


# Employability of people with disabilities in Latin America


## Inserción laboral de personas en situación de discapacidad en América Latina

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### Abstract

This article is a literature review about labor insertion of people with disabilities in Latin America. It analyzed different documents (regulations, technical reports and papers). The results show the existence of a legal frame in the region for inclusion of people with disabilities. However, unemployment, poverty, inequality, and lack of opportunities affect this group. The discussions concentrate on the need to consolidate public policies and priority actions to transform the lives of these people.

**Keywords:** Latin America; Right to Work; Employment Opportunities; Labor Policy; Literature Review.

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## Resumen

Este artículo presenta una revisión bibliográfica sobre la inserción laboral de las personas en situación de discapacidad en América Latina. Se analizan leyes, informes técnicos y artículos científicos. Los resultados muestran un marco para la inserción laboral de las personas en situación de discapacidad constituido por la existencia de distintos instrumentos legales. Sin embargo, el desempleo, la pobreza, desigualdad y falta de oportunidades afectan a este colectivo. Las discusiones giran en torno a la necesidad de consolidar políticas públicas con el propósito de mejorar las condiciones de vida de estos seres humanos.

**Palabras clave:** América Latina; Derecho al Trabajo; Oportunidades de Empleo; Política Laboral; Revisión.

## Introduction

The labor insertion of people with disabilities is a topic of recent interest in Latin America, although different international instruments have established it as an essential right of this population. However, this group has considerable obstacles to insertion in the field of employment (Gandarillas et al., 2014). Globally they have low health and academic outcomes, lower economic participation and higher poverty rates than the rest of society (OMS, 2011).

Improving the quality of life through access to employment is essential to develop the self-determination of such people, since social relations and their health are strengthened (Flores et al., 2014; Riaño-Galán et al., 2016). The job training programs for young people with disabilities have aimed to increase the possibilities of insertion in the professional sphere (Pegalajar; Xandri, 2015). Supports are decisive; they promote development, education, interests, personal well-being and improve individual functioning (Aaid, 2011).

The labor insertion of people with disabilities allows both private companies and state agencies to develop a different view, valuing the administrative capacities of workers in such condition. In addition, they become organizations with greater social responsibility (Espínola; 2017), developing positive attitudes towards disability and facilitating inclusion in the workplace (Gandarillas et al., 2014).

The question that guided this work was: What is the current status of labor market insertion of people with disabilities in Latin America?

Therefore, this review aims to describe the situation of labor market insertion of people with disabilities in Latin America. The article investigates three determining aspects. First, the right to employment as expressed in the regulations of different Latin American countries is reviewed. Then, the current panorama of labor market insertion is described. Finally, the challenges revealed by the analysis are demonstrated.

## Method

This article shows a literature review. This methodology contributes to investigate the current

situation of some problems (Guirao-Goris, 2015). In this case, all the texts that allowed to approach the subject matter raised in the introduction were selected. Thus, we used: (1) national laws focusing on the right to employment of such people in Latin America; (2) reports from international organizations addressing the labor market insertion of people with disabilities; and (3) specialized scientific articles about the subject in Latin America.

Regarding the selected national laws in force, a complete search was carried out in different websites related to the subject in each of the Latin American countries considered for this study.

As to the reports concerning the labor market insertion of people with disabilities, a search was made in different websites of the countries selected in this study and of the main organizations that address this issue at the international level.

Referring to the articles, 12 documents were obtained from SciELO, Scopus and Web of Science databases using a systematic search considering the publications from January 2012 to December 2018. The descriptors used were: “insertion,” “work,” “people” and “disability.” The following inclusion criteria were established: (1) theoretical or empirical works, (2) which addressed the above-mentioned topic, (3) publications referring particularly to Latin American countries and (4) in Spanish, English and Portuguese. Books, reviews and book chapters were excluded. This process was carried out between October and December 2018.

On the other hand, due to the low number of articles obtained through the search strategy used, a complementary search was done on Google Scholar, where 15 publications were selected without distinction of year.

A total of 52 documents were distributed as shown in Table 1.

**Table 1 – Selected document sample**

Type of document	Quantity	Countries
Inclusion laws supporting the right to employment.	14	Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Honduras, Mexico, Paraguay, Peru, Venezuela
Reports <sup>1</sup>	11	Chile, Colombia, Honduras, Peru
Specialized scientific articles.	27	Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico, Paraguay, Peru, Venezuela
<b>Total number of documents: 52</b>		

## Results

The results are presented in three analytical sections. The first section focuses on the right to employment of people with disabilities as expressed in fourteen legal texts about labor inclusion in Latin America. The second, offers the current panorama. Finally, it outlines the challenges in the region.

### The right to employment as expressed in the laws of some Latin American countries

The Universal Declaration of Human Rights states that everyone has the right to choose any employment under fair and favorable conditions (ONU, 1948, art. 23). In addition, a special convention recognizes the right to work of people with disabilities (ONU, 2006, art. 27). In order to

<sup>1</sup> Only the country of origin of the reports was mentioned. In the case of OIT declarations, conventions and documents, the origin of them was not defined.

promote equal opportunities to enter the labor market, states have created a series of normative elements. These vary according to the context of each country (OIT, 2014).

In Argentina, the Law of the comprehensive protection system for people with disabilities stated the obligation of both government and private entities to employ 4% of those who prove to be in this condition. Likewise, there would be a reserve of vacancies for this purpose (Argentina, 1981, art. 8). However, in 2003 this article was amended by Law No. 25,689 (Argentina, 2003) in which it is vital to certify the suitability for the postulated position.

The Brazilian Law for the inclusion of people with disabilities supports the right to work with equal opportunities (Brasil, 2015, art. 34). In addition, labor inclusion must comply with established rules regarding accessibility in the work environment (Brasil, 2015, art. 37). Companies with a number of employees equal to or greater than 100 have the obligation to employ 2% to 5% of workers in this condition (Brasil, 1991, art. 93).

In Law No. 20,422 (Chile, 2010) approved in Chile, it is mentioned that the State, together with the competent bodies, will implement measures to promote inclusion (Chile, 2010, art. 43). Regarding the percentage of people with disabilities, in institutions where 100 or more staff members work, 1% will be people with disabilities (Chile, 2010, art. 45). The new Law No. 21,015 maintains this aspect in force. In addition, it adds that companies can employ subjects in this situation or maintain those who are assigned of a disability pension from any social security system, in relation to the total number of their workers (Chile, 2017, art. 157).

The Statutory Law No. 1,618 approved in Colombia in 2013 (Colombia, 2013) states that people with some kind of disability have the right to work (Colombia, 2013, art. 13). Similarly, it states that the national government should implement a system of preferences favoring the insertion of a minimum of 10% of people in this situation in its workforce (Colombia, 2013, art. 13).

On the other hand, in Costa Rica there are regulations for equal opportunities for people with

disabilities. It states that the State shall guarantee the right to adequate work under individual conditions in urban and rural areas (Costa Rica, 1996, art. 23). Also, training for people over 18 is declared a priority and companies will receive advice in order to adapt employment according to the needs of those who are working (Costa Rica, 1996, art. 25 y 26).

Ecuador's Organic Law on Disabilities guarantees the right to work with equal pay (Ecuador, 2012, art. 45). Regarding labor inclusion, every employer (public or private) with a minimum of 25 workers has the obligation to employ 4% of people with disabilities. In addition, the type of work must be consistent with their potentialities.

In Honduras, the Law on Equity and Integral Development for People with Disabilities indicates the State as the promoter of the right to dignified work, appropriate to their individual conditions (Honduras, 2005, art. 31). Likewise, this regulation establishes that public administration entities and private companies are obliged to employ people with disabilities according to the number of employees. For example, from 20 to 49, one person in this condition will be employed; from 50 to 74, two people; from 75 to 99, three; and for every 100 workers, four people with disabilities will be employed (Honduras, 2005, art. 35).

For its part, Mexico, through the General Law for the Inclusion of People with Disabilities enacted in 2011, establishes that the Ministry of Labor and Social Welfare will promote the right to employment of these human beings. In addition, it prohibits any type of discrimination, supports public policies of labor inclusion, encourages the creation of labor exchanges, provides technical and legal assistance, promoting the training of all personnel in companies (México, 2011, art. 11).

In 2008 in Paraguay the law was modified, establishing the obligatory incorporation of people with disabilities in public institutions (Paraguay, 2004). The percentage of those who must work in state agencies and private legal entities with a majority of shares in the state was increased from 2% to 5% (Paraguay, 2008).

Peru, via the General Law on People with Disabilities, manifests respect for labor law,

in a job freely chosen or accepted, with equal opportunities and remuneration (Perú, 2012, art. 45). As for the employment quota of such people, public entities are obliged to employ not less than 5% of their total staff. In addition, private employers with more than 50 workers will have to incorporate a percentage equal to or greater than 3% (Perú, 2012, art. 49).

Finally, in 2007 the Law on People with Disabilities was made official in Venezuela. It establishes that the organs and public, private or mixed companies must insert in their work areas no less than 5% of individuals in this condition, performing in different fields. In addition, discrimination, conditioning or impeding the development of the functions of these people are punished (Venezuela, 2007, art. 28). Also, the human beings with intellectual disabilities must be integrated to the labor field according to their abilities in those jobs that can be developed by them, with supervision and monitoring (Venezuela, 2007, art. 29).

### **The current panorama of the labor insertion of people with disabilities in Latin America**

This section reviews the current panorama of the insertion of people with disabilities in the different Latin American States. There is also a scenario of permanent mobility in relation to legislation that allows this information to be updated. The scenario shown below generates a diagnosis at the time of performing this study.

Argentina, in 2003, established the labor insertion of people with disabilities as a State issue. The Department for the Promotion of Employability of Workers with Disabilities was created. Programs were initiated with support from this agency, linking government and private institutions. Even so, the unemployment rates of this group are high compared to the rest of society (Mareño, 2015). 25% of those who have a chronic mental deficiency after a rehabilitation process find employment, since the socio-cultural reality of this country prevents them from being part of it (Rodríguez; Alcántara, 2016). Therefore, in order to achieve a true labor inclusion it is decisive

to improve the accessibility of all the existing workplaces in the nation (Mareño, 2015) and to overcome the stigma regarding these human beings (Rodríguez; Alcántara, 2016).

In Brazil, there is a low participation in the labor market of people with disabilities, since they have lower educational levels than the rest of society (Lima; Jurdi, 2014). Similarly, people with motor, visual, hearing and intellectual disabilities are one of the groups with the highest degree of vulnerability, since they are subject to low income and employment conditions due to their limited participation in the workplace (García; Maia, 2014). In the case of subjects with intellectual disabilities, they obtain good results by being trained in employment programs (Gomes; Glat, 2017). Also, it has been shown that planning human resource practices, mainly recruitment, socialization and training, facilitate more effectively the insertion of such individuals in the working environment (Maccali et al., 2015). Government institutions are determining factors in labor market insertion, despite the existence of prejudices on the part of those who provide jobs, which adds to the lack of supervision (Hammes; Nuernberg, 2015). In addition, social inequalities cause exclusion (Fiorati; Elui, 2015). For example, in the hotel industry, the recruitment process of these personnel is carried out according to the type and severity of the disability presented, which generates exclusion, since the selection is not aimed at employing people according to their abilities, but the criterion used is the presence of a minor disability (Sá et al., 2017).

Therefore, the process of labor insertion in Brazil must start with inclusive practices, of interaction and responsibility on the part of the managers of each company or government institution. Likewise, the organizational and personal aspects of human beings with disabilities must be considered (Maccali et al., 2015). It is also crucial to make improvements in social security, school inclusion and in Brazilian legislation (García; Maia, 2014).

In Chile, 39% of people in this situation have low socioeconomic conditions, given that only 29% do some type of paid work. 70% do not

have any paid work (Fonadis, 2005, 2006). Also, there is a lack of training opportunities (Vidal; Cornejo; Arroyo, 2013). Chilean companies have not adopted new forms of employment that allow their employees to develop activities from home using technology (Salazar, 2007). Although there are many different forms of placement and state intermediation, the numbers of unemployed in this condition, especially young people with intellectual disabilities, continue to increase (Manosalva; Mansilla; Olmos, 2011). On the other hand, hearing impaired people share the same collective culture with their own non-universal sign language that is limited by the predominance of a hearing culture (Morales, 2015). Despite the fact that human beings in a situation of disability attend educational establishments, training centers and workshops, they do not achieve insertion in the Chilean labor field (Vidal; Cornejo, 2012). The process of inclusion in state institutions is slower than expected, since there are still barriers in the selection of personnel and regarding the promotion of civil servants (Chile, 2014). It is necessary to generate labor inclusion by a new model of employing these subjects (Vidal; Cornejo; Arroyo, 2013).

In the case of Colombia, 60% of people with disabilities do not receive a monthly income (Colombia, 2014). Also, there is a low level of accountability of companies for social responsibility in employing such individuals (Marrugo-Salas; Bernal, 2017). On the other hand, employees with hearing disabilities working in national and foreign companies face physical, physiological, semantic and psychological barriers. Similarly, there are obstacles in organizational communication related to personal, administrative, information overload and partial information (Meléndez-Labrador, 2016). Regarding gender, women who are younger, have children or are pregnant increase the possibility of being included in the labor market. In contrast, men over the age of 44 are limited to participating in it (Espinosa, 2016). Labor inclusion in the Colombian context can be considered as a contribution to the construction of a culture of peace. Therefore, the State must pay attention to the municipalities

with the highest prevalence of such subjects in order to guarantee equal labor opportunities (Marrugo-Salas; Bernal, 2017).

As for Ecuador, a study by Pico and Torres (2017) showed that physical accessibility, signage and communication in some private companies have a high value to achieve inclusion of people with disabilities. In addition, the private sector, unlike state agencies, offers a greater number of vacancies (Espinoza; Gallegos, 2018). On the other hand, the different governments have approved a series of legal norms. Also, they present statistics with the purpose of justifying the existence of this population, but they have not implemented effective public policies to improve the independent access of individuals in such situation, especially wheelchair users (San Antonio et al., 2015). The vocational training of this student body has multiple limitations, making a successful social and labor insertion impossible (Figuroa; Vázquez; Castro, 2018). In order for a true labor inclusion in the Ecuadorian environment, technical and technological tools must be offered, cordial treatment must be given to these human beings and an intervention of the entities assigned to control public policies in the nation must be generated (Espinoza; Gallegos, 2018).

Regarding Costa Rica, in 2010 the public policy of employment quota for people with disabilities was approved. However, the private sector was excluded from direct responsibility in the labor market insertion of these individuals. Therefore, political will is required to enforce this and other regulations in the country. Likewise, it is vital to generate a transformation and re-education of society with the objective of overcoming prejudices against this population (Abarca; Arias, 2014).

In Paraguay, despite the existence of a law making the incorporation of people with disabilities into public institutions mandatory, only 1% of them joined the labor market. Therefore, the employability of such human beings depends on the awareness of the entire Paraguayan society, as well as on the training of such subjects and the political actions carried out by the State in favor of this sector (Reyes, 2015).

The article by Quiñones and Senior (2014) proposes that labor inclusion in Venezuela be

developed by means of an orderly process of planning, design, execution and evaluation. On the other hand, in Peru there is a large national regulatory framework to generate labor inclusion (Quiñones; Rodríguez, 2014), but 77% of people with disabilities are unemployed (ONU, 2018). With the purpose of influencing an unfavorable and inequitable reality, a true public policy must be executed that makes possible the generation of equal labor opportunities, development and promotion of these human beings (Quiñones; Rodríguez, 2014).

In Honduras the situation is dramatic. Of 314,174 people in working age, only 118,301 are employed. Women with disabilities constitute the largest workforce at 53%, however, more men are accessing a job or engaging in an independent occupation. Informal commerce is the main activity with 47% of the total. Therefore, it is necessary to favor a better educational preparation of the population in such condition, since until now they are at disadvantaged when competing for a job (Observatorio de Discapacidad Honduras, 2019).

In Mexico, the various regulatory elements have not favored the social inclusion of workers with disabilities, since salaried work is immersed in an area of high vulnerability due to its precariousness reflected in low wages and lack of social security by the State. What is required is for employment to regain its dual status as a social right and a producer of solidarity. In addition, it will have to reflect a better quality of life for this group (Vite, 2012).

### **Challenges for the employment insertion of people with disabilities**

Despite the existence of different international, regional and national laws and instruments, people with disabilities continue to suffer discrimination, since their right to decent employment is not fulfilled in most cases (OIT, 2015). To promote a better standard of living, barriers that make it impossible for them to participate in communities, receive quality education, get a decent job, and have their demands accepted must be removed (OMS, 2011).

Companies will have to implement different actions to respect individual guarantees. For example, these organizations should include a rights-based approach to disability. Also, promoting the understanding of diversity in the work context makes it possible to take advantage of the talent of the staff (OIT, 2018). Some studies show the labor inclusion of employees in such condition as a business benefit, generating tax exemptions (Ruiz et al., 2018). For this reason, tax incentive regulations in favor of private companies should be strengthened, in order to facilitate this issue (Reyes, 2015).

Similarly, there is a need to create inclusive human resource policies, design staff selection regulations, improve accessibility, and generate critical awareness about this theme (Chile, 2014). The use of inclusive language is another challenge, this aspect allows the empowerment of people with disabilities to obtain a job on the basis of equal opportunities (Marrugo-Salas; Bernal, 2017).

Measures must be implemented to achieve effective protection of this vulnerable group (Duque; Quintero; González, 2016). It is essential to establish public policies directed to the population with disability, specifically to the young people (Vidal; Cornejo; Arroyo, 2013). The absence of regulations generates dependence on public policy, lack of business support and precariousness (Lima; Jurdi, 2014). As for the working day or the type of work to be done, a cultural transformation is decisive. It is necessary to adapt to other ways of working, for example, teleworking (Salazar, 2007). Without this implying new forms of precariousness. In the case of people with intellectual disabilities, supported employment is a strategy that facilitates inclusion (Vidal; Cornejo, 2012). In addition, it should be considered that hearing impaired people use other valid communication channels such as sign language (Morales, 2015).

There are two other elements that could help solve the problem of social exclusion around disability: legal recognition and job training in order for such people to acquire new skills to insert themselves in some kind of dignified employment (Vite, 2012). Over the years a conceptualization of

disability focused on the deficit has predominated, an issue that different regulations has tried to be modified by the terminology, but in practice it continues to be addressed in the same way (Mareño, 2015). For example, there is a gap between what is noted as work inclusion and what is expected (Sá et al., 2017). On the other hand, education systems at all levels must guarantee preparation for social and labor insertion (Figuroa; Vázquez; Castro, 2018). Personal and organizational aspects must be adhered to in the diversity management process. Sometimes, integrating into the world of work demands the sacrifice of routine (Maccali et al., 2015).

Greater clarity should be sought in understanding the socioeconomic indicators of people with disabilities. The low participation in the labor market of this group requires modifications in the social welfare systems. An example is the immediate return to employment of early retirees (García; Maia, 2014). Professionals from human resources departments (private and state) must re-evaluate the processes of selection, recruitment and placement of such personnel with the aim of achieving effective insertion. In addition, to promote an inclusive culture by means of internal programs (Hammes; Nuernberg, 2015).

## Discussion and conclusions

Although efforts have been made in Latin America to ensure the right to employment for people with disabilities through different laws, there is still a long way to go. In Latin American societies, unemployment, vulnerability and limited options are barriers to the process of insertion. Established regulations cannot be the only mechanisms used to promote equal opportunities for this group. It is also important to consider the responsibility of those who are responsible for the personnel selection process. Here, it is necessary to generate positive attitudes towards individuals in such a situation, facilitating social and labor inclusion (Gandarillas et al., 2014). In addition, adjustment measures related to accessibility, workplace adaptations, incentives and support services are essential for a true labor market

insertion (OIT, 2002). This allows institutions to have greater possibilities of generating a better organizational culture, optimizing human resources without discriminating against any individual because of his or her condition.

Considering that the UN approved in 1948 a dignified employment for every human being, we can say that the labor insertion of people with disabilities has been slow. In addition, in 2006, work was made mandatory for these individuals (ONU, 2006). Successively, several countries approved inclusion laws that set inclusion quotas for private companies and state agencies. However, people with disabilities continue to be excluded from the workplace, as can be seen from the high unemployment rates of this population in Latin American nations.

Throughout the world, this group have struggled to install a new approach from a perspective centered on bioethics and respect for human rights (Palacios; Romañach, 2006). Such an approach impacts a new organizational language. In this way, a new reality will be built within the organizations. Therefore, the challenges are increasing in different areas of society, this implies a change of paradigm where the differences are valued, avoiding any form of discrimination towards this group.

From this review we can say that labor market insertion of this individuals in Latin America is in an early stage; countries in the area are just beginning to develop public policies to transform their lives. On the other hand, Latin America is characterized by high rates of inequality. In particular, nations such as Honduras, Colombia, Brazil and Chile (Justo, 2016).

In this unequal context, it is essential to promote the participation of people with disabilities. Likewise, at the different educational levels there is a demand for preparation based on the needs of this group. A new look at disability is essential, as well as a vision distanced from the deficit and focused on the strengths that workers in this condition demonstrate. Such transformations do not guarantee total insertion, but could be useful in improving the socio-economic conditions of this population.



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