



Year V, v.2 2025 | submission: October 19, 2025 | accepted: October 21, 2025 | publication: October 23, 2025

Autism and difficulties in the labor market: a legal analysis of the rights and challenges to labor inclusion in Brazil

Autism and difficulties in the labor market: a legal analysis of the rights and challenges to labor inclusion in Brazil

Clarissa Saraiva Castro Balreira - 10th Period Student of the Law Course at Faculdade Santa Teresa – FST.

Email: clarissa.saraiva@hotmail.com

Iasmin Elias de Barros Plácido - 10th Period Student of the Law Course at Santa Teresa College – FST.

Email: iasmimepb@gmail.com

Paulo Eduardo Queiroz da Costa - Professor and Advisor

Summary

The right to work constitutes a fundamental expression of human dignity and is protected by the 1988 Federal Constitution, which establishes in its Article 1, Section IV, the social values of work as the foundation of the Republic. This article analyzes the challenges faced by adults with Autism Spectrum Disorder (ASD) in entering and remaining in the Brazilian labor market, from a legal and social perspective. The research focuses on analyzing the protective legal framework, including Law No. 12,764/2012 (Berenice Piana Law), Law No. 8,213/1991 (Quota Law), and the Statute of Persons with Disabilities (Law No. 13,146/2015), as well as the practical obstacles that impede the realization of these rights. The study employs a qualitative methodology, based on bibliographic and documentary research, and analysis of relevant case law. The results show that, despite significant regulatory advances, structural, attitudinal, and cultural barriers persist that hinder the effective inclusion of people with ASD in the workplace. These barriers manifest themselves through prejudice and ableism, exclusionary selection processes, sensory-inadequate work environments, and a lack of reasonable accommodations. The conclusion is that the effectiveness of legislation depends not only on its formal existence but also on a coordinated set of actions involving corporate awareness, specialized professional training, integrated public policies, and effective oversight. The inclusion of people with ASD in the workforce represents not only an ethical and legal imperative but also a strategic opportunity for organizations seeking innovation, diversity, and social responsibility.

Keywords: Autism; Inclusion; Labor Market; Labor Law; Human Dignity.

Abstract

The right to work constitutes a fundamental expression of human dignity and is protected by the 1988 Federal Constitution, which establishes, in Article 1, section IV, the social values of work as the foundation of the Republic. This article analyzes the challenges faced by adults with Autism Spectrum Disorder (ASD) in entering and remaining in the Brazilian labor market, from both legal and social perspectives. The research focuses on examining the protective legal framework, including Law No.

12,764/2012 (Berenice Piana Law), Law No. 8,213/1991 (Quota Law), and the Brazilian Law on the Inclusion of Persons with Disabilities (Law No. 13,146/2015), as well as on the practical obstacles that prevent the realization of these rights. The study employs a qualitative methodology, based on bibliographic and documentary research and the analysis of relevant case law. The results show that, despite significant legislative advances, structural, attitudinal, and cultural barriers persist, hindering the effective inclusion of people with ASD in the workplace. These barriers manifest through prejudice and ableism, exclusionary recruitment processes, sensory-inadequate work environments, and the lack of reasonable accommodations. It is concluded that the effectiveness of the legislation depends not only on its formal existence but also on an articulated set of actions involving business



Year V, v.2 2025 | submission: October 19, 2025 | accepted: October 21, 2025 | publication: October 23, 2025

awareness, specialized professional training, integrated public policies, and effective oversight. The inclusion of people with ASD in the labor market represents not only an ethical and legal imperative but also a strategic opportunity for organizations seeking innovation, diversity, and social responsibility.

Keywords: Autism; Inclusion; Labor Market; Labor Law; Human Dignity.

1. Introduction

Autism Spectrum Disorder (ASD), characterized by difficulties in communication and social interaction, in addition to the presence of repetitive behaviors and stereotypical patterns, affects millions of Brazilians and presents specific challenges when it comes to insertion and permanence of these people in the job market. According to data from the Brazilian Institute of Geography and Statistics (IBGE), around 85% of Brazilian autistic people are outside the formal job market (NÓBREGA; SANTIAGO; ALMEIDA, 2025), revealing a significant gap between formally guaranteed rights and their practical implementation.

The Federal Constitution of 1988, in its article 1, section IV, establishes the social values of work and free enterprise as foundations of the Republic (BRAZIL, 1988), ensuring to all people, regardless of their condition, the right to carry out work activities in a manner dignified and inclusive. This constitutional guarantee transcends infra-constitutional legislation and guides public policies, judicial decisions and social practices aimed at promoting material equality (MPC-PR MAGAZINE, 2025).

In the specific context of people with ASD, legal protection has been significantly reinforced with the enactment of Law No. 12,764/2012, known as the Berenice Piana Law, which expressly recognizes the person with autism spectrum disorder as a person with a disability for all legal purposes (BRAZIL, 2012). Such recognition guaranteed access to policies inclusion already established, including the reservation of places provided for in Law No. 8,213/1991 (BRAZIL, 1991) and the rights guaranteed by the Statute of Persons with Disabilities (BRASIL, 2015).

Despite this robust normative framework, the reality experienced by people with ASD in Brazilian labor market reveals persistent challenges (MARTINS; NOGUEIRA; OLIVEIRA, 2023). The barriers faced are multiple and complex, ranging from prejudice and ableism to structural issues such as inadequate selection processes, sensory environments hostile and lack of reasonable accommodations in the workplace (LEOPOLDINO; COELHO, 2018; VERAS; CASTRO, 2024; CARVALHO; NOGUEIRA, 2024).

This research is justified by the need to deeply understand the obstacles that prevent the realization of labor rights of people with ASD and the proposal ways to overcome it (ALMEIDA; DANTAS, 2025). The labor inclusion of this group population does not only represent compliance with a legal obligation or ethical imperative, but



Year V, v.2 2025 | submission: October 19, 2025 | accepted: October 21, 2025 | publication: October 23, 2025
constitutes a strategic opportunity for organizations that value diversity, innovation and social responsibility (NÓBREGA; SANTIAGO; ALMEIDA, 2025).

In this context, the central question that guides this research arises: what are the main legal and practical challenges faced by adults with ASD in entering the job market Brazilian, and how the legal system can effectively contribute to overcoming these difficulties? To adequately answer this question, it is essential to analyze not only the existing legal framework, but also its practical application, regulatory gaps, relevant jurisprudential decisions and concrete experiences of inclusion (MARTINS; COELHO; SANTOS, 2023; MPC-PR MAGAZINE, 2025).

This article is structured into sections that will successively address the aspects conceptual and legal aspects of TEA, the Brazilian protective regulatory framework, the main challenges faced in the job market, the benefits of inclusion for companies and society, and the legal perspectives for improving inclusive policies.

2. Conceptual and legal aspects of autism spectrum disorder

2.1. Characterization of Autism Spectrum Disorder

Autism Spectrum Disorder was first described by psychiatrist Leo Kanner in 1943 and is characterized by significant difficulties in communication and social interactions, in addition the presence of repetitive behaviors and stereotyped patterns (KANNER, 1943). From the perspective contemporary, ASD is understood as a neurodevelopmental condition, marked by functional changes that directly affect social skills, verbal expression and repertoires diverse behavioral patterns (AMERICAN PSYCHIATRIC ASSOCIATION, 2023).

According to the Diagnostic and Statistical Manual of Mental Disorders in its fifth edition revised (DSM-5-TR), the diagnosis of ASD is based on two main axes: the aspects related to communication and social interaction, and restrictive and repetitive behaviors (AMERICAN PSYCHIATRIC ASSOCIATION, 2023). In the first domain, the following stand out: limitations in socio-emotional reciprocity, difficulties in using non-verbal forms of communication, in addition to significant commitments in building and maintaining bonds interpersonal (AMERICAN PSYCHIATRIC ASSOCIATION, 2023).

The second criterion focuses on the presence of repetitive behavioral patterns, such as stereotyped motor movements, echolalia, inflexibility in the face of fixed routines and patterns, and atypical reactions to sensory stimuli (AMERICAN PSYCHIATRIC ASSOCIATION, 2023). These characteristics vary considerably in intensity between individuals, which is why



Year V, v.2 2025 | submission: October 19, 2025 | accepted: October 21, 2025 | publication: October 23, 2025

uses the term “spectrum” to designate the condition (AMERICAN PSYCHIATRIC ASSOCIATION, 2023).

The DSM-5-TR classifies ASD into three levels of severity, defined based on the intensity of necessary support.

2.2. Legal recognition of the person with the condition as a person with a disability

The legal protection of people with ASD in the Brazilian legal system was consolidated with the enactment of Law No. 12,764 of December 27, 2012, which established the National Policy of Protection of the Rights of Persons with Autism Spectrum Disorder. Article 1, § 2 of this law categorically establishes that “a person with autism spectrum disorder is considered a person with disabilities, for all legal purposes” (BRAZIL, 2012).

This legal recognition has fundamental legal implications, as it extends to people with ASD the entire protective framework intended for people with disabilities, including rights enshrined in the Convention on the Rights of Persons with Disabilities (Decree No. 6,949/2009) (BRAZIL, 2009) and in the Statute of Persons with Disabilities (Law No. 13,146/2015) (BRAZIL, 2015).

Article 3 of Law No. 12,764/2012 establishes the fundamental rights of the person with TEA: a dignified life, physical and moral integrity, free development of personality, security and leisure; protection against any form of abuse and exploitation; access to actions and services health; access to education and vocational training; access to housing, including residence protected; and access to the job market (BRAZIL, 2012).

The Berenice Piana Law therefore represents a fundamental normative framework that recognizes formally addresses the specific needs of people with ASD and defines clear responsibilities for public authorities and private institutions in guaranteeing their rights, especially with regard to labor inclusion.

3. Protective regulatory framework for labor inclusion

3.1. Quota law (law no. 8,213/1991)

Law No. 8,213/1991 requires companies with 100 or more employees to reserve 2% to 5% of vacancies for rehabilitated beneficiaries or people with disabilities, according to the staff range personal (BRAZIL, 1991). With the recognition of people with ASD as disabled by the Law 12.764/2012, this quota applies equally to them (BRAZIL, 2012).



Year V, v.2 2025 | submission: October 19, 2025 | accepted: October 21, 2025 | publication: October 23, 2025

Failure to comply with this legal obligation subjects companies to inspection by the Ministry of Labor and Employment, which can impose fines and determine conduct adjustments. The case law labor has repeatedly recognized the enforceability of this right, imposing sanctions on companies that do not meet the established quota or that fill vacancies merely formal, without guaranteeing adequate working conditions (CARVALHO; NOGUEIRA, 2024).

3.2. Statute of persons with disabilities (Law No. 13,146/2015)

The Statute of Persons with Disabilities, also known as the Brazilian Inclusion Law (LBI), is the main legal framework that ensures the rights of people with disabilities in Brazil, ensuring their inclusion and equal opportunities (BRAZIL, 2015).

Within the scope of the right to work, Chapter VI (arts. 34 to 38) establishes that every person with disabilities have the right to work of their own free choice, in an accessible, inclusive and free environment. Article 34 prohibits any distinction in the stages of recruitment, hiring, promotion or continuation of employment and ensures equal pay for work of equal value (BRAZIL, 2015).

Furthermore, §5 guarantees access to courses, training, career plans and incentives professionals, a measure of great importance for people with Autism Spectrum Disorder (ASD). In this way, the LBI reinforces the right to decent and inclusive work, in accordance with the principles of human dignity and equality (BRAZIL, 2015).

3.3. Supported employment program

Article 37 of the Statute establishes supported employment as a modality that offers support continuous for people with disabilities to obtain and maintain employment in a regular environment, through reasonable accommodations, assistive technology and accessibility (BRAZIL, 2015). Originating in the USA in 1980s, this individualized approach prioritizes competitive placement over qualification and has been successful in Brazil through partnerships such as Anea and Specialisterne (NÓBREGA; SANTIAGO; ALMEIDA, 2025).

3.4. RECENT LEGISLATION: LAW NO. 14,992/2024

Sanctioned in 2024, Law No. 14,992/2024 represents a significant advance in public policies aimed at the inclusion of people with Autism Spectrum Disorder (ASD) in labor market.



Year V, v.2 2025 | submission: October 19, 2025 | accepted: October 21, 2025 | publication: October 23, 2025

This legislation's main objective is to promote effective hiring and insertion professional development of autistic individuals through the integration of employment and records of people with ASD, thus facilitating the cross-referencing of information between agencies public and employers (BRAZIL, 2024).

Furthermore, the standard establishes awareness-raising and awareness-raising actions aimed at companies and employers, with the aim of reducing attitudinal barriers and promoting an environment of more inclusive work. By recognizing that the mere existence of employment quotas is not enough to ensure equal opportunities, the law emphasizes the need for complementary measures, such as technological integration between public information systems, the adoption of practices accessibility in the workplace and promoting job fairs aimed at specifically to the inclusion of people with disabilities and autism.

In this way, Law No. 14,992/2024 consolidates a broader and more modern vision of labor inclusion, seeking not only to comply with legal formalities, but to effectively ensure the access, permanence and professional development of people with ASD in the job market Brazilian work.

4. Challenges faced by people with TEA in the job market

4.1. Prejudice and ableism

Ableism is one of the main barriers to the labor inclusion of people with ASD (CARVALHO; NOGUEIRA, 2024). Defined as a form of prejudice and discrimination against people with disabilities, ableism manifests itself in the workplace through attitudes that assume that the person with ASD is less capable, less productive, or less intelligent. In the context corporate, ableism can take subtle or overt forms.

Among the subtle manifestations are disbelief in the person's professional capabilities with TEA, the assignment of tasks below their qualification, the exclusion of opportunities for professional development and the misinterpretation of autistic behaviors as a lack of interest or commitment.

The most obvious manifestations include the explicit refusal to hire people with ASD, unfair dismissal after request for reasonable accommodations, derogatory comments about the condition and denial of labor rights under the argument that the person "is not really disabled" (CARVALHO; NOGUEIRA, 2024).



4.2. Sensory-inadequate work environments

People with ASD often have specific sensory sensitivities that can be significantly impacted by the work environment. Bright fluorescent light, noise constant, intense smells, extreme temperatures or many simultaneous stimuli can cause sensory overload, directly interfering with concentration, well-being and productivity. Open offices, very popular in contemporary companies, can be particularly challenging. The combination of simultaneous conversations, constant movement of people, intense artificial lighting and lack of spaces for temporary isolation can generate crises sensory disorders that temporarily incapacitate the autistic person.

The TRT of the 2nd Region recognized indirect termination of an employment contract in the case of an autistic professional who repeatedly communicated to the company his difficulties with noise excessive and the lack of adaptations in the environment, but it was not met. The decision was based in article 483 of the Consolidation of Labor Laws, considering that the exercise of labor in an area that causes excessive psychological suffering approaches the demand for services above and beyond strengths and health conditions of the worker.

The adaptations needed to reduce sensory overload are often simple and low-cost (TRT 2ª REGIÃO, 2024).

4.3. Difficulties in communication and social interaction

Difficulties in social communication, central characteristics of Spectrum Disorder Autistic (ASD), can generate significant challenges in the corporate environment, where the culture Organizational culture tends to value networking, informal conversations and reading social codes implicit. Such demands can be especially taxing for autistic people.

The phenomenon of autistic masking — a conscious effort to hide autistic behaviors and appear neurotypical — is a strategy often used in professional context, but which can have a serious impact on mental health. Masking constant can result in so-called autistic burnout, characterized by extreme exhaustion, loss of skills and need for leave.

Therefore, it is essential that the work environment adopts specific adaptations, such as: clear and direct communication, reduction of social demands not related to performance, acceptance of different forms of interaction, valorization of technical skills and creation of spaces for sensory rest (AMERICAN PSYCHIATRIC ASSOCIATION, 2023).



5. Conclusion

Analysis of the Brazilian regulatory framework and the reality experienced by people with ASD in the labor market reveals a scenario of important legislative advances, but also discrepancies between formally guaranteed rights and their practical implementation (BRASIL, 1988; BRASIL, 2012; BRASIL, 2015). The legal framework, composed of the Federal Constitution, the Berenice Piana Law, by the Quota Law and the Statute of Persons with Disabilities, offers robust protection to the rights of people with ASD (BRASIL, 1991; BRASIL, 2012; BRASIL, 2015). Recognition of the legal status of the autistic person as a person with a disability ensures their access to inclusion policies and rights specific (BRASIL, 2012).

However, the existence of legislation is not enough to guarantee effective inclusion. The barriers faced by people with ASD at work — attitudinal (prejudice and ableism), structural (exclusionary selection processes, inadequate environments), organizational (lack of adaptations reasonable) and cultural (lack of understanding about neurodiversity) — require an approach integrated (CARVALHO; NOGUEIRA, 2024; LEOPOLDINO; COELHO, 2017).

Overcoming these obstacles requires coordinated efforts: companies must implement reasonable accommodations, train teams, reformulate selection processes and cultivate inclusive culture (Brazil, 2015); the government needs to intensify monitoring of the Quota Law, promote professional training and expand supported employment programs (BRASIL, 2015; NÓBREGA; SANTIAGO; ALMEIDA, 2025); and the Judiciary must continue to interpret the rule to transform formal rights into effective practices (CARVALHO; NOGUEIRA, 2024).

Including people with ASD in the workplace is not just a legal requirement or an ethical imperative; is a strategic opportunity for innovation, diversity of thought and competitive advantage. Unique abilities of autistic people, when harnessed in inclusive environments, generate productivity, quality and creativity (AMERICAN PSYCHIATRIC ASSOCIATION, 2023). Socially, the labor inclusion promotes autonomy, dignity and belonging, contributing to a more inclusive society fair and egalitarian. The realization of labor rights for people with ASD requires cultural change deep that values neurodiversity, recognizing potentialities previously seen as deficits. Despite the challenges, regulatory advances and successful experiences demonstrate that inclusion full is feasible, as long as there is a persistent commitment from all social sectors to diversity human.

References

AMERICAN PSYCHIATRIC ASSOCIATION. **Diagnostic and Statistical Manual of**



Year V, v.2 2025 | submission: October 19, 2025 | accepted: October 21, 2025 | publication: October 23, 2025

Mental Disorders: DSM-5-TR. 5th ed. Porto Alegre: Artmed, 2023.

BRAZIL. **Constitution of the Federative Republic of Brazil of 1988.** Brasília, DF: Federal Senate, 1988.

BRAZIL. Law No. 8,213 of July 24, 1991. **Provides for Social Security Benefit Plans and other measures.** Official Gazette of the Union, Brasília, DF, July 25, 1991.

BRAZIL. Law No. 12,764 of December 27, 2012. **Institutes the National Policy for the Protection of the Rights of Persons with Autism Spectrum Disorder.** Official Gazette of the Union, Brasília, DF, December 28, 2012.

BRAZIL. Law No. 13,146 of July 6, 2015. **Institutes the Brazilian Law on the Inclusion of Persons with Disabilities (Statute of Persons with Disabilities).** Official Gazette of the Union, Brasília, DF, July 7, 2015.

BRAZIL. Law No. 14,992 of October 3, 2024. **Amends Law No. 12,764 of December 27, 2012, to promote the hiring of people with autism spectrum disorder.** Official Gazette of the Union, Brasília, DF, October 4, 2024.

CARVALHO, Luciano Vieira; NOGUEIRA, André Murilo Parente. Autism spectrum disorder and inclusion in the workplace: legal protection and combating ableism and attitudinal barriers. **Journal of the Regional Labor Court of the 1st Region**, Rio de Janeiro, v. 33, n. 68, p. 150-169, Jan./Jun. 2024.

DANTAS, Adelma Araújo; ALMEIDA, Suenya Talita de. AUTISM: THE CHALLENGES FOR THE INSERTION OF ADULTS WITH ASD IN THE LABOR MARKET IN BRAZIL. **Ibero-American Journal of Humanities, Sciences and Education**, [S. l.], p. 17–260, 2025. Available at: <https://periodicorease.pro.br/rease/article/view/20411>. Accessed on: October 1, 2025.

LEOPOLDINO, Cláudio Bezerra; COELHO, Pedro Felipe da Costa. THE PROCESS OF INCLUSION OF AUTISTIC PEOPLE IN THE LABOR MARKET. **Economics & Management Journal**, Belo Horizonte, v. 17, n. 48, p. 141–156, 2018. DOI: 10.5752/P.1984-6606.2017v17n48p141-156. Available at: <https://periodicos.pucminas.br/economiaegestao/article/view/15660>. Accessed on: October 1, 2025.

MARTINS, Islane Archanjo Rocha; NOGUEIRA, Bernardo Gomes Barbosa; OLIVEIRA, Raquel Alecsa da Silva. The challenges of social inclusion of autistic people in the Brazilian labor market. **Journal of the Superior Labor Court**, [S. l.], v. 89, n. 4, p. 101–116, 2023. DOI: 10.70405/rtst.v89i4.24. Available at: <https://revista.tst.jus.br/rtst/article/view/24>. Accessed on: October 1, 2025.

NÓBREGA, Vanessa Pereira Diniz da; SANTIAGO, Elise de Araújo Amorim; ALMEIDA, Suenya Talita de. LABOR MARKET AND NEURODIVERSITY: OBSTACLES AND STRATEGIES FOR THE INCLUSION OF PEOPLE WITH ASD. **Ibero-American Journal of Humanities, Sciences and Education**, [S. l.], v. 11, n. 5, p. 8336–8343, 2025. DOI: 10.51891/rease.v11i5.19618. Available at: <https://periodicorease.pro.br/rease/article/view/19618>. Accessed on: October 1, 2025.

THE RIGHT TO INCLUSION: LEGAL PERSPECTIVES ON AUTISM AND THE GUARANTEE OF RIGHTS.

Journal of the Public Prosecutor's Office of the State of Paraná, [S. l.], v. 12, n. 21, p. 72–84, 2025. DOI: [10.5281/zenodo.16877865](https://doi.org/10.5281/zenodo.16877865). Available



Year V, v.2 2025 | submission: October 19, 2025 | accepted: October 21, 2025 | publication: October 23, 2025

at: <https://revista.mpc.pr.gov.br/index.php/RMPCPR/article/view/199>. Accessed on: October 1, 2025.

REGIONAL LABOR COURT OF THE 2ND REGION. **Court recognizes indirect termination due to lack of workplace adaptation for autistic employee.** Available at: <https://ww2.trt2.jus.br/noticias/2024>. Accessed on: October 2, 2025.