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INCLUSION IS NOT A PRIVILEGE: HOW THE QUOTA LAW ENSURES JUSTICE FOR PEOPLE WITH DISABILITIES IN THE LABOR MARKET¹

INCLUSÃO NÃO É UM PRIVILÉGIO: COMO A LEI DE COTAS GARANTE JUSTIÇA PARA PCDS NO MERCADO DE TRABALHO

Bleno Wendell Vieira da Silva²

Ana Iris Marinheiro de Oliveira³

Felipe Neris Torres de Sousa⁴

ABSTRACT

This project aims to analyze how the Quota Law contributes to justice and the inclusion of People with Disabilities (PWDs) in the labor market. Historically, PWDs have faced exclusion and discrimination in the professional environment due to structural and cultural barriers. The creation of Law No. 8.213/91 established an important milestone by requiring companies with 100 or more employees to reserve a percentage of positions for PWDs, promoting equity and diversity in organizations. The inclusion of these individuals not only fosters equal opportunities but also strengthens companies by improving organizational climate and stimulating economic growth. However, challenges persist, such as the lack of oversight and the cultural resistance of some institutions to fully adhere to inclusive norms. The analysis of the impact of this legislation shows that, despite progress, there is still a long way to go to ensure the full effectiveness of inclusion in the labor market.

Keywords: inclusion, quota law, people with disabilities, labor market, diversity.

RESUMO

O presente projeto tem como objetivo analisar como a Lei de Cotas contribui para a justiça e inclusão de Pessoas com Deficiência (PCDs) no mercado de trabalho. Historicamente, PCDs enfrentaram exclusão e discriminação no âmbito profissional, devido a barreiras estruturais e culturais. A criação da Lei nº

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² Serviço Nacional de Aprendizagem Comercial. blenowendell1@gmail.com

³ Serviço Nacional de Aprendizagem Comercial. anairisjucas@gmail.com

⁴ Serviço Nacional de Aprendizagem Comercial. admfelipe.neris@gmail.com



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8.213/91 estabeleceu um marco importante ao exigir que empresas com 100 ou mais funcionários reservem um percentual de vagas para PCDs, promovendo equidade e diversidade nas organizações. A inclusão dessas pessoas não apenas favorece a igualdade de oportunidades, mas também fortalece as empresas, melhorando o clima organizacional e estimulando o crescimento econômico. No entanto, desafios persistem, como a falta de fiscalização e a resistência cultural de algumas instituições em aderir plenamente às normas inclusivas. A análise do impacto dessa legislação demonstra que, apesar dos avanços, ainda há um longo caminho a percorrer para garantir a plena efetividade da inclusão no mercado de trabalho.

Palavras-chave: inclusão, lei de cotas, pessoas com deficiência, mercado de trabalho, diversidade.

INTRODUCTION

Historically, People with Disabilities (PWDs) have often been marginalized in the labor market due to misconceptions about their abilities. It was assumed that their limitations made them incapable of performing everyday activities, regardless of the level of physical demand, which restricted their opportunities for inclusion and compromised the full exercise of their rights and autonomy in the professional sphere.

In the 1970s and 1980s, the idea became consolidated that people with disabilities should be excluded from the labor market under the claim that their conditions were incompatible with work demands. When their inclusion was considered, it was believed that adaptation should be solely their responsibility, without taking into account adjustments or changes in the work environment.

This perspective ignored the importance of inclusive and accessibility measures, perpetuating the social and professional exclusion of PWDs. By reinforcing an ableist model that underestimated the diversity of skills and competencies of this population, structural and cultural barriers were maintained, hindering their full integration into the labor market.

This scenario began to change with the enactment of Law No. 7,853 of 1989 by the Federative Republic of Brazil, which established guidelines aimed at



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supporting and promoting the social integration of people with disabilities. This legislation represented a milestone by introducing measures that encouraged the hiring of PWDs, fostering the inclusion of this group in the labor market and initiating the dismantling of historical barriers to professional inclusion.

A progressive expansion in the participation of people with disabilities (PWDs) in the labor market can thus be observed, reflecting structural and social transformations related to inclusion and diversity. In this context, this study seeks to address the following research question: how does the quota law ensure fairness for PWDs in the labor market?

This work is justified in three main areas: academic, social, and economic. In the academic sphere, its relevance lies in fostering discussions and encouraging future research on the inclusion of People with Disabilities (PWDs) in the labor market, contributing to the expansion of knowledge and to the development of strategies that strengthen diversity in the professional environment.

In the social sphere, the importance of this study is highlighted by addressing the deconstruction of historical and cultural prejudices that have marginalized PWDs in the labor market. The inclusion of these individuals not only promotes equal opportunities but also reinforces the appreciation of diversity as an essential pillar for a more just and inclusive society.

Finally, in the economic sphere, it is emphasized that the inclusion of PWDs can generate significant benefits for organizations, improving team performance, strengthening corporate reputation, and stimulating economic growth through the utilization of diverse talents.

The methodology used includes a bibliographic review based on scientific articles, laws, books, and case studies, with a qualitative and exploratory approach, seeking to answer the research question regarding the effectiveness of the Quota Law as a mechanism for fairness in the labor market.



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Thus, the present study aims to evaluate how the Quota Law promotes fairness and inclusion of People with Disabilities (PWDs) in the labor market. Among the specific objectives, it seeks to: define “People with Disabilities” and present epidemiological data on this population; analyze the historical process of the creation and implementation of the Quota Law; and present quantitative data that demonstrate how the inclusion of PWDs in the labor market has occurred since the enactment of the law.

THEORETICAL FRAMEWORK

Conceptualization and epidemiological data of people with disabilities (PWDs)

The Brazilian Law for the Inclusion of Persons with Disabilities (2015), which establishes a range of rights and guarantees for PWDs, defines disability as a set of long-term impairments that may be physical, mental, intellectual, or sensory in nature. These impairments, as outlined by the legislation, are not understood in isolation, but as part of a complex process in which they interact with a range of environmental, social, and attitudinal barriers.

The interaction between limitations imposed by health conditions and barriers present in the environment may result in restrictions on the effective participation of persons with disabilities in various areas of society, such as the labor market, education, leisure, and other social spheres. Consequently, this compromises equal opportunities, generating exclusion and inequality (AGMON, 2016).

The definition presented by the Brazilian Law for the Inclusion of Persons with Disabilities is based on a biopsychosocial approach, which considers not only the medical and individual aspects of disability, but also the social, environmental, and cultural factors that contribute to the marginalization and



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social maladjustment of this group (Brazilian Law for the Inclusion of Persons with Disabilities, 2015).

In other words, the limitations faced by persons with disabilities are not seen merely as a consequence of their individual conditions, but largely as the result of the interaction between these conditions and external barriers that hinder their inclusion in society.

This biopsychosocial model emphasizes the need to dismantle barriers that still persist in various social contexts, ranging from the lack of physical accessibility to the presence of discriminatory and prejudiced attitudes that continue to shape corporate hiring practices to this day (BAHIA, 2006).

Understanding the relevance of including persons with disabilities in the labor market, it is also essential to present epidemiological data that allow for a broader analysis of the impact of exclusion and discrimination faced by this group.

According to Carvalho Freitas (2009), such data are essential for a better understanding of the magnitude of the problem, making it possible to identify how many people affected by disability experience, on a daily basis, the adverse effects resulting from social marginalization and prejudice. The integration of this information is crucial to support public policies that promote inclusion and equity in access to work and other fundamental rights.

Based on epidemiological data on the population with disabilities in Brazil, according to estimates from the National Household Sample Survey (PNAD) conducted by the Brazilian Institute of Geography and Statistics (IBGE) in 2022 and published in 2023, this population consists of 18.6 million people aged 2 years or older, representing 8.9% of the total population in this age group.

The geographic distribution of disability in Brazil shows specific regional variations: the Northeast has the highest proportion, with 10.3% of its population identified as persons with disabilities, while the Southeast has the lowest, with 8.2% (IBGE, 2022).



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Regarding the labor market, PNAD data (2022) reveal that 26.6% of persons with disabilities are employed, compared to an employment rate of 60.7% among persons without disabilities. In addition, more than half (55%) of those who hold jobs are in informal employment situations, which may be related to the lack of more effective inclusive policies.

Another important indicator concerns wage differences: while the average income of persons with disabilities is R\$ 1,860.00, for persons without disabilities it reaches R\$ 2,690.00, a difference of 30% (IBGE, 2022).

There is, therefore, a significant disparity: persons with disabilities (PWDs) face processes of marginalization from childhood, especially when fundamental rights such as access to education are neglected.

This initial exclusion directly impacts their professional trajectories, establishing barriers that go beyond prejudice, where the lack of equitable access to education is often used as justification for supposed limitations in academic capacity, perpetuating cycles of social and professional exclusion (FEBRABAN, 2006).

History of affirmative action laws

The inclusion of Persons with Disabilities (PWDs) in the labor market has been a constant concern in Brazilian public policies. Since the 1980s, social movements and government institutions have begun to push for more effective measures to ensure the integration of this population in areas such as education, health, and employment (ALVES, 2021).

An initial milestone in this process was Law No. 7,853 of 1989, which established broad guidelines for the protection of PWDs. This law not only recognized the fundamental rights of persons with disabilities but also introduced mechanisms to promote equal opportunities and combat discrimination across various sectors of society (BRAZIL, 1989).



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This law was pioneering in assigning responsibility to both the State and private organizations for promoting accessibility and the social integration of PWDs. Among its main provisions was the creation of support programs aimed at fostering inclusion in the labor market, albeit in an initial manner (BRAZIL, 1989).

The strengthening of these regulations came with Law No. 8,213 of 1991, which introduced mandatory quotas for the hiring of PWDs in the private sector. Article 93 of this law established that companies with 100 or more employees must reserve between 2% and 5% of their positions for PWDs, depending on the size of their workforce.

Chart 1 shows the mandatory percentage of PWD employees according to the number of employees in companies.

Chart 1- Mandatory percentage of employees with disabilities according to the number of employees in companies

| Number of Employees | Percentage of Jobs for People with Disabilities |
|----------------------------|--|
| 100 a 200 | 2% |
| 201 a 200 | 3% |
| 501 a 1000 | 4% |
| > 1000 | 5% |

SOURCE: Adapted from Law nº 8.213, 1991

This initiative represented a concrete measure to expand employment opportunities and reduce the inequalities faced by this group. Furthermore, the legislation sought to engage companies in a more active role in promoting diversity and overcoming structural barriers that limited the access of PWDs to the formal labor market.

In the public sector, Decree No. 3,298 of 1999 consolidated the rules for the protection of PWDs, establishing clear criteria for the reservation of positions in public service examinations. This decree determined that at least 5% of vacancies in public selection processes should be allocated to candidates with disabilities, which could reach up to 20% depending on the specific characteristics of the examination. This regulation was accompanied by



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provisions aimed at ensuring accessibility during the selection process (BRAZIL, 1989).

This measure represented a milestone in strengthening the representation of PWDs in public administration, reinforcing the State's commitment to social inclusion. The enactment of the Brazilian Law for the Inclusion of Persons with Disabilities (BLI), also known as the Statute of Persons with Disabilities, through Law No. 13,146 of 2015, was a complementary milestone in improving public policies aimed at PWDs.

The BLI consolidated and expanded rights provided in previous legislation, reaffirming the mandatory quota system and establishing additional measures to eliminate attitudinal, communicational, and architectural barriers. Moreover, the law provided for stricter oversight to ensure compliance with quotas and to combat discrimination in the workplace (BRAZIL, 2016).

Another relevant aspect of the BLI was the introduction of provisions that encourage the professional training of PWDs, recognizing that education and training are essential elements for effective labor inclusion. According to Menezes (2016), the law also sought to engage the private sector in more active collaboration with public institutions and civil society organizations, promoting joint programs and initiatives aimed at integrating PWDs into the labor market.

Neves-Silva (2015) observes that, over the past decades, the history of quota legislation in Brazil demonstrates significant progress in the recognition and protection of the rights of persons with disabilities. From the creation of the first regulations to the strengthening of current policies, there has been a continuous advancement in the pursuit of greater equity and inclusion.

This historical trajectory reflects not only the relevance of affirmative policies but also Brazil's commitment to ensuring a more just and egalitarian society.



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Post-law scenario

The introduction of specific regulations aimed at the inclusion of Persons with Disabilities (PWDs) in the labor market has been, and continues to be, a significant milestone in promoting equity and overcoming structural barriers. Garcia (2014) argues that these initiatives have generated positive impacts by fostering more inclusive corporate practices and creating conditions for the active participation of these professionals in various productive sectors.

The implementation of such measures not only encourages the adaptation of workplaces to the needs of persons with disabilities but also promotes a broader reflection on the benefits of organizational diversity. In this context, many companies have sought to invest in restructuring processes, providing assistive resources, and training their teams to deal with the specificities inherent to inclusion (SIMONELLI, 2011).

This movement goes beyond mere regulatory compliance, pointing to a cultural shift in how diversity is perceived within the corporate environment.

Examining the data, the inclusion of PWDs has shown significant progress over the past decades, reflecting advances in public policies aimed at social equity. Data from the Special Bulletin of the Observatory (2016) indicate that, in 2008, the number of persons with disabilities formally employed was 189,112. This scenario changed significantly by 2015, when this number more than doubled, reaching 403,255 workers.

Such evolution can be largely attributed to the implementation of the Quota Law, which mandates the reservation of positions for persons with disabilities in companies, as well as to the strengthening of inspection measures to ensure compliance with this legislation.

Between 2016 and 2022, growth continued, although at a more moderate pace. In 2016, 418,521 persons with disabilities were formally employed, a number that rose to 441,335 in 2022 (BRAZIL, 2022). These data reflect

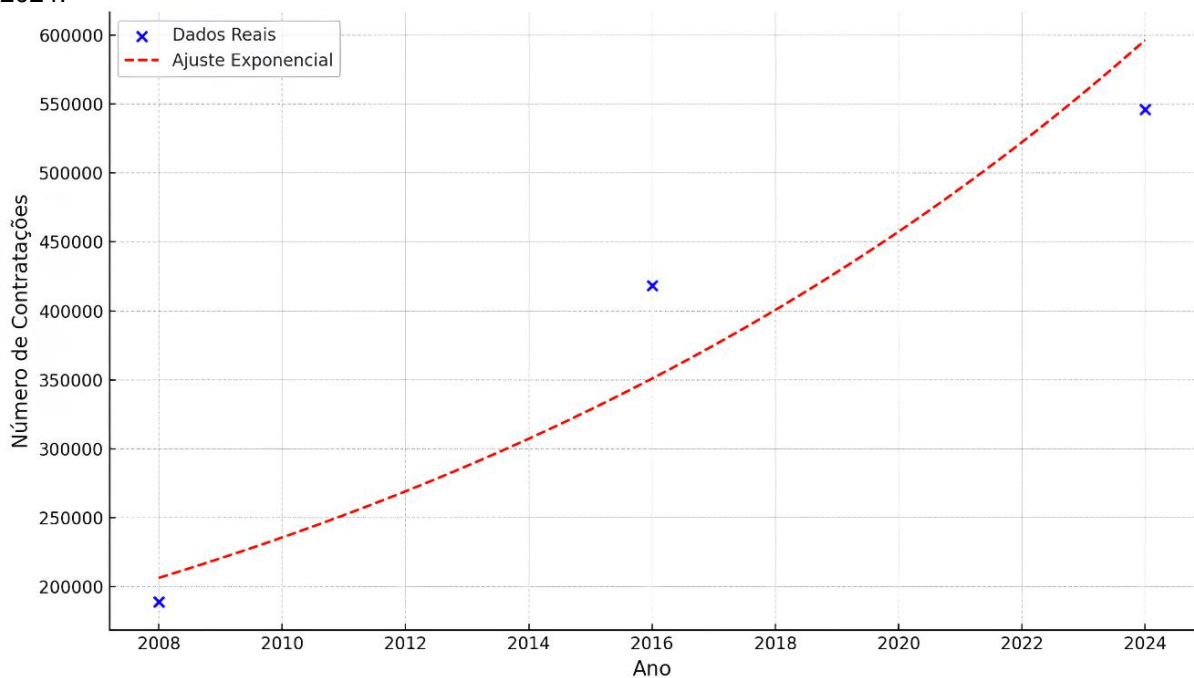


consistent progress but also highlight the gradual nature of transformation in a context where structural and cultural barriers still persist.

In 2024, information provided by the eSocial system indicated a new milestone: the number of persons with disabilities formally employed reached 545,940, representing an increase of approximately 24% compared to 2015. This figure not only confirms the growth trend but also highlights the ongoing efforts toward inclusion (BRAZIL, 2022).

Graph 1 shows the exponential growth in the hiring of PWDs from 2008 to 2024.

Graph 1- Exponential growth in the number of people with disabilities hired between 2008 and 2024.



SOURCE: Adapted by authors, 2025.

It is important to note that the analyzed period comprised the years from 2008 to 2024, with 8-year intervals between the selected milestones. This approach stems from the absence of continuous and systematic government studies on the subject, which limited the availability of more detailed data for analysis. The year 2008 was chosen as the starting point because it marked the



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implementation of nationwide systematic inspections to verify compliance with the Quota Law.

These figures reinforce the importance of robust public policies and of coordinated action among the State, companies, and civil society, aiming to consolidate a truly inclusive labor market in which persons with disabilities have their potential valued and their rights effectively guaranteed.

CONCLUSION

It is concluded that the Quota Law has played a significant role in promoting the inclusion of Persons with Disabilities (PWDs) in the labor market, serving as an essential instrument for ensuring access to employment. This legislation represents a milestone in fostering equity and social justice, while also encouraging organizations to recognize the strategic and human value of diversity within their workforce.

However, challenges persist, particularly those related to cultural resistance and historical stigmas that still limit the full potential for the integration of PWDs. More than a legal requirement, it is imperative that companies understand inclusion as an opportunity for innovation and for strengthening both internal and external dynamics, contributing to the construction of a more just and equitable society.

Inclusion in the labor market, however, does not occur uniformly. Factors such as unequal access to education, technology, and infrastructure directly influence the effectiveness of initiatives aimed at inclusion. Therefore, it is essential that academic and practical debates on the subject remain ongoing, promoting approaches that take into account regional particularities and the individual specificities of this group.

Moreover, the lack of systematic and consistent monitoring of the inclusion of PWDs in the labor market still represents a significant gap. The



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absence of regular monitoring and up-to-date data hinders the formulation of more assertive public policies and the development of in-depth studies on the subject, limiting the analysis of their impact and effectiveness.

Although current regulations have been fundamental in achieving important progress, the consolidation of a truly inclusive labor market requires joint efforts among the public and private sectors, academia, and civil society. Only through a collaborative approach will it be possible to overcome structural and cultural barriers, ensuring that diversity is fully valued as a central element for social and economic development.

Therefore, the relevance of the Quota Law as an indispensable mechanism for promoting the inclusion of PWDs in the labor market is reinforced. However, it is necessary to make significant progress in improving this scenario, ensuring the full effectiveness of the legislation and strengthening actions that promote inclusion in its entirety.



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