

QUOTAS FOR BLACKS IN CONTEST TO FILL TECHNICAL POSITIONS AT UFRRJ: a case study

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Abstract

Here we direct our analysis to a data collection regarding an ethnic-racial study carried out with public workers from Federal Rural University of Rio de Janeiro (UFRRJ), occupying the position of Administration Assistants, which requires high school knowledge, tracing an a priori and a posteriori comparison to the application of Law 12.990/2014, 2014 and therefore after the implementation of Law 12.711/2012, popularly known as the “Lei de Quotas”. The data were collected at this university, in particular, due not only to the access provided to researchers, since they work at the institution, which simplifies the gathering of concrete and truthful information, which is

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of extreme essentiality for the proposed investigation, but also because the UFRRJ is located in the Baixada Fluminense, a geographic region that concentrates a significant population of black men and women. The position of Administration Assistant was chosen, because it reunites a significant number of occupants as well as for being one of the key positions for the development of the administrative activities of this university.

Keywords: Institutional Racism, Ethnic-Racial Quota Law, Institutional Managers

COTAS PARA NEGROS NOS CONCURSOS PARA PROVIMENTO DE CARGOS TÉCNICOS NA UFRRJ: um estudo de caso

Resumo

Aqui direcionamos nossa análise para um levantamento de dados no que se refere a um estudo étnico-racial realizado com servidores ocupantes do cargo de Assistente em Administração, na Universidade Federal Rural do Rio de Janeiro (UFRRJ), que corresponde à exigência de ensino médio completo, traçando um comparativo *a priori* e *a posteriori* à aplicação da Lei 12.990/2014 e portanto após a implementação da Lei 12.711/2012, popularmente conhecida como a “Lei de Cotas”. Os dados foram coletados nessa universidade, em particular, devido não só ao acesso a eles facilitado aos pesquisadores, uma vez serem servidores da instituição o que simplifica a obtenção de informações concretas e verídicas, de extrema essencialidade para a investigação proposta, como também por estar a UFRRJ localizada na Baixada Fluminense, região geográfica que concentra parcela populacional significativa de negros e de negras. O cargo de Assistente em Administração foi escolhido, por ser um cargo com significativo número de ocupantes, bem como por ser um dos *cargos-chave* para o desenvolvimento das atividades administrativas dessa universidade.

Palavras-chave: Racismo Institucional, Lei de Cotas Étnico-Raciais, Gestores Institucionais

CUOTAS PARA NEGROS EN CONCURSO PARA OCUPAR POSICIONES TÉCNICAS EN LA UFRRJ: un estudio de caso

Resumen

Aquí dirigimos nuestro análisis a una recolección de datos sobre un estudio étnico-racial realizado con funcionarios que ocupan el cargo de Asistente en Administración, en la Universidad Federal Rural de Río de Janeiro (UFRRJ), que corresponde al requisito de la escuela secundaria completa, trazando una comparación a priori ya posteriori con la aplicación de la Ley 12.990/2014 y por lo tanto después de la implementación de la Ley 12.711/2012, conocida popularmente como la “Lei de Cotas”. Los datos fueron recabados en esta universidad, en particular, no sólo por el acceso a los mismos que se brinda a los investigadores, por ser servidores de la institución, lo que simplifica la obtención de información concreta y veraz, de extrema esencialidad para la investigación propuesta, sino también porque es la UFRRJ ubicada en la Baixada Fluminense, una región geográfica que concentra una importante población de hombres y mujeres negros. Se eligió el cargo de Auxiliar en Administración, por ser un cargo con un número importante de ocupantes así como por ser uno de los cargos claves para el desarrollo de las actividades administrativas de esta universidad.

Palabras Clave: Racismo Institucional, Ley de Cuota Étnico-Racial, Gestores Institucionales.

INTRODUCTION

The structural role that racism plays in Brazilian social relations is historic. It is worth mentioning that after slavery abolition, no affirmative action was created by the Brazilian State with the purpose to integrate the former slaves to work market, which resulted in the coming back or simply the remaining of many of them under the domination of their previous owners. In some cases, they went to other farms or urban areas facing bad working conditions and with low salaries. Still in relation of the negative integration of black people newly released into the social dynamics, the Brazilian State encouraged the European immigration granting them preferences in the job market, over black labor, as postulated by Theodoro (2008) for example.

Although this structural racism of Brazilian social and ethnic-racial relations has its roots driven into the slavery past of our society, it constantly updates in interpersonal and institutional actions and relations. The whitening ideology, the myth of racial democracy, the suffered discrimination and unequal access to the labor market, education, culture, goods and services, in general, are direct characteristics of structural or institutional racism. For Lopes (2007) this form of racism operates through a political and pragmatic dimension, which leads managers and politicians to be unaware to promote strategic actions to combat racism and racial equality.

The imaginary that has been formed around a pseudo racial harmony in Brazil, acted and contemporaneously acts as an excluding mechanism institutionalized, since it contributes to the inability to recognize the equality before the plurality of ethnicities, races and colors, that are treated hierarchically, as shown by Silvério (2004). Besides the myth of racial democracy legitimizes the feeling of superiority x inferiority, white x black, a genuine relationship of forces that interposes itself based on arbitrary cultural and ethnic-racial dominant among us. It is hence, before, a fertile scenery for the potentiating of an institutionalized racism, often hidden, but detectable

as far as between blacks and whites, there are not only economic inequalities but also racial discrimination and both were historically legitimized over time by the Brazilian government, as pointed out by Silvério (2002).

The concept of institutional racism was first used in the United States in the 1960s, by activists of the Black Panther group, Stokely Carmichael and Charles Hamilton (1967), who defined it when they referred to the way in which it expresses racism in organizational structures of that society and its institutions. For these authors, the institutional racism happens when an organization fails to provide an appropriate and professional service to people because of their color, ethnic origin or culture.

In Brazil, this discriminatory and institutionalized scenery led to hundreds of years of struggle of black Brazilian Social Movements, against racism, racial inequalities and demands for public policies to black men and women. At this point racial or ethnically valuable policies defined from the late twentieth century, can be perceived, due mainly to the strengthening and expansion of black consciousness, against racism in all social classes, especially by the Academy, aiming to deconstruct the Eurocentric Brazilian education, in favor of the inclusion of black men and women in this space.

We can mention, as one of the achievements of these struggles, the adoption of the Statute of Racial Equality that, after 10 years of debates, was approved by means of Law 12,288/2010, although far from the original law project, as well as the desired by the national black movement. Regarding specifically to affirmative actions, the statute provides the possibility of adopting them in many social spaces, when in its article 15, states that *the government must adopt affirmative action programs*.

In all countries that affirmative action policies have been implemented, the reduction of social and ethnic-racial inequalities is significant. Its implementation tools through quotas, grants and incentives, focusing on social-historically discriminated groups, are fundamental to overcome inequalities and discrimination. In Brazilian public administration, affirmative actions have only been implemented after the Law 12,990/2014, which

reserves black people, 20% (twenty percent) of the jobs offered in effective public offices and positions within the federal government, local authorities, public foundations, public enterprises and stock companies controlled by the Union.

ETHNICITY, RACE OR COLOR AND THE OCCUPANTS OF ADMINISTRATION ASSISTANT POSITION IN UFRRJ: A FIRST TIME

We direct our analysis to a survey of quantitative data, with respect to an ethnic-racial study of the Administration Assistant occupants, that is considered level D in Rural Federal University of Rio de Janeiro (UFRRJ), which requires complete high school formation, drawing a comparison *a priori* and *a posteriori* the application of Law 12,990/ 2014. The data were collected at the university, in particular, due not only to easy access for researchers, since they are institution workers, which guarantees obtaining concrete and true information, extremely essential to the proposed research, but also by the geographic location of UFRRJ: it is located in the region known as Baixada Fluminense that concentrates significant part of black population in the metropolitan area of Rio de Janeiro.

Furthermore, the Administration Assistant job was chosen because it requires high school formation, besides being a position with a significant number of occupants, and it is also considered one of the key positions for the development of administrative activities at the university, pointed by the researchers, since they are the technicians responsible for the administrative work of all sectors. Since 2003, the federal government added the item color or ethnicity to the form data, which is filled by servers at the admission, to start activities. It can be inferred that until the early 2000s, there was no explicit demonstration by the federal government that could show interest in knowing the percentage of blacks who occupied positions in public administration. To corroborate this statement, Sales Augusto dos Santos draws our attention to the fact that

after *Zumbi dos Palmares Movement against racism, for citizenship and life*, Fernando Henrique Cardoso government (January/1995 to December/2002), under the pressure of the black movements, as stated earlier, publicly began the process of discussion of Brazilian race relations. At that occasion, a President of the Republic for the first time in Brazilian history officially admitted that blacks were discriminated in Brazil. More than this, President Fernando Henrique Cardoso ratified the existence of racial discrimination in Brazil against blacks during the international seminar *Multiculturalism and racism: the role of affirmative action in contemporary democratic states*, organized by the Ministry of Justice in 1996 (SANTOS, 2007, p. 190. Authors' translation. Emphasis in original text)³.

Important to note that although it was added the information concerning color or ethnicity in the register of the workers it does not mean that these terms are synonymous. One hypothesis for the use of the concept of ethnicity may be indicated by Gomes (2005), according to whom the Nazis considered all those who differed from them, either physically or culturally, as belonging to inferior races, which served as a justification for the practice of atrocities, such as the extermination of Jews during World War II. After 1945, the nations had to reorganize themselves in order to prevent new horrors from happening, especially restraining and repudiating racism.

It is worth adding that the item color or ethnicity, present in the admission form, is a self-declaration act and there is no obligation to answer it, because the personal data system does not prevent the proceeding of the registration by not filling this field, and the note *not informed*, appears in reports issued. The Personnel Admission System (SIAPE), when emits reports

³ In original text: após a *Marcha Zumbi dos Palmares contra o racismo, pela cidadania e a vida*, o governo Fernando Henrique Cardoso (janeiro/1995-dezembro/2002), sob a pressão dos Movimentos Negros, como afirmamos anteriormente, iniciou publicamente o processo de discussão das relações raciais brasileiras. Naquela ocasião, um Presidente da República, pela primeira vez na história brasileira, admitiu oficialmente que os negros eram discriminados no Brasil. Mais do que isto, o Presidente Fernando Henrique Cardoso ratificou a existência de discriminação racial no Brasil, contra os negros, durante o seminário internacional *Multiculturalismo e racismo: o papel da ação afirmativa nos Estados democráticos contemporâneos*, organizado pelo Ministério da Justiça, em 1996 (SANTOS, 2007, p.190. Grifos no original).

based on the color or ethnicity item, works with variables yellow, white, indigenous, not informed, brown and black. To make our study easier, we present yellow and indigenous as others, as they are not part of our investigation.

Another relevant aspect to consider is the fact that the uninformed field shows a significant amount of servers, which can represent both those who refused to declare their color, race, or ethnicity, as well as those who were admitted more than 10 years ago, a time when there was no concern of public authorities in raising ethnic and racial data. In this perspective, they actively collaborated with the maintenance of such discriminations based on color, race or ethnicity that has always structured Brazilian relations, which shows the strong presence of institutionalized racism among us, as claimed by Hasenbalg (1978), Andrews (1998), Silvério (2002) and Siss (2003).

If it is true that legally established racism no longer exists in any country in this new century, we also note, as objective reality, that in Brazil the category race or color, understood as socially developed attribute, constitutes a classificatory principle that is on the basis of the persistence of inequalities between population segments white and black as indicated by the results of the latest national survey by Household Sample and the most updated national census, both conducted by IBGE, the Brazilian Institute of Geography and Statistics. (SISS, 2003, p. 15. Authors' translation)⁴

On the other hand, if the *not informed* field corresponds to a vast majority of workers that have not admitted themselves as blacks, a dialogue is established with Du Bois (1961) and his theory of double consciousness also focused by Gilroy (2008), which describes the psychological conflict that

⁴ In original text: Se é verdade que o racismo legalmente instituído já não existe em nenhum país nesse início de século, podemos constatar também, como realidade objetiva, que no Brasil a categoria raça ou cor, compreendida como atributo socialmente elaborado, constitui-se em princípio classificatório que está na base da persistência das desigualdades existentes entre os segmentos populacionais branco e negro como indicam os resultados da última Pesquisa Nacional Por Amostragem Domiciliar e do levantamento censitário nacional mais atualizado, ambos realizados pelo IBGE, Instituto Brasileiro de Geografia e Estatística. (SISS, 2003, p.15)

suffers this racial group to see themselves with the eye of the beholder, caused by the internalization of values and practices of the hegemonic culture. According to Silva (2008), the anti-black racial stereotypes have their origin in an image created from the black color associated with evil characters, dirt, tragedy, wickedness, denoting symbolic color as stated by Rosenberg (1985).

In this context we refer to Bourdieu (1998), (2007) and Weber (2009) with regard to the relations of domination that translate the symbolic power as capable of imposing meanings, which are *legitimately* imposed by the dominant group. Bourdieu (1998) shares the structural sociology of Durkheim (1978), who considers society as an integrated, cohesive and maintained by rules of collective interaction where individuals who participate in the same group, divide, to a greater or lesser extent, values and beliefs, which are guiding traces of actions and attitudes that the sociologist calls the *collective consciousness*.

Passing to the examination of table 1, we show how the Administration Assistant workers, which have a high school degree, declared themselves in 2011, regarding to color/ethnicity.

Table 1 - Distribution of Administration Assistants by color - level D

OCCUPATION	WHITE	BROWN	BLACK	OTHERS	NOT INFORMED	TOTAL
Administration Assistant	130	62	13	20	213	438

Source: adaptation of "color and ethnicity" SIAPE (2011)

Using a phenotypic reference, with the specific objective of investigating how these workers declared themselves in terms of color or ethnicity, eighteen occupants of this position have been chosen, considering all of them admitted from the 2009 contest, which represented a sample of 4% of these workers. To our surprise, from the group of the eighteen selected workers, who were under 30 years old, 7 declared themselves brown, 5 black and 6 white, which can be a sign that the new generations are more aware of their ethnic identity, as punctuates Thomas Hylland Eriksen.

Ethnic dichotomisation and boundary processes are implied in the very concept of ethnicity, and can be identified in all of the contexts presented. We should further note the general importance of fusing political organisation with the creation of a collective identity based on symbolic meaning in ethnic processes. (ERIKSEN, 1993, p. 145).

It is worth highlighting, that the mechanism of choice of the 18 workers of the sample has been phenotypic, that means, all people selected had physical characteristics denoting the black racial group. However there are still those who deny their ethnic belonging, even if they have these characteristics mentioned, which shows the relevance of the theory of assimilation, which has been widely criticized by scholars of Brazilian ethnic-racial relations and also by the Black Movement activists. In addition as this occupation is very old in public administration, in general, it seems to be justified the high quantity for the *not informed* field because there are still many workers who have been admitted before the early 2000s when it began to be included the color or ethnicity field, as previously explained. Due to the significant number of people who declared themselves brown, which corresponded to 7 of the 18, one can refer to the permanence of the feeling of whitening that promotes division within black groups, as well as the manifestation of anti-black prejudice among browns, according to Degler (1971) apud Hasenbalg (1979)

We can also associate this statement as brown to instinctive feelings for which individuals have a need to establish ethnic boundaries, a complicity, sharing of ideals, an acceptance by the others and their way of facing life, that when they interact create congruence codes and values (Barth, 1969), whereby ethnic social groups with traditions, culture, language and common symbols construct their subjectivity allowing a self-identification, as well as being identified by other ethnic groups, independently of consanguinity as Weber (1982) and Siss (2003).

A SECOND MOMENT

Another focus of the approach has been analyzed from data about the workers admitted to the position of Administration Assistant in UFRRJ contest in 2015. This position, has been chosen because it attracts numerous candidates, and for its result present peculiarly positive feature, to be studied further.

It is important to highlight that before the Law 12,990/2014, there were some discussions in UFRRJ about the implementation of ethnic-racial quota policies at the university, since the state of Rio de Janeiro began to adopt the system of compensatory actions in 2011, without reaching a consensus. Many of those who claimed against the implementation of such policies followed authors like Maggie and Fry (2004) which infers to invest in improving education throughout the country, especially in poor areas, mostly black, instead of investing in ethnic and racial affirmative action policies.

After the Law 12,990/2014 for the first time, UFRRJ released a notice with vacancies reserve for black people, including therein blacks and browns. Interviews with open questions were applied with some servers who work directly with the organization and implementation of the public contest, as well as others who perform their activities in the personnel admission sector. This type of interview was chosen aiming to drill down the subject, and try to understand the specificities of the first time of implementing quotas in the contest and provide a comparative analysis of the admitted people before and after the law.

According to the President of the Organizing Committee of the contest, with regard to quotas, the first difficulty encountered by members was the development the text related to Law 12,990/2014. They chose to follow the legal text strictly, so that there could be no different interpretation. Another important discussion was concerning the self-declaration. As it is of public knowledge, several cases of self-declaration concerning fraud were detected

and reported in the media, in particular at the State University of Rio de Janeiro (UERJ).

Therefore, the Dean of Administrative Affairs of UFRRJ, concerned about the legitimacy of the process of racial vacancies reserve, named a Quota Commission that acts in cases of doubt as to the implementation of Law 12,990/2014, that means, in all cases that phenotypically, the candidate did not have a denotative appearance of the black racial group. It sought to avoid the occurrence of fraud to the contest through false ethnic and racial self-declaration. The Commission is made up of two doctorate professors and a technical-administrative worker, a doctorate student, all of them researchers of ethnic-racial relations

The three components are members of the Laboratory of Afro -Brazilian and Indigenous Studies (LEAFRO/Neabi UFRRJ), the Research Group Higher Education and Ethnic-Racial Relations (GPESURER) and the Observatory of Affirmative Action Policies in the Southeast Region (OPAAS)⁵.

The OPAAS comprehends an articulated set of projects and other multidisciplinary actions integrating research, education and community outreach focused on the identification, comparison and analysis of the implementation of access democratization and remaining policies in higher education. The researchers develop their activities also interested in identifying, analyzing and comparing investments, resources, costs and institutional impacts from the implementation of these policies and their assessments, giving effective answers to this question which is one of the most current and important issues of Brazilian higher education.

To proceed to data analysis concerning the result of the contest held in 2015, to the Administration Assistant position, we bring a ranking of candidates, where we can make a comparative diagnosis of the overall result with the result of vacancies reserve for black people.

Table 2 - Comparison between the final results - overall X quotas

⁵ <https://opaas.ufrrj.br/en/about-us/>

OVERALL RESULT	QUOTAS RESULT
1 st CLASSIFIED	1 st CLASSIFIED (2 nd overall list)
2 nd CLASSIFIED	2 nd CLASSIFIED (3 rd overall list)
3 rd CLASSIFIED	3 rd CLASSIFIED (4 th overall list)
4 th CLASSIFIED	4 th CLASSIFIED (5 th overall list)
5 th CLASSIFIED	5 th CLASSIFIED (10 th overall list)
6 th CLASSIFIED	6 th CLASSIFIED (13 th overall list)
7 th CLASSIFIED	7 th CLASSIFIED (16 th overall list)
8 th CLASSIFIED	8 th CLASSIFIED (18 th overall list)
9 th CLASSIFIED	9 th CLASSIFIED (19 th overall list)
10 th CLASSIFIED	10 th CLASSIFIED (23 th overall list)
11 th CLASSIFIED	11 th CLASSIFIED (27 th overall list)
12 th CLASSIFIED	12 th CLASSIFIED (36 th overall list)
13 th CLASSIFIED	13 th CLASSIFIED (40 th overall list)
14 th CLASSIFIED	14 th CLASSIFIED (45 th overall list)
15 th CLASSIFIED	15 th CLASSIFIED (47 th overall list)
16 th CLASSIFIED	16 th CLASSIFIED (55 th overall list)
17 th CLASSIFIED	17 th CLASSIFIED (61 th overall list)
18 th CLASSIFIED	18 th CLASSIFIED (62 th overall list)
19 th CLASSIFIED	19 th CLASSIFIED (71 th overall list)
20 th CLASSIFIED	20 th CLASSIFIED (77 th overall list)

About 2558 (two thousand, five hundred fifty-eight) candidates applied for the Administration Assistant position, to work in Seropédica *campus*, and approved 902 (nine hundred two) of them. When we carry on a study of the first twenty classified in the contest, considering the quotas list, we realized that all candidates were classified between 8.54 % (eight point fifty four percent) of the overall list.

According to the information of the components of the Organizing Committee, the contest will be valid for two years renewable for another

two. Observing that, with the approved contest in September/2015, which means, in five (five) months of validity, until the date of this survey, February/2016, there had been admitted 23 (twenty three) candidates, 19 (nineteen) from the overall list and 3(three) from quotas. Considering these 19 (nineteen) candidates from the overall list, 9(nine) of them also belonged to the quotas list, equivalent to 47.36 % (forty-seven point thirty-six percent). Moreover, if we draw a comparison between the lists, overall and quotas, Table 2, and, supposing that it had not been applied the vacancies reserve for black people, taking into consideration that 23 (twenty three) candidates were admitted, it can be inferred that 10(ten) candidates would be from the black racial group, which is equivalent to 43.47 % (forty-three point forty-seven percent) of the overall list admitted in five (5) months.

Ponderously examining these results, it can be inferred, for example, the hypothesis that the black racial group is getting better access to education and thus better prepared for competitions. According to Brazilian Institute of Geography and Statistics (IBGE) in 2012, attendance rates at school, in the Southeast, from 6 to 14 years old, about 93.6 % was for whites and 93.2 % for blacks and browns, while the age of 15 to 17, in high school, it was 68.5 % for whites and 42.2% for blacks and browns . It can be noticed a decrease for both groups, although it is more significant for blacks.⁶

A significant occurrence, raised by the Quota Commission, refers to a candidate who had been approved and had achieved good rate placement in both listings, and was called to be admitted by the quotas list. He was warned he would have an interview with the Commission, with appointed date and time. Installed the commission, the candidate was expected for an hour, but he did not come. Finally, the candidate showed up the next day and told the admission staff that he wanted to wait to be admitted by the overall rating. This candidate had few phenotypic characteristics of the black racial group.

⁶ Available in: <http://biblioteca.ibge.gov.br/visualizacao/livros/liv66777.pdf>. Acesso in Mar 1st, 2016.

It can be noticed a denotative behavior to an imaginary construct of whitening ideology, which leads us to Silva (2005), who points out that the white group is a representation of humanity, in which being white is normal and everything else that does not fit this stereotype is exotic. The concept is linked to the myth of racial democracy and the ideology of whitening, which gives an inferior feature to the black racial group.

On the other hand, a candidate who also ranked well on both lists had very few characteristics specific to being a member of the black race. However, according to his story, his parents were white and black, which led him to declare himself brown, as he really felt. Therefore, the self-declaration as belonging to a certain group gives rise to an interpretation that goes beyond the fact that only cultural traits, customs and behaviors delineate black identities, that is, they must also be identified and considering the social, cultural and political aspects of the candidate, as well as their relationship with institutionalized racism, as postulated by Gomes (2005), verifying whether or not the candidate constitutes himself or herself as a beneficiary of the Law that institutes the contest.

Another very interesting factor, determined by the team of workers who welcome candidates, refers to a statement from a server that identified an inferiority behavior in the attitudes of one of the approved admitted through quotas. In the eyes of the servant who received the candidate it seemed that the person was embarrassed to have been admitted through the quota system. This idiosyncrasy might have its origin in the stereotypes that lead to self rejection, low self-esteem and a search for values considered universal, according to Silva (2005).

TRANSITORY CONSIDERATIONS

Although it represents a big step towards the inclusion of black people in the labor market through public contests for the federal government, we find there is still much to be done. As established in the preamble of the law, there is a vacancy reserve of 20% (twenty percent) for black people, but it only covers the autarchies, public foundations, public enterprises and joint stock companies controlled by the Union.

In other words, only the federal level is obligatorily subject to this law, while the state and regional level is at the discretion of local authorities. In addition, according to the legal text those who declare themselves black or brown, may compete for vacancies reserved for black candidates, at the moment they make their registration in the public contest, following the color or race question used by the IBGE (art.2nd, Law 12,990/ 2014).

However, this law has no regulation, regarding the scientific or social criteria, for analysis of racial group belonging, which leads to different interpretations of how to self-declare black or brown. Given this absence of regulation, the institutions interpret according to the understanding of the contest committee, and each candidate, white, black or brown, also plays its optics.

To deal with these issues, institutions tend to provide a commission, which is responsible for the suspicion and detection of false self-declaration cases. This solution found by the institutions, is also vulnerable and attached to the subjective evaluations. Consequently, both the commission and the institutions themselves become weakened, to those who feel dissatisfied with the possible decisions of these commissions, which can also lead to a constant judicialization of contests.

Another conflicting aspect is the moment of the contest that the reserve list for blacks should be generated. The legal prevision establishes the percentage, that means, 20% of the total vacancies. However, some institutions understand that it must only respect the number of vacancies reserved at the announcement. The legislation in the art. 1st, § 1st says that the reserve vacancies will always be applied to the number of positions

offered in the contest is equal or greater than 3 (three). Starting from this premise, if the announcement only provides one vacancy, there will be no reserve for blacks and there will not be throughout the contest.

These and other inferences or assumptions were not considered when drafting the project of the law, which was emanated from the executive power and the appreciation in Congress. The merit of the law is unquestionable, when regarding the fundamental objectives of the Republic, presented in 3rd article of the Federal Constitution, in relation to the construction of a free, just and solidary society, without prejudices of race, color, or other forms of discrimination. But it is mister an assessment of regulation aspects necessary to the adoption of equitable practices by institutions, extending them to other powers of the Union and to any instance.

Achieve these fundamental objectives in a society, which have always represented the perspective of an ethnic-racial pseudo-democracy and therefore deny the existence of ethnic and racial inequalities and the unequal treatment of blacks seems a hard task. In this perspective, the intervention of the Brazilian State in the labor market materialized in the reserve vacancies for black applicants in public contests as expressed in the Law 12.990/2014 may help to change this scenario of inequalities, while contributes to education of ethnic-racial relations to objectively put on the agenda although lately, the existence in Brazilian society of ethnic and racial inequalities in the labor market, its impact and the ability to construct and implement powerful official policies if not to eliminate, but to significantly reduce these historical asymmetrical ethnic-racial relations.

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