

Promotion of decent work for people with disabilities in the public service: the Brazilian experience of the Inclusion Program of the National School of Public Administration (Enap) ¹

The international perspective

The Convention on the Rights of Persons with Disabilities (CRPD) is an international human rights treaty to protect the rights and dignity of persons with disabilities². Parties to the Convention (countries) are obliged to promote, protect and ensure the full exercise of human rights by persons with disabilities and to ensure that they enjoy full equality before the law. It was adopted by the United Nations General Assembly by Resolution 61/106 of 13 December 2006 and entered into force on 3 May 2008 after the 20th ratification. In April 2018, it had 161 signatories and 177 parties. It presents guidelines on social protection, the right to education, the right to health, habilitation and rehabilitation, work and employment, prevention of discrimination, accessibility, respect for the family, humanitarian and emergency situations, recognition before the law and legal capacity, access to justice, participation rights, and voting rights, among others.

Brazil played an active role throughout the CRPD construction process. The convention and its optional protocol were ratified by the National Congress through Legislative Decree No. 186 of July 9, 2008, in accordance with the procedure set forth in § 3 of art. Five of the Constitution of the Federative Republic of Brazil, making it a constitutional text.

In addition, in September 2015, the United Nations General Assembly adopted the Agenda 2030. It specifies 17 Sustainable Development Goals (ODS), and details a set of 169 targets and indicators that should guide the global effort to promote sustainable development by 2030. In the scenario of diversities that define Brazil, the UN Development Agenda becomes an opportunity for the improvement of public management and for the consolidation of policies that promote a fairer and more solidary country.

The objectives of sustainable development that describe actions directly related to the disability agenda are the following: ODS 1 - eradication of poverty; ODS 4 - quality education; ODS 8 - decent work and economic growth; ODS 10 - reduction of inequalities; ODS 11 - sustainable cities and communities; ODS 16 - peace, justice and effective institutions; and ODS 17 - strengthening the means of implementing and revitalizing the global partnership for sustainable development.

Access to public service

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² The CRPD, in its Preamble, considers that "disability is an evolving concept and that disability results from the interaction between people with disabilities and barriers to attitudes and the environment that prevent their full and effective participation in society on an equal footing opportunities with other people. "

An important form of professional inclusion for people with disabilities happens through public selection exam for government position. There are three major incentives for these audiences to seek such positions:

- The legal reserve of at least 5% of the vacancies in the selection calls for persons who prove that they have disabilities³; and
- The expectation that the selection process will be more transparent, avoiding discrimination on grounds of disability;
- the expectation of stability in employment, due to the requirement of proof of just cause for dismissal (with guarantee of previous administrative process and right of defense).

After almost three decades of constitutional forecasting of the reservation of public vacancies for people with disabilities, the presence of disabled employees in Brazilian public organizations is still discreet.

In March 2018, according to the Public Administration Personnel Information System of the Federal Executive Branch (Sigepe), the number of public servants active in federal executive power with disabilities is 4,688. That is, only 0.72% of the more than 600,000 servers report having a disability.

The information contained and consolidated analyzes may contain the functional functionality of servers with public administration restrictions. You have more information about those who joined the reserve of vacancies in competition. The lack of data on people with disabilities is not significant, it is significant information.

It is estimated that many public servants who acquired deficiency throughout their professional career do not have this characteristic identified in the Sigepe. Some hypotheses of this underreporting are: people management teams have difficulty addressing this issue; many people do not recognize themselves as people with disabilities because of the lack of knowledge of the current debates on the disability agenda from a human rights perspective; some prefer not to inform to avoid the weight of the stereotype of professional incapacity.

Although there are many legal developments, the debate on inclusion still lacks progress in public management. There is an invisibility, or lack of knowledge, about the specificities of people with disabilities, which impacts on the cultures and organizational climates, reaching more directly the quality of life in the work of people with disabilities. Capacitism, which is discrimination and social prejudice against people with any type of disability, is still present in the professional environment.

³ The biomedical model for proving disability is still in force, due to the lack of regulation for evaluation by the biopsychosocial model of disability, which would be in line with the International Convention on the Promotion of the Rights of Persons with Disabilities and the Brazilian Inclusion Law (Law no. 13,146 / 2015).

Some problems that highlight the need for greater debate and affirmative action on the disability agenda in public administration are:

- Accessibility problems - from the time of registration and execution of the public examination tests to the lack, or precariousness, of accessibility resources in the work environment;

- resistance to the rise of persons with disabilities to leadership positions - for a few years there was a legal understanding that prevented the appointment of disabled employees who had a reduction of working hours to occupy positions of trust. The normative barrier dissipated with Decree No. 4,228, of May 13, 2002. However, it is still necessary to overcome the myth of the infeasibility of professional ascent;

- lack of regulation on procedures specific to people with disabilities, such as the integration of disabled people into work; in the special retirement grant; in the issuance of discount tickets for the disabled person's travel companion; lack of multi professional team to assess disability; lack of follow-up, or lack of preparation of the probationary assessment team to distinguish the context factors that hinder professional performance.

In addition to the professional inclusion through a public tender, there are other ways to increase the presence of people with disabilities in public organizations. There are agencies that hire civil society organizations that employ people with disabilities to carry out projects, and the monitoring of compliance with the reserve of vacancies by outsourced companies has been effective in this regard⁴. The greater participation of people with disabilities also happens by guaranteeing traineeships for students with disabilities⁵.

The context of the Enap Inclusion Program

Enap is the main Brazilian government school, created in 1986, linked to the Ministry of Planning, Development and Management. It offers training and improvement to public servers, as a priority. Its main areas of activity are continuing education, training and improvement of careers in the cycle of government management, specialization and professional masters, research and innovation in public management. Enap is also responsible for the Virtual Government School (evg.gov.br); leads the National Network of Government Schools, which gathers more than 300 institutions; and is a member of the Ibero-American School of Administration and Public Policy (EIAPP) of the Latin American Center for Development Administration (CLAD) and the Organization for Economic Cooperation and Development (OECD) Global Network of Government Schools.

⁴ The Ministry of Planning, Development and Management issued Normative Ruling No. 5, of 2017, with rules and guidelines for the contracting of services under the regime of indirect execution in the scope of the federal public administration, autarchic and foundational, providing proof of that the company fulfills the reserve of positions, provided for in Law No. 8,213 of 1991, for persons with disabilities or for rehabilitation of Social Security, and compliance with the accessibility rules provided for in the legislation.

⁵ The Law of Internships, Law 11.788 / 2008, provides for the reservation of at least 10% of internship vacancies for students with disabilities.

Its headquarters are in Brasilia, and the sports area of its campus is provided for use by the Association of Training and Special Physical Education Center (Cetefe) - a civil society organization that trains paratroopers and children with disabilities, as well as develops scanning projects of documents in public bodies, being responsible for the hiring of more than 400 workers with disabilities.

Initially, it was the precariousness of accessibility resources that was the main reason for School officials to begin discussing the issue of disability. In 2016, with the presentation of the experience of the Inclusion Program in the Presidency of the Republic, the Directing Council decided to form a working group to propose inclusion and accessibility actions.

The program

Established in July 2017, the Inclusion Program aims to prospect knowledge and train public servants to manage institutions and public policies in an inclusive way; and develop actions that enable the full participation of people with disabilities and people with reduced mobility in Enap environments and activities.

In this sense, the following specific objectives are proposed: I. to implement measures for the social and functional inclusion of persons with disabilities in order to facilitate access and permanence, as well as to increase their participation in the School's environments and activities; II. eliminate communication barriers to enable access to information and knowledge for all people; III. eliminate technological barriers to guarantee access to technology for all; IV. eliminate architectural and urban barriers to ensure the safe and autonomous free movement of persons with disabilities or with reduced mobility; V. develop contents that collaborate to the diffusion of the perspective of universal design for the design of products, environments, programs and services to be used by all people; SAW. Incorporate in the organizational culture the perspective of the inclusion of people with disabilities as a way of promoting rights and equal opportunities.

The Inclusion Program is based on the work of the National Secretariat for the Rights of Persons with Disabilities, of the Ministry of Human Rights, and is coordinated by a management committee, made up of representatives of all directorates and staff members with disabilities of the School. Its responsibilities are to ensure the implementation of legislation on the rights of persons with disabilities and reduced mobility, as well as the technical norms and recommendations in force, in the actions, activities and projects promoted and implemented by Enap; propose the initiatives that will be part of the Inclusion Program action plan, as well as promote the monitoring and evaluation of these; periodically disseminate the results; and submit proposals to the School Board.

The agenda of inclusion of disabled people also aligns with Enap's actions to increase visibility⁶ of the objectives of sustainable development and the strategies of internalization and territorialization of Agenda 2030 together with public servants at the three governmental levels (federal, state and municipal).

⁶ Get to know the Virtual Exhibition on the Sustainable Development Objectives in Brazil: <https://exposicao.enap.gov.br/exhibits/show/ods-brasil>

First results

On the eve of completing one year of its institutionalization, the main contributions of the Inclusion Program are to increase the visibility of the disability agenda with the federal public administration and schools of government, as well as internal management and the development of activities in all directorates from school; and the insertion of the agenda as the main and transversal theme of professional training activities.

The managing committee considers that the following actions collaborate to spread the perspective of inclusion in the public administration:

- To date, 31 face-to-face activities have been carried out, reaching more than 1,300 participants from 50 public organizations and some civil society participation. The main topics covered are main concepts of the disability agenda, inclusion assumptions from the perspective of social equity, normalizations, gender and disability, attendance of disabled people, good practices in inclusion in public management and presentation of the Inclusion Program. Many of these events were streamed over the internet, live, and had good ratings.
- The reserve of vacancies in the selective processes for the specialization courses and professional masters was inserted.
- Eight videos were produced, available on the internet (Enap's Youtube Channel), five of training events, two interviews, and an institutional video of the program.
- The perspective of accessible communication was incorporated, highlighting the description of images in the social networks and the legend in Portuguese in all institutional videos.
- Innovative awareness-raising strategies for the disabled were adopted, notably the wheels of conversation; the extracurricular activities of Inclusion Week; the creation of a virtual group to exchange information on the agenda through the WhatsApp application, which brings together professionals, activists and people with disabilities from all regions of Brazil; and the online transmission of the events, with Brazilian language sign language (Libras).
- Enap has fulfilled its legal obligation to hire trainees with disabilities, and collaborates with other public bodies to do so.

Enap quickly became a foothold in the federal public administration for inclusion actions, and there were welcome surprises such as:

- The many technical visits of servers and students to know the operation of the Program;

- Invitations to the managing committee to give lectures and collaborate in training and awareness-raising events for the staff of various public organizations;
- the institutionalization of the Inclusion Program as a monograph subject in the 11th edition of the Enap Public Management Specialization Course;
- the high demand for information on how to promote inclusion in public management, which led to the creation of a page of the Program in Enap's Electronic Portal (<http://inclusao.enap.gov.br>), where its documents and contents of reference, mainly;
- the invitation to the Program Management Committee by the Ministry of Planning, Development and Management to form the coordinating team for the process of elaborating national health, safety and quality of life guidelines in the federal public service for issues related to diversity guidelines (gender, race, disability, the elderly, religious diversity and LGBT agenda).

Challenges

The presence of the charitable, assistentialist and biomedical paradigms of disability in the political culture of the population negatively affects the consolidation of a perspective of promoting rights equality in public management. These paradigms constitute important barriers in the consolidation of an inclusive organizational culture, leading to the need for a continuous effort, so that it can even be said that this agenda requires, besides the physical presence of people with disabilities, activism and resilience to stay present in the life of organizations⁷.

The promotion of inclusion is a subject that does not find much theoretical resistance. However, its operation requires innovations in management, review of work processes, studies and proactivity, mainly. Organizations, in general, are not much available to invest in change. Moreover, people need to feel motivated to engage in that proposal.

This is where the need arises for the disability agenda not to be limited to a technical approach to accessibility. Ensuring accessibility without overcoming the attitudinal barrier can diminish the practical effects that one wants to achieve.

In a roundtable discussion on the inclusion of disabled trainees, it was discussed the need for the organization to meet all accessibility parameters and then to include people with disabilities. A person from the Inclusion Program Managing Committee made the defense of not expecting an ideal situation to later bring people with disabilities. He said that this ideal condition might never occur, and that the presence of

⁷ It is also common to happen with other patterns of diversity.

people with disabilities in environments would be conducive to change, since coexistence could widen the perspective of public managers.

It was from this debate that the message that the Enap Inclusion Program has diffused has been rescued: coexistence is the key to inclusion. Not any coexistence, but one that favors perceiving the other, which presupposes empathy, and moving from its individual perspective to understand the demands of the collectivity, leaving no one behind. It is learning by doing, with the initiative of, from conversations, understanding each disability and the needs of accessibility and inclusion in each specific case.

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