Disability and Employment in Argentina: The Right to Be Exploited?

By Eduardo Joly

Not working is perhaps the truest definition of what it means to be disabled. —Louis Harris & Associates, The Survey of Disabled Americans: Bringing Disabled Americans Into the Mainstream (International Center for the Disabled, 1986)

The refusal to employ disabled people in Argentina has persisted for decades. Neither the political and economic orientation of those in government nor periods of economic expansion and job creation have favored the hiring of the disabled. Although the National Congress has passed a series of laws, including job quotas in 1981, an anti-discrimination law in 1988, and constitutional mandates on human rights in 1994, these norms are in practice rarely enforced.

Laws regarding accessibility in urban areas, construction, and transportation have suffered a similar fate. The courts have become a battleground, with disabled people litigating for compliance, while employers and the government contest any ruling in favor of mandatory employment and inclusive living conditions.

Isabel Ferreira, a lawyer in charge of disability cases at the Buenos Aires Ombudsman’s Office, and a wheelchair user herself since Argentina’s polio epidemic in the 1950s, calls the legislation “a demagogic expression of good intentions.” As such, she says, the legislation is repeatedly infringed with impunity. “The strategy of using the courts to define and enforce public policies reveals the absence or ineffectiveness of these policies,” she says, “and explains why people with disabilities must intervene so that they are on the government’s agenda.”

The late Marcelo Morgenstern, an Argentine disability rights activist who was tortured into blindness during the dictatorship, once put it: “The challenge of disability concerns our right to earn a living, to assert ourselves as workers against those who wield political and economic power, with an argument that goes to the root of the problem of unemployment and precarious employment among the most stricken sectors.”

Eduardo Joly is a sociologist, wheelchair user, and president of Fundación Rumbos, an NGO in Argentina that focuses on accessibility from a human rights perspective. This article was originally published in the October 2008 issue of Le Monde diplomatique’s Southern Cone edition (eldiplo.org). Translation by the author, with editing assistance from Laurie Levin. Reprinted with permission.

Online feature: Read an interview with Eduardo Joly at nacla.org/joly.
Argentine disability organizations, usually led by the non-disabled, are nearly always informed by a medical perspective and have mainly focused on “assistant services”—that is, performing tasks and chores for disabled people rather than creating the conditions that would enable them to function autonomously. This is no surprise. Prevailing attitudes treat disability as if it were an illness, and disabled people as if they were chronic patients requiring lifelong care. As a result, the disabled have been grouped by type: the deaf, the blind, the physically handicapped, the mentally disabled, and so on.

In Argentina, the first break with this categorical thinking took place in the 1970s, during the military dictatorship, when disabled activists established a group called the Crippled Peronist Front, aimed at redressing disabled people’s grievances and defending their rights. Both the Argentine Anti-Communist Alliance (a right-wing parapolicy group also known as the Triple A) and the military dictatorship itself kidnapped, tortured, and “disappeared” many of its members. Following this, while the military dictatorship remained in power, the Argentine Corporation of the Disabled was founded, under the tutelage of the National Director of Rehabilitation, and pushed for disability legislation. But the only law passed at the time and consistently complied with since regulates the importation of vehicles for the disabled, a measure that particularly benefits those of the upper middle class.

In 1998, people with the most diverse disabilities and their sympathizers established the Disability Rights Network (REDI). It began by pressing the Buenos Aires Legislature to ensure that elevators be accessible to wheelchair users. An ordinance mandated that building owners replace old elevator doors with presumably safer ones, but it did not take into account the amount of space required to accommodate wheelchairs. As a result, many of the city’s wheelchair users remained locked inside their homes, unable to go to work, visit relatives, or attend rehabilitation. The next year the Buenos Aires legislature passed a law requiring wheelchair accessibility in elevators, but REDI had to press for a second law for it to be enforced immediately. Finally, in 2003, the city’s building code was revised to include accessibility guidelines all buildings to be built in the future. This included apartment buildings, guaranteeing at least one bathroom and bedroom to be wheelchair accessible in each apartment, as well as general building access (entrance, elevator, hallways).

REDI also extended its demands to include accessible public transportation, compliance with job quotas, and the recovery of federal funds destined to disability programs, funds that were illegally diverted to the national budget. The organization also broadened its demand for accessibility to all urban spaces and buildings and succeeded in modifying the Buenos Aires building code. Based on that experience, REDI launched a national campaign for accessible cities.

The Argentine economic crisis of 2001–02, in which unemployment skyrocketed, proved to be a decisive moment for disabled rights activists. “We recognized that our issues were not insulated from broader political and economic ones and that our fundamental demands converged with those of other organizations of the unemployed and of those who are structurally left out of the productive system,” says Carolina Buceta, a blind psychologist and president of REDI. “So, in the middle of the 2001 crisis, we came up with the following idea: ‘Joining other struggles, we advance our own.’”

REDI called on prominent Argentine human rights organizations, including the Permanent Assembly for Human Rights, the Center for Legal and Social Studies, and the Mothers of the Plaza de Mayo, to gain support for specific demands and, at times, to join forces. The economic crisis exposed the intimate relationship between disability and poverty, allowing REDI to establish ties with the Social Forum on Health, the National Assembly of Employed and Unemployed Workers, and the neighborhood assemblies that emerged during the period of “Throw Them All Out!” (¡que se vayan todos!).

For Facundo Chávez Penillas, a lawyer, wheelchair user, and secretary of REDI, “These relations helped us break with the traditional image and tendency to form disability ghettos, reaffirmed our necessary role in defining public policies and programs that affect us, and brought into the limelight the concept of ‘nothing about us without us.’”

**F Chronic unemployment is the defining characteristic of the disabled, it is also, in a sense, their shared “illness,” irrespective of each individual’s specific limitations. In 2003, the International Labor Organization reported that unemployment rates among disabled people reached 80% or more in many developing countries, while Argentina’s National Ministry of Labor says that, at most, only one out of 10 disabled Argentines has a job, and less than 1% of**
national government jobs are held by disabled people, when by law it should be 4%.2 With the notable exception of upper- and upper-middle-class disabled people, the overwhelming majority survive on various forms of charity. For the most part, families bear the brunt and are further impoverished by the presence of a homebound disabled person. Few families can afford one less income earner, let alone absorb the extra expense associated with disability care. Limited governmental social benefits—when the disabled and their families learn of their existence and succeed in qualifying for them—are meager, though sometimes augmented by charitable and religious institutions. As a last resort, many disabled people turn to begging.

Usually, when a disabled person manages to find a job, the pay is much lower compared to what a non-disabled person earns, and work quite often goes unpaid during inordinately long periods of training. Moreover, their working conditions tend to be worse, given the lack of accessible facilities, ergonomically designed tools, or appropriate communication systems. In addition to these and other straightforward abuses, disabled people are often assigned tasks with no or little regard for their abilities.

Facundo Ferro, 27, has a slight mental disability and says he can find only unpaid internships at NGOs. “Photocopying, doing errands, filing,” he says. “Nobody hires me full-time. I assist the coach of the basketball-on-wheels team. But I never see a cent. Promises nobody keeps.”

Unemployment and pay discrimination, not only for disabled people, is a worldwide phenomenon. In the neoliberal era, governments in the leading developed countries, as well as in underdeveloped ones, have been dismantling the remarkable social achievements that followed World War II (retirement pensions, social services, public health and education), gradually eroding safety nets underlying job security and establishing precarious employment.3 These policies, designed to benefit the rich at the expense of the poor, have further impoverished those with disabilities.

Economists Robert Haveman and Barbara Wolfe, commenting on the United States, noted in 1999 that the poverty rate among working-age disabled people was about three times that of those without disabilities. “From 1972 to 1987,” they added, “average earnings of disabled males decreased from nearly $19,000 to somewhat more than $11,000, and from about three-fourths of the earnings of the nondisabled to about one-half.” This was even more pronounced among disabled women and black men, they reported.4

According to another pair of researchers, Andrew Houtenville and Adam Adler, from 1980 to 2000, the relative employment rate of U.S. dis-
abled people (that is, the employment of those with a disability as a percentage of the employment of those without a one) dropped dramatically from 43% to 38.6%. Meanwhile, in the same period, disabled people’s relative median household size-adjusted income (expressed as a percentage of the nondisabled population’s relative median household size-adjusted income) dropped from 53.7% to 50.9%. This trend suggests that disabled people are more seriously affected than others during periods of high unemployment.

While there have always been persons with physical, sensory, or cognitive limitations, their place under the different modes in which societies have organized their productive systems has changed over time. Under slavery, people worked, healthy, sick, or injured, until they died and were replaced. Tasks were largely manual and simple. Under feudalism, people worked for their subsistence and owed a significant part of their production to their feudal lords. Those who had some limitations contributed whatever they could to the family economy; some even displayed skills as artisans.

With the emergence of industrialization, which demanded a technical division of labor and set the basis for the capitalist mode of production, employment of labor power in exchange for a salary developed. Owners of the means of production sought to hire only those they considered capable of carrying out repetitive tasks and enduring long working hours, under often dangerous, subhuman conditions. In this context, the concept of disability evolved to mean the inability to work productively or, more pointedly, to be exploited and produce profits for factory owners.

This system demands that workers work not only enough hours to generate a surplus value, which is largely converted into profits. To augment these profits, the capitalist makes sure that most of the workday consists of surplus labor. This is achieved by different means: extending the workday, applying technological improvements, imposing faster rhythms of production, and paying the lowest possible wage. If a worker is suspected of being incapable of satisfying these conditions, he or she is discarded as useless.

Thus, with the development of capitalism, we witness the emergence of a population in which poverty and disability converge. This sector includes not only those who cannot join the workforce as wage laborers, but also those who are expelled from the workforce as a result of job-related injuries and illnesses, or by substandard living conditions, overcrowding, and malnutrition.

In 1998, as precarious working conditions became the norm in Argentina, the Buenos Aires newspaper Página 12 carried a story exposing the ordeal of young women working in a car parts factory on the outskirts of the city: “In a matter of months, their hands swell, they suffer tendinitis, are injected with cortisone like soccer players so they can continue working, and then wind up in surgery. One of these workers, 20 years old, has been operated on twice and, according to her lawyers and the labor union, has been virtually excluded for life from the labor market.” Twenty more workers suffered the same fate. When workers like these become disabled, employers induce them to retire on disability benefits, in effect expecting that their families and the government will look after those who have lost their full productive capacities. Thus, disabled workers
join the large mass of the chronically unemployed, while many working-age disabled people are outright excluded from the productive system.

This negation of the right to earn a living unveils the true meaning of disability and helps explain why working-age disabled people cannot find jobs, despite labor quota laws and economic incentives for employers. The twofold movement of exclusion and expulsion positions disability as a condition of non-exploitation or, on occasion, of super-exploitation. According to Ana Dones, who heads a sheltered workshop (an organization that provides training and employment for disabled people in a supportive environment), almost half of the more than 10,000 Argentine workers in some 300 such workshops work under subcontract for private firms, earning less than one third the minimum wage. This is a case of super-exploitation made possible by Argentine government subsidies, while the Ministry of Labor continues to sit on an eight-year-old bill that would have mainstreamed these workers’ employment status.

Meanwhile, the disabled population increases due to inadequate fetal and child nutrition, poor access to vaccines, lack of early detection and health care, occupational dangers, lax environmental protection, among other problems. Regrettably, worsening conditions on the job, stimulated by weakened occupational health and safety regulations, have left workers unprotected and made it cheaper for employers to compensate them, or their close relatives, for on-the-job injuries and even death, than to implement preventive measures. It is a system that produces poverty and disability.

Lack of adequate educational preparation among disabled people is alarmingly pervasive and contributes to their collective underclass status. According to Argentina’s National Census Bureau, one out of every three disabled persons has not completed elementary school, compared to one out of every 10 in the total population. Other comparisons between Argentine disabled people and the country’s total population are quite telling: Only 17.8% of disabled Argentines have concluded their high school studies, versus 37.1% in the total population. Nine percent do not know how to read and write, compared to 2% in the total population.

And the illiteracy rate is particularly high among those who could enter the labor market: 20.9% among disabled people 15 to 29 years old, compared to 0.8% in the total population for the same age bracket. Parents face enormous difficulties in seeking to enroll children who have physical disabilities, but no cognitive or intellectual limitations, in regular schools, according to a 2005 study. Parents complained of Kafkaesque paths leading to dead-end streets and referrals to special-education schools, in the absence of physically accessible ones. Interviews with educators, school authorities, and parents revealed a fundamental bias in the educational system: Expectations of these children are so low that they are neither stimulated to their full capacity nor educated well enough to prepare them for work. Too often, this below-standard schooling seems a pretense for normality rather than a path toward effective social inclusion. As a result, these children tend to underperform and, in the long run, fail to secure employment.

Thus many disabled people reach working age without the know-how to become workers or keep a job. Equally unfortunate: Even if a disabled person is prepared for employment and has the requisite skills, his or her qualifications may not be recognized, and if they are, the person is often assigned tasks that disregard his or her prior training. In an even more likely scenario, disabled people may simply not be taken into account at all, their labor presumed to be unprofitable.

Dardo López is deaf; he reads lips and speaks perfectly. “I wanted to be an optician,” he says. “I graduated from the University of Buenos Aires. I was interviewed, even at that chain of opticians in the shopping malls. But nobody gave me a job. Down deep, they did not believe I could make lenses, or that I could interact with clients. I was shocked. Is my license worthless? Look, I’ve traveled in Europe and got by in English, French, and Italian. I was even able to manage in Sweden and Finland. Interact with clients? Please!” López’s plight is just one example of thousands that demonstrate how an inflexible system, rife with biases, undermines human potential.

It is widely believed that disabled people will disrupt the work ethic, force employers to make expensive adjustments, and fail to produce enough to be profitable. As Haveman and Wolfe note, “The norm most commonly adopted concerns the ability to carry out the tasks of a commonly accepted occupation—that is, the ability to engage in sufficient work to ‘earn a living’”; “the focus is on the ability of persons with physical or mental limitations to adjust to their work environment.”

Despite widespread demands for accessibility, the notion that the work...
environment should adapt itself to disabled employees rather than the other way around does not prevail. Quite the contrary: If disabled people are unable to adjust, the usual thinking goes, they aren't fit to work. As such, equal opportunity for the disabled person becomes merely the opportunity to apply for a job whose working conditions likely bar that person from performing it. Flawed as this thinking is, workers who fail to comply are at fault, not the employers. Under this system of production, the worker can only offer his labor, while the employer dictates the work and the necessary means of production, including the conditions of production.

According to Silvia Coriat, an architect at Fundación Rumbos, an Argentine NGO that focuses on accessibility from a human rights perspective: “The most advanced legislation on accessibility introduces the concept of ‘reasonable adjustments.’ But its definition, essentially economic, restricts its application to a decision based on criteria of profitable investment in business, or to budget allocations in government. A presumably ‘expensive’ right winds up being no right at all.”

Why does government fail to comply with job quotas, as mandated by law, even when it does not formally have to profit from the labor of its employees? Perhaps because government’s fundamental role is to guarantee the workings of the system and its ideological foundations. If it complied with the mandated quota, disabled people might demonstrate their capacity to carry out socially productive functions and could thereby demand employment in the remaining sectors of the economy. This precedent, however, would expose the logic behind employing workers in the private sector (making profits) and would undermine the very existence of a reserve labor force (the unemployed), which capitalism needs to maintain low wages and enforce long work hours, thereby maximizing profits.

It is no surprise, then, that the major obstacle to equality of opportunities is the absence of real and sustainable job opportunities for the disabled. When asked to explain the current status quo, government officials customarily reply, “If we hire a disabled person, what do we tell the rest?” as the mayor of Almirante Brown, a municipality on the outskirts of Buenos Aires, put it when forced to hire a wheelchair user as a full-time employee, under pressure from an organization of unemployed workers.

Given this attitude, equal opportunities through signing up on “job application lists” are reduced to a pipe dream, with jobs never materializing. Ostensibly, the notion of equal opportunities provides workers equal standing to compete for scarce jobs, disguising the fact that the decision-making power, as to whether jobs are offered and who is hired, rests among businesspeople and government employers. The workers have no decision-making power at all in this regard.13 In fact, when job vacancies are presumably available to the disabled, definitions of suitability and the absence of training programs to acquire or strengthen on-the-job skills are formidable obstacles for these potential hires.

In the long term, according to Argentine economist Marcelo Ramal, disability and work will only be compatible once social relations founded on appropriating surplus labor are abolished. Yet, as Ramal says, capitalism’s development of productive forces has created the very means of overcoming the limitations of disability in the workplace. For example, workers are largely indistinguishable when working a computer monitor or workstation (there are even computer reading programs for the blind and writing programs for those who cannot use their hands). “The same social regime that condemns disabled people to unemployment,” Ramal says, “has created the conditions for equalizing them on the job, but for this to take place, these persons must emancipate themselves from being producers of surplus value, that is, of profits for others.”

Not all people, disabled or not, display the same productive capacity, which depends not only on personal characteristics but also on working conditions, including the technical means available. If disabled people did not have to generate profits for others, many of them could gain access to employment. Optimally, their contributions to social production, based on their capabilities, even if these were limited, would suffice. The right to earn a living by working should be guaranteed to all, regardless of whether or not one can generate surplus value.

In the short term, disabled people could focus their organizing efforts on labor unions, so that these pressure employers (public or private) to stop laying off workers when they become disabled, and demand the mandatory hiring of disabled people who are on application lists or in job pools, as required by applicable law. In turn, government should ensure that disabled people's wages do not fall below the cost of a basket of basic goods—an indispensable starting point for dismantling the vicious cycle of disability and poverty.
There is, James insisted through his title and through his book, no way to think about the history of the French Revolution without knowing, and knowing well, the history of the Haitian Revolution. There is no history of France, or of Republican democracy, that is not also a history of empire, of those whose lives were shaped by it, and of those who confronted it. This lesson is the challenge posed by The Black Jacobins. But the challenge is also larger than that, for James's book is also about trying to grasp how, at rare moments, change becomes possible. “There are periods in human history,” he quips at one point, “when money is not enough” to assure the control of the future.10 If he, and we, return to the Haitian Revolution, it is also because it spurs us to imagine the unimaginable.  

Notes

Disability and Employment in Argentina

1. I use the term disabled people or the disabled instead of persons with disabilities, since the former are more in line with a social understanding that puts the focus on oppression, whereas the latter emphasizes the individual’s identity as defined by his or her physical, sensory, or mental impairment. Any of these names, however, are preferable to those that pretend to free the concept of negative connotations or to make it politically correct, like persons with special needs, special persons, persons with different capabilities, and the challenged.


Thinking Back on Cuba’s Future

1. José Martí to Ricardo Rodríguez Otero, May 16, 1886, in José Martí, Obras