

The struggle of workers with disabilities in the face of the capitalist crisis

A luta dos trabalhadores com deficiência ante a crise do capital

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ABSTRACT This essay reflects on the advancement of neoliberal policies and their impact on the barriers confronting the right of persons with disabilities to safe and dignified work. It explores the implications of the expansion of outsourcing, labor counter-reforms, and the rise of platform-based employment (uberization) within the context of the structural crisis of capital. Grounded in historical-dialectical materialism, the analysis draws upon contemporary literature addressing the transformations in the world of work and the persistent challenges to the inclusion of persons with disabilities in the labor market. The findings suggest that these transformations represent a direct assault on the hard-won rights of this group. The proliferation of outsourced and platform-mediated labor, alongside the weakening of regulatory institutions and the fragmentation of labor organizations, has led to a systematic erosion of labor protections. These developments have intensified the precariousness of employment relations, disproportionately marginalizing persons with disabilities, who face increasing exclusion from formal employment and heightened vulnerability to unemployment.

KEYWORDS Capital crisis. Right to work. Persons with disabilities. Occupational health.

RESUMO Neste ensaio, objetivou-se refletir sobre o avanço das políticas neoliberais e sua conexão com as barreiras que se levantam diante do direito ao trabalho seguro e saudável para Pessoas com Deficiência (PcD). Discutem-se os efeitos do avanço da terceirização, das contrarreformas trabalhistas e da uberização no cenário de crise estrutural do capital. Para desenvolver este ensaio, buscaram-se, nas produções no campo do materialismo histórico-dialético, contribuições sobre o atual cenário do mundo do trabalho e os desafios para a inclusão de trabalhadores com deficiência. O percurso das produções apresentadas possibilita concluir que as transformações no mundo do trabalho representam um ataque direto aos direitos adquiridos pelos trabalhadores com deficiência. Constata-se que, com o crescimento das atividades terceirizadas, da plataforma e do desmonte de instituições fiscalizadoras, tem-se promovido o desrespeito às legislações, à fragmentação das organizações de classe. Simultaneamente, ocorre a precarização das relações de trabalho atingindo de modo crescente os trabalhadores com deficiência que, cada vez mais, estão sendo excluídos do mercado formal ou arrastados para o desemprego.

PALAVRAS-CHAVE Crise do capital. Direito ao trabalho. Pessoas com deficiência. Saúde do trabalhador.

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Introduction

Throughout this essay, we will examine the systematic development of neoliberal policies and their inherent link to the multiple barriers that prevent the fundamental right to safe and healthy work for persons with disabilities. Our analysis highlights the diverse impacts of the rapid growth of outsourcing, the labor reforms implemented in recent years, and the growing trend of platform-based work, commonly referred to as uberization. To establish a solid theoretical foundation, we reviewed academic literature within the field of historical-dialectical materialism, focusing on contributions that illuminate the current structure of the labor market and the challenges to the meaningful inclusion of workers with disabilities.

The analytical trajectory of the selected scholarly works indicates that the transformations occurring in the world of work, within the broader context of capital's structural crisis, constitute a direct and systematic assault on the rights historically secured by workers with disabilities. This analysis is grounded in relevant academic studies on the phenomenon of outsourcing and its historical evolution.

To examine the specific characteristics of the outsourcing process, its expansion, and consequences, we draw on contributions from Borges and Druck¹, Basualdo and Morales², Antunes and Druck³, Teixeira, Andrade, and Coelho⁴, Fonseca⁵, Esponda and Basualdo^{6,7}, Biavaschi and Droppa⁸, Leite⁹; Antunes¹⁰, among others.

To discuss the working conditions of people with disabilities, we also refer to documents produced by the Labor Inspection Secretary (SIT) of the Ministry of Labor and Employment (MTE), based on data from eSocial, as well as materials from the Inter-Union Department of Statistics and Socioeconomic Studies (DIEESE), the Brazilian Institute of Geography and Statistics (IBGE), the National Health Survey (PNS),

and the Institute for Applied Economic Research (IPEA). The decision to use these reports is due to the scarcity of academic literature addressing this issue.

It is observed that the exponential growth of outsourced activities, combined with the intensification of platform-based work and the gradual dismantling of labor inspection institutions, not only leads to the violation of existing labor legislation but also contributes to the fragmentation of class-based organizations and their collective protection mechanisms.

This scenario simultaneously deteriorates labor relations, increasingly affecting workers with disabilities, who are being systematically excluded from the formal labor market or inevitably pushed into a condition of structural unemployment. As a result, their chances of entering and remaining in the world market are severely compromised.

From this perspective, we pose the following questions: How can we achieve greater social inclusion for all individuals, regardless of their condition, if such inclusion does not align with the logic of capital? What are the paths and mechanisms that must be mobilized to secure essential progress for workers with disabilities?

This essay presents an analysis structured into four main sections. Initially, we examine the phenomenon of outsourcing within the context of the capitalist crisis. We begin with a conceptual analysis, covering its multiple practical manifestations, including forms, characteristics, sectors, and economic activities. Next, we analyze the historical evolution of labor legislation, considering both workers' achievements and recent legislative changes, as well as the impact of new technologies on labor relations. The third section addresses issues related to workers' health. Finally, we examine the transformations in labor relations, with particular emphasis on the implementation of the quota law, the employment situation of persons with disabilities, and the challenges these professionals face in the current labor market.

The phenomenon of outsourcing in the context of the capitalist crisis

The capitalist system, like an unceasing machine, continually updates and reinvents mechanisms to exploit the working class. As a fundamental issue in the present time, outsourcing, in its various forms, constitutes a mechanism that has generated significantly negative impacts on multiple aspects of workers' social lives.

Outsourcing gained momentum starting from the capitalist crisis of the mid-1970s – a multifaceted crisis in Western capitalist societies encompassing accumulation, political, social, and value crises – which triggered a counteroffensive aimed at reestablishing the foundations of bourgeois hegemony. This counteroffensive was grounded in the relentless pursuit of increased competitiveness through the reduction of labor costs. It was on these foundations that the profile of contemporary capitalism was broadly reshaped, through productive restructuring, neoliberalism, and financialization¹¹. The expansion of the outsourcing phenomenon occurs within the context of shifting power relations between capital and labor on a global scale. Companies, pressured by declining profits, have initiated a widespread process of outsourcing their activities.

Outsourcing has been defined as the delegation of activities to third parties through contractual relationships, aimed at optimizing production and market competitiveness to reduce production costs. To achieve this goal, third parties – such as companies, independent contractors, legal entities, sole proprietorships, worker cooperatives, among others – assume the risks, responsibilities, and competitive pressures involved. These third parties are tasked with carrying out activities that may be ancillary, peripheral, or decentralized in relation to the original organization, or even encompass core functions. This arrangement

often bypasses traditional employment relationships by means of contracts that ostensibly have a civil or commercial character.

Recommendation No. 198 of the International Labor Organization (ILO), published in 2006, identifies two main categories of outsourcing: internal subcontracting and external subcontracting. In internal subcontracting, civil commercial relationships may exist between the beneficiary and the subcontractor; employment relationships exist between the subcontractor and the worker, as well as between the beneficiary and the worker. In other words, the existence of multiple employers is recognized⁶.

In external subcontracting, the beneficiary company does not direct the work performed by the worker; this responsibility lies with the formal employer, who is the subcontractor. This type of subcontracting coincides with the outsourcing of goods and services and supports production networks and supply chains. The former takes place on the premises of the beneficiary company, while the latter occurs off-site and can be either domestic or international.

Outsourcing ceases to be a subordinate and marginal labor relationship within a traditional industrial relations model, instead assuming a central role in the new forms of employment and regulation of relations between capital and labor. The range of categories and modalities through which outsourcing occurs reflects the complex variety this relationship between companies has taken, making it difficult to discern the intercompany networks of service providers and often rendering it practically impossible to assess its overall scale.

This phenomenon is rapidly expanding across many sectors of the economy, enabling companies to evade compliance with labor rights and thereby reduce production costs. The pressures to increase productivity by maximizing the commodification of the labor force result in a heightened degree of worker exploitation while simultaneously fragmenting collective action.

According to Netto¹², meeting the immediate demands of big capital has triggered numerous transformations in the world of work, including ‘flexibilization’ (of production, which directly impacted labor rights and disrupted production standards established under Fordist-Taylorist regimes), ‘deregulation’ (of commercial and financial activities), and ‘privatization’ (of state-owned capital and assets).

The political-institutional offensive of neoliberalism has resulted in significant losses of social rights – rights that were the outcome of a long and arduous process of struggle. The increasing precarization of work serves to reduce production costs. This substantive transformation in the capitalist order leads to a reconfiguration marked by the expansion and concentration of wealth, while simultaneously intensifying the barbarization of social life, environmental degradation, and a pronounced anti-democratic tendency.

In the current context of capitalism, characterized by flexibility, financialization, and neoliberal hegemony, outsourcing represents one of the principal expressions of the rationality of contemporary capitalism in the sphere of labor. Its implementation beginning in the 1970s, with greater intensity in the 1990s, anticipated in many ways what labor counter-reforms – advanced throughout Latin America in the final decade of the twentieth century and the early decades of the twenty-first, would go on to legalize: the precarization of labor as the norm for all workers.

This rationality aligns with neoliberal values, as evidenced by their incorporation into state-led reforms and by the growing role that outsourced services have assumed within state institutions. After the 1990s, outsourcing spread and took root across both the public and private sectors. Gradually – and in spite of existing legislation and social mobilizations – it came to affect core areas of companies and entered the public service sphere. Moreover, following the economic, institutional, political, and social crisis of 2001, outsourcing became

solidly established and expanded to encompass all public and private activities¹³.

Labor laws and the erosion of workers’ rights

The Consolidation of Labor Laws (CLT) in Brazil, enacted in 1943, regulated bilateral labor relations, recognizing the worker and the employer as the main actors in the employment relationship. During the business-military dictatorship, the federal Executive Branch introduced measures that established trilateral labor relations, notably through Decree No. 200/1967 and Law No. 5,645/1970. From then on, whenever possible, government institutions were expected to procure so-called ‘instrumental’ services – such as facility cleaning, personnel transportation, equipment maintenance, and security services – from private companies¹⁴.

Following this regulation at the state level, outsourcing was extended to the private sector, which was likewise authorized to procure instrumental services from other companies through Laws No. 6,019/1974 and No. 7,102/1983. However, in 1986, the Brazilian Superior Labor Court (TST), through Precedent 256/1986, restricted outsourcing to the specific cases regulated by previous legislation. Later, Precedent 331/1994 further defined and limited these cases.

During this period, despite the recent regulations, investigations into the phenomenon of outsourcing have already pointed to the relationship between outsourcing and the tertiarization of the economy. In this process, tasks previously regarded as fundamental were transferred to the tertiary sector as secondary activities, transformed into complements that are bought and sold in the form of services.

Between 1995 and 2006, there was a moderate unemployment rate in the primary sector, a moderate expansion in the secondary sector, and a significant increase in the services sector⁷. These trends can be attributed not

only to the emergence of activities driven by technological advancements but also to the transfer of activities to the tertiary sector that previously belonged to the primary and secondary sectors.

Some activities became ‘detached’ from production processes, ceasing to be carried out by the main companies. This also highlighted the redefinition of the labor division within the industrial sector, with the transfer of parts of the production process from industries to other companies, a situation that intensified in the following decades¹⁵.

Also in the 1990s, the CLT was amended through Law No. 8,863/1994, which introduced a clause specifically addressing workers in cooperatives. This provision legally presumed that, even when key employment characteristics – such as personal performance, habitual work, subordination, and remuneration – were present, no formal employment relationship would exist either between the cooperatives and their workers or between those workers and the companies that contracted services from cooperatives⁵. This legislation enabled the expansion of outsourcing to all cooperative services in the market, including not only instrumental services but also core operational services.

In 1995, during the government of President Fernando Henrique Cardoso, amid the advanced implementation of neoliberal policies, privatization and outsourcing took on a central role. Within this context, several activities were considered ‘auxiliary services’ and should be outsourced through public bidding, namely: cleaning, security, transportation, technical IT services, and data processing, among others. However, throughout the 1990s, additional decrees and laws encouraged and legalized the outsourcing of core activities within the public sector¹⁵.

During the 1990s and 2000s, outsourcing was promoted through regulations issued by the Executive and Legislative branches. These authorities acted to endorse the establishment of increasingly precarious forms of labor,

which subjected workers to greater vulnerability while simultaneously undermining essential services⁵.

Studies analyzing lawsuits and court decisions on the illegality of outsourcing found that the Judiciary and the Public Prosecutor’s Office served as arenas of contestation, adopting a stance contrary to the expansion of outsourcing, particularly regarding outsourcing through cooperatives, thereby limiting its potential growth.

In the first decade of the twenty-first century, legislation was enacted to establish specific regulations for work classified as ‘intellectual’ – encompassing artistic, scientific, and communication activities – through the so-called ‘individual enterprises’, recognized by Law No. 11,196/2005 and Law No. 11,442/2007, the latter specifically addressing work performed by professional drivers in road freight transportation.

Pressures to expand outsourcing continued, and following the 2016 institutional coup against President Dilma Rousseff, the pro-market agenda and near-complete liberalization of outsourcing advanced. The regressive labor reform of 2017, enacted under Law No. 13,467, incorporated a range of employment arrangements previously considered illegal, such as intermittent contracts, exclusive self-employment – Individual Microentrepreneur (MEI) or Legal Entity (PJ) – and temporary work, among others. Regulations that had previously restricted outsourcing to core business activities were extended to any business activity.

In systematizing the findings of investigations conducted over recent decades, Druck¹⁶ reaffirmed the inseparable link between labor precarization in Brazil and the phenomenon of outsourcing, which, according to the author, has ‘become epidemic’ and has emerged as the primary form of labor precarization at present. The author warned of the risks posed by the unrestricted liberalization, which entailed the dismantling of hard-won social and labor rights, within a political environment

marked by a violent assault on democracy in the country, dominated by a conservative wave intent on intensifying the attack on the working class¹⁶.

Based on these reforms, researchers have warned that what we are witnessing in various public agencies and private companies is the rapid expansion of outsourcing¹⁵. In the case of outsourcing state activities, it is not limited to a few auxiliary functions; rather, it has been accompanied by a restructuring of civil service careers, including the elimination of public positions and the reduction of competitive examinations, thereby enabling the expansion of outsourcing to other areas of activity.

These pro-outsourcing measures have placed eight countries in the region (Mexico, Chile, Brazil, Costa Rica, Argentina, Panama, Uruguay, and Colombia) in the ranking of 'service and outsourcing providers', specifically in the areas of business process and information technology outsourcing. Brazil occupies the 12th position among the 50 countries in this ranking. In a survey produced by IPEA⁵, it was highlighted that the purpose of this outsourcing model

[...] is to optimize costs and added value, thereby allowing service providers to maintain offices in multiple countries, contributing to broader access to skilled labor, tax incentives, and enhanced infrastructure [...].

Denial of the right to work and disregard for workers' health

There is a consensus among the studies consulted that this phenomenon leads to the deterioration of working conditions, regardless of how outsourcing is implemented - whether internally or externally, in the public or private sector. The negative impacts include increased turnover and reduced job tenure, lower wages,

extended working hours, higher incidence of workplace accidents, unequal employment arrangements, and the weakening of collective bargaining mechanisms. Such measures create an environment conducive to moral harassment, discrimination, perceptions of injustice, dissatisfaction, and a lack of adequate supplies and protective equipment. Additionally, they contribute to the fragmentation of the workforce by establishing markedly different employment relationships between permanent and outsourced workers. This fragmentation extends to union organization, as workers become divided across multiple companies, significantly reducing their ability to congregate in a single workplace.

Researchers Druck and Basualdo¹³ highlight that outsourced workers receive lower wages, work longer hours, have fewer rights and benefits, experience higher turnover and job instability, receive less training and safety equipment, and suffer higher rates of accidents and mortality. Outsourcing has virtually eroded all dimensions of labor conditions commonly recognized as dignified conditions that have been secured through centuries of workers' struggles. Simultaneously, it raises unemployment rates, contributes to wage reductions, increases workplace instability and discrimination, and undermines the rights to association and collective action, thereby weakening union organization¹⁷.

Based on the evidence gathered from public civil inquiries conducted by the Ministry of Public Labor Prosecution (MPT) and a study by DIEESE, Fonseca⁵ concludes that outsourcing essentially constitutes a strategy of rights evasion and labor precarization; otherwise, the data would not be consistent. The contracting company fails to invest in accident prevention and collective and individual protective equipment, pays lower wages, does not pay overtime, fails to deposit the Severance Indemnity Fund for Employees (FGTS), and neglects to provide rest breaks⁵.

The differences in conditions between outsourced and permanent workers, considering the content and organization of the labor process, create an environment with increased risks of occupational, mental, and psychological illnesses. The impact is especially significant among female workers who face a 'double shift'. Job insecurity arises not only during periods of unemployment but also in the face of its imminent threat, work precarization, and insufficient wages. By reducing workers' control over their employment conditions, instability constitutes a health risk factor for workers. Over time, psychological and mental risks at work, closely connected to the human body, manifest as illnesses in workers subjected to intense labor and high productivity demands¹⁸.

According to Neffa¹⁸, workers are progressively subjected to restricted autonomy, a rigid social and technical division of labor, and compensation that fails to reflect the effort, skills, and emotional commitment demanded. Despite their dedication, they lack recognition from supervisors and colleagues. The precarious work environment and imbalances in psychosocial risk factors lead to suffering, injuries, workplace accidents, physical pain, and mental health problems¹⁸. These issues emerge as collective problems, not individual ones, rooted in the very organization of the work process and the structure of labor relations. The consequences of labor precarization processes are multiple and affect members of the working class unevenly – the most precarious activities and associated risks and pressures fall disproportionately on women, sexual minorities, persons with disabilities, Indigenous peoples, and Black workers.

All these consequences, already driven by outsourcing, began to be regulated through legislation proposing regressive labor law reforms, thereby paving the way for many such reforms and the rise of 'uberization'. The labor counter-reform approved in Brazil in 2017, by validating negotiated agreements over legal provisions, extended the precarious conditions

already experienced by outsourced workers to all workers; it limited the power of labor unions; hindered access to Labor Courts; and allowed for unlimited outsourcing. This represents the legalization of labor precarization¹³.

Druck and Basualdo¹³ emphasize that the essence of outsourcing, alongside labor reforms and uberization, is the deliberate denial of workers' class identity. The authors argue that by rejecting the existence of a formal wage labor relationship, outsourcing reveals its political aim: to undermine workers' capacity for collective struggle, solidarity, and class consciousness. This denial negates the worker as a social collective, historically proven through struggles and achievements, and erects barriers within the working class that further deepen the commodification of life.

The incorporation of Information and Communication Technologies (ICT) into numerous professional activities has redefined labor relations by obscuring the employment relationship. Through the illusion of 'autonomous work', the 'self-employed entrepreneur', and the 'entrepreneurship ideology', the costs associated with the means of production have increasingly been shifted onto the workers themselves. The rise of uberization has intensified the forms of denial of labor rights already present in the phenomena of outsourcing and labor counter-reforms, but now amplified to new levels, advancing further toward the 'death of labor rights'. Denying the status of worker thus fulfills what capital has always pursued: the removal of any limits to the super-exploitation of labor¹³.

The marginalization of people with disabilities in the capitalist labor market

Capitalist society defines normality of bodies by establishing a standard based on utility and productivity. Anything that deviates from this standard is rendered irrelevant or inadequate

for the market-driven and exclusionary project. This logic reinforces the reproduction of bodily hierarchies imposed by standards of body normativity, privileging those bodies deemed 'productive' by contemporary capitalism, within which people with disabilities are often devalued in terms of their integration into the capitalist mode of production.

Conceptions of disability have been shaped by historical contexts, which are a determining factor in both the experience and very existence of persons with disabilities. These understandings have been constructed through a set of representations specific to the culture or society in which they are embedded. Initially, disability was perceived as a personal tragedy, viewed as a divine punishment or a deficit, with persons with disabilities considered objects of pity for being victims of their own incapacity. Subsequently, the biomedical perspective is established, framing disability as an etiological problem of the individual, resulting from illness, trauma, or health conditions that render them dependent on medical care. This approach emphasizes medicalization, the pursuit of a cure, rehabilitation, or the adaptation of the individual through behavioral change, often referred to as the 'path of pathologization'. Historically, there has been a correlation observed between this perspective and the dynamics of the labor market:

Biomedical approaches aim to align individuals with a standard of normality tied to the processes of industrialization in society. The construction of bodily standards that conform to a productive logic contributes to the perception that persons with disabilities are unfit to sell their labor power, positioning them as dependent and initiating the process of institutionalization. The labor market did not permit the entry of persons with disabilities, and institutionalization became the mechanism of control for those deemed unproductive¹⁹⁽³⁰⁹⁾.

In the latter decades of the 20th century, movements led by persons with disabilities

began to contest the prevailing approach and its subsequent developments, ultimately giving rise to the field of Disability Studies. A significant milestone in this shift occurred in the 1970s in England with the formation of the Union of the Physically Impaired Against Segregation (UPIAS), a movement that profoundly influenced the reconceptualization of disability from a sociological standpoint. This was one of the first disability rights organizations and was instrumental in establishing the foundational principles of the Social Model of Disability^{19,20}. These studies stimulated the development of critical theories that shift the focus from individual impairments to the social barriers that generate inequality.

From a historical materialist perspective, the UPIAS group understood disability as a form of social oppression. In this framework, disability was viewed as intrinsically linked to the productivity demands imposed by the capitalist system. The group argued that genuine inclusion in the labor market would only be possible through structural transformations of the capitalist system itself. According to UPIAS, it is not physical impairments that hinder productivity, but rather the way the social division of labor is structured without accounting for the diversity of bodies.

In Brazil, the marginalization of persons with disabilities within the capitalist labor market is reflected in their persistent underemployment. Despite possessing professional qualifications and the existence of specific legislation designed to promote their inclusion, the exclusion of persons with disabilities from the workforce remains a prevailing reality in the country. This phenomenon reveals a disconnect between established public policies and their effective implementation within both public and private institutions. To gain a better understanding of this multifaceted scenario, we have compiled and systematized data on the labor situation over recent decades.

According to the 2010 Census, approximately 6.5 million persons with disabilities (with incapacitating or severe impairments) were

aged between 20 and 59 years. Additionally, across Brazil, 2,808,878 persons with disabilities had completed higher education, a figure that, as of December of the same year, was 3.73 times greater than the total quota for the inclusion of persons with disabilities in Brazil, which stood at 752,792 individuals²¹.

Another important survey is the 2016 Quantitative Diagnosis of Persons with Disabilities/Rehabilitated in Brazil, which indicated that, on average, for every vacancy reserved for persons with disabilities, 9.7 eligible individuals are competing for the legally mandated quota.

Data concerning the educational attainment of persons with disabilities reveal disparities that warrant attention. According to information recorded in the eSocial system, there is a predominance of men compared to women with disabilities in the labor market, as well as a higher representation of white individuals relative to Black and Brown individuals. Additionally, it is observed that the average remuneration of professionals with disabilities is lower than the overall average, with notably greater wage disparities affecting women²². According to the 2019 National Health Survey (PNS), the employment rate for individuals aged 14 and over with at least one disability was 25.4%, compared to 60.4% for those without disabilities, with a national average of 57.0%. Of the 828,256 positions reserved for persons with disabilities in 2021 – across public administration, state-owned enterprises, mixed-capital companies, and private employers – only 49.81% were filled, resulting in a deficit of 415,736 unoccupied positions, equivalent to 50.19%²³.

Similar figures were reported in August 2023. According to eSocial, the quota system employed 560,299 persons with disabilities and rehabilitated workers, yet it had the potential to employ twice that number, as the compliance rate with the legal quota was just over 50% nationwide. In 2023, with the release of IBGE data referring to 2022, it was reported that the employment rate for individuals aged 14 and over with at least one disability was 26.6%, compared to 60.7% for those without disabilities²³.

A significant portion of the economically active population is compelled to endure increasingly precarious working and living conditions, a trend that affects the workforce as a whole, albeit more severely among those belonging to historically marginalized and vulnerable groups.

According to the 2019 PNS²³, persons with disabilities earned two-thirds of the income received by those without disabilities. Among individuals living below the poverty line (defined as earning less than US\$5.50 per day), 18.2% had some form of disability. Among individuals without disabilities, the poverty rate is 22%. The survey also indicates that persons with disabilities have lower access to the internet (68.8%) compared to those without disabilities (86.1%), as well as reduced access to sewage systems, piped water, and waste collection services (58.2%), whereas 62.4% of individuals without disabilities had such access. Additionally, persons with disabilities exhibited a lower net school attendance rate (86.6%) compared to those without disabilities (96.1%)²⁴.

Through this historical trajectory, it becomes evident that, despite significant efforts and pressures advocating for the employment of workers with disabilities, these efforts must be substantially intensified to effect meaningful change. The insidious process of naturalizing social inequality data persistently denies both the existence of such disparities and the right to work, reflecting a long history rooted in exploitation and exclusion²⁴.

The perspective of intersectionality is established as a transdisciplinary analytical lens that enables an understanding of how different social markers, such as disability, gender, race, class, and others, interrelate simultaneously and inseparably in the production and reproduction of inequalities^{25,26}. This approach challenges simplistic and causal explanations by offering a nuanced understanding of social reality. By recognizing that individuals occupy diverse positions within historical structures

of domination, intersectionality highlights how institutions operate selectively in the distribution of rights, recognition, and social belonging.

Accordingly, the intersectional perspective contributes to the analysis of how certain groups are systematically subordinated and have their experiences rendered invisible or delegitimized within social and political spheres. A key concept in this debate is ableism, a term that refers to discriminatory practices and attitudes directed toward persons with disabilities, based on the assumption that 'normal' bodies are superior¹⁹.

Exclusion is a structural element of capitalist society that marginalizes those who do not align with its economic interests or are considered secondary components within the productive system. The oppression experienced by most persons with disabilities stems from this model, which is driven by accumulation and the relentless pursuit of profit, operating through an exclusionary and inhumane process²⁷.

We do not align with the perspective shared by movements that place their hopes for so-called 'inclusion' in corporate partnerships, as advocated by Sassaki²⁸ – a prominent figure for numerous disability rights movements – who argues that inclusion in the competitive labor market is not an unattainable goal, provided that employers are treated as partners. This and other ideological formulations of a similar nature contribute to emptying the debate of the urgency to build new forms of sociability that move beyond capitalism. By displacing the centrality of struggle from organized working-class spaces and projecting onto the business sector, supposedly, would be sufficient to ensure the right to work.

Such arguments also contribute to the fragmentation of the struggle, as they distance persons with disabilities and rehabilitated workers from more militant spaces within social movements, spaces that often advance agendas that neither engage with nor

adequately address the demands of disabled workers. The limited progress achieved in the area of employability – framed within the rhetoric of inclusion as an ultimate goal – tends to reinforce corporate arguments about the so-called 'lack of qualified or prepared persons with disabilities'. This narrative is reflected in recurring legislative proposals aimed at substantially reducing the legally mandated employment quotas, such as Bills No. 1,231/2015, 6,709/2016, 9,959/2018, and 5,433/2019. These initiatives shift the responsibility for the persistence of informal employment or unemployment onto individuals themselves, rather than addressing the structural barriers that sustain such exclusion.

The maintenance of a significant contingent of unemployed and/or underemployed workers is inherent to labor relations within the capitalist system. These relations are reproduced within a broader context of sociability that commodifies bodies, exploits affective relationships, intensifies the extraction of surplus labor, renders the sale of labor power increasingly precarious, withholds and expropriates rights, and romanticizes and naturalizes relations of oppression, among many other dimensions.

Under neoliberal capitalism, this precarious situation has notably worsened for both workers with and without disabilities. However, due to the lack of necessary workplace accommodations and the absence of anti-ableist training, the proportion of persons with disabilities excluded from formal employment is higher and has been increasing over recent decades.

Updated information on the employment of persons with disabilities reveals widespread non-compliance with legislation, the limitations of so-called 'inclusive' practices, and the denial of the right to work as a fundamental human right. Inclusive ideas have not advanced – not due to a lack of time or cooperation from companies, but because they have failed to develop within the framework of capitalism²⁹.

Final considerations

In a context where the working class faces significant challenges regarding its rights, inclusion laws encounter obstacles to their progress. These difficulties are further exacerbated by government actions, including legislative changes, reduced enforcement activities, and the restructuring of regulatory agencies. To achieve more adequate labor conditions, it is essential to seek political, social progress, and, especially, legal frameworks.

Considering this analysis, its objective has been to emphasize the importance of expanding initiatives through legislative, administrative, and supplementary measures that promote the effective realization of labor rights for persons with disabilities. Likewise, we advocate for the need to broaden anti-ableist training programs to ensure they have a meaningful impact and are integrated across diverse social contexts. Effective regulation and enforcement of these diverse actions by governmental agencies are essential, as evidence shows that the realization of rights does not occur automatically.

It is essential to recognize that dignity transcends the legal frameworks of the existing system. A profound gap persists between the violation of human rights, their formal acknowledgment, and the authentic respect for each individual's inherent dignity. Within capitalist societies, while safeguarding formal rights remains necessary, it falls short of offering true empowerment for workers. The enduring challenge lies in dismantling entrenched prejudices, the unrelenting pursuit of profit, and the ever-evolving, sophisticated, and regulated mechanisms of exploitation that perpetuate inequality.

The challenges faced are numerous, and solutions emerge through collective struggles aimed at dismantling prejudices such as ableism, racism, sexism, homophobia, and all other forms of discrimination and oppression. These are not secondary issues but fundamental battles for the construction of the desired society. It is essential that representative bodies, as professional categories, expand the training of workers who are socially engaged and attuned to the specificities of the class, to combat ableism that originates or is perpetuated in the workplace. Awareness of class condition cannot be separated from an understanding of other social determinants and the necessity to emancipate all workers from the degrading conditions created and perpetuated by the capitalist mode of production.

The demands of the present moment call for constant vigilance to ensure the enforcement of legislation that guarantees dignified working conditions, gains achieved through long-standing struggle. They require the development of new ways of engaging with the world, aimed at overcoming the ableism embedded in capitalist social relations. At this critical juncture, the revolutionary project and the human horizon must converge to transcend capitalist inequities and elevate the notion of dignity within a socialist form of sociability.

Collaborators

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