. PNS 2019: the country has 17.3 million people with some type of disability. *IBGE*, Brasília, DF.

Available at: <https://agenciadenoticias.ibge.gov.br/agencia-sala-de-imprensa/2013-agencia-de-noticias/releases/31445-pns-2019-pais-tem-17-3-milhoes-de-pessoas-com-algum-tipo-de-deficiencia#:~:text=Em%202019%2C%20segundo%20a%20Pesquisa,de%20idosos%20estavam%20nessa%20condi%C3%A7%C3%A3o>. Accessed in:

Miscellaneous

LULA announces an investment of R\$ 6 billion in a new program for people with disabilities. *Carta Capital*, São Paulo, 23 nov. 2023. Available at:

<https://www.cartacapital.com.br/politica/lula-anuncia-investimento-de-r-6-bilhoes-em-novo-programa-para-pessoas-com-deficiencia/>. Accessed in: Miscellaneous

NOGUEIRA, Roberto Passos. People with disabilities in the federal public service. *Bulletin of Political-Institutional Analysis*: Thematic dossier: subaltern classes and public institutions, Brasília, DF: Ipea, n. 35, p. 75-81, Jul. 2023: Available at: <http://dx.doi.org/10.38116/bapi35>. Accessed in: Miscellaneous