

Racial/Colonial Capitalism in the Epistemology of Social Security Law: Inequality Patterns in Contributory Benefits in Brazil

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Abstract This paper aims to investigate the relationship between Social Security Law's epistemology and the racial/colonial capitalist logic in Brazil. The main objective is to reveal the inequalities caused by colonial patterns on the access and values of contributory benefits for Black workers in Brazil, to demonstrate epistemic racism in Social Security Law. This analysis will be carried out within the framework of Latin American decolonial theory. Methodologically, a qualitative analysis of access criteria and values of contributory benefits is carried out based mainly on data from Brazilian public pension funds to compare social rights of White and Black workers in the General Social Security System. Subsequently, in a propositional stage, decoloniality is used to understand how other temporalities/values can be legally recognized as work by Social Security's epistemology as a way of pluralizing the social protection towards Black workers in Brazil.

Keywords General Social Security System. Contributory Benefits. Coloniality of Power. Black workers. Epistemic Racism. Brasil.

Summary 1 Introduction. – 2 Latin American Decolonial Theory. – 3 Coloniality and Brazilian Welfare State. – 4 The Black Division of Labor Market and Social Security. – 5 Epistemic Racism in General Social Security System. – 6 Pluralizing Social Protection for Black people. – 7 Conclusion.



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1 Introduction

This paper aims to investigate the relationship between Social Security Law's epistemology and the racial/colonial capitalist logic in Brazil. The main objective is to reveal the inequalities caused by colonial patterns on the access and values of contributory benefits for Black workers in Brazil, to demonstrate epistemic racism in Social Security Law.

To access retirement in Brazil men must be 65 years old and have 20 years of contributions, and women must be 62 years old and have 15 years of contributions¹ (INSS 2025). Social Security Law presents this scenario as equitable, conveying the fiction of intra-systemic solidarity, ignoring the effects of the coloniality of power on the principle of contributivity.

Hence, this paper theoretical framework is linked to Latin American decolonial theory, discussing markers of geopolitics and race² intertwined with legal Social Security epistemology. Coloniality is a power pattern created during the invasion of the Americas in 1492, which is based primarily on the social division of labor according to the phenotypic criterion of race (Dussel 1994; Quijano 2000). This racial division of labor persists in contemporary social relations, even with all the resistance from the working-class (Quijano 2000; Mignolo 2010). Therefore, coloniality goes beyond the formal end of colonialism, even with all the resistance undertaken against this domination (Dussel 1994; Lugones 2008).

For decolonial scholars, capitalism is inherent to this racial/colonial system because it was grounded in accumulation regimes

1 In Brazil, there are two types of public and mandatory pension schemes: the Special Pension System, intended for civil servants, and the General Social Security System intended for all workers who are not civil servants or military (Castro, Lazzari 2025). In this paper, we focus on the latter, which encompasses the largest number of Brazilian workers. Every person who performs 'formal' paid work in Brazil has to contribute to the General Social Security System, because affiliation is compulsory. Affiliation can occur as an employee, domestic worker, casual worker (*avulso*), self-employed worker (*contribuinte individual*), or family agriculture worker (*segurado especial*). As a rule, companies and employers also have to contribute. All these contributions go to a single public fund managed by the National Institute of Social Security (INSS). There is one non-mandatory form of affiliation in the General Social Security System for people who do not perform productive work (*segurado facultativo* - which is mentioned in the text on page 14). However, contributions are also mandatory for them when they decide to join the System.

2 For decolonial authors, the phenotypic criterion for social classification of the population has no known history before 1492 (Quijano 2000).

based on expropriation³ and exploitation with all historical forms of work - slavery, servitude and waged labor - articulated around capital (Quijano 2000). Thus, decoloniality is a continuous process of anti-colonial struggle that entails detaching epistemically and politically from colonial patterns of power (Grosfoguel 2008; Mignolo 2010).

Considering the decolonial matrix, this paper begins by defining decoloniality as a method to analyze Social Security Law. Next, a qualitative analysis of access to and the values of contributory benefits is carried out mainly based on data from Brazilian public pension funds in order to compare the amounts received by White and Black people.

It stands out how informality is a driving force for keeping Black people in precarious work and how this acts as a historical exclusion from Social Security protection. The concept of informality here is based on two dimensions: i) an external one, which is characterized by the total absence of legal protection of labor relationships and Social Security coverage (ILO 2015); ii) an internal one, which manifests itself within legal recognized labor relationships outside the standard employment relationship, marked by practices of reduction or distortion of labor and Social Security comprehensive coverage, resulting in Law's precarious inclusion, with partial social protections (IBGE 2024).

Subsequently, in a propositional stage, decoloniality is used to understand how other temporalities/values can be legally recognized as work by Social Security's epistemology as a way of pluralizing the social protection towards Black workers in Brazil.

2 Latin American Decolonial Theory

Decoloniality is a method to break from coloniality of power in political and epistemic fields, requiring engagement with subaltern knowledges and practices to pluralize scientific production, including Social Security Law (Quijano 2000; Mignolo 2010). Decolonial scholarship is based on perspectives that emanate from counter-hegemonic knowledges, including those produced by women, Black and Indigenous peoples, who have in modernity been consigned

3 The very essence of expropriation is that it rests on the historic and the ongoing dispossession and appropriation of resources (human or non-human) without any compensation whatsoever, or without compensation that is adequate to replenish those various resources (Zbyszewska, Maximo 2025).

to a subaltern⁴ status (Gramsci 1975; Spivak 1988; Zbyszewska, Maximo 2025). Decolonial theory encompasses⁵ diverse approaches; this paper will focus on Latin American decolonial theory.

According to the Peruvian Marxist sociologist Aníbal Quijano (2000), the pattern of coloniality of power, which structures the thought of Latin American decolonial theory, imposed a modern paradigm in every social field: i) the collective governance; ii) the concept of family, gender, and sexuality; iii) the social division of labor. iv) knowledge production.

In the field of *collective governance*, the colonizer forged a homogeneous identity, imposing the category of the nation-state through the genocide of Black and Indigenous people in the Americas (Quijano 2000; Grosfoguel 2008). The myth of racial democracy still sustains this system, specially in Brazil, simulating democratic participation, which was first subservient to European countries and, later, to the United States (Gonzalez 1984).

As for the *model of family, gender, and sexuality*, the paradigm imposed was that of the heterosexual, cisgender White family, with a Eurocentric bourgeois ethos, linked to Christianity and patriarchy, axes that constitute the coloniality of gender (Oyèrónké 2004; Lugones 2008).

Colonial patriarchy and phenotypic racial classification shaped the *social division of labor* in Latin America. A racial labor hierarchy confined Indigenous people to servitude and enslaved Black people, while Spanish and Portuguese settlers could work freely, earn wages, and become independent merchants, artisans, or farmers. Only White European men held middle and high-ranking positions in the colonial civil and military administration (Dussel 1994; Quijano 2000). This racialized division of labor was intertwined with gender domination (Gonzalez 1984; Oyèrónké 2004). As María Lugones (2008) argues, the colonial imposition of gender extends beyond the domestic and sexual spheres to public authority and wage labor. Black and Indigenous women not only performed domestic, sexual and care

4 Gramsci (1975) used the term “subaltern class” to refer to people who are excluded from capitalist power. However, other scholars have cautioned against theorizing about a homogeneous subaltern subject, given that race, colonization and gender are also constitutive of subalternity (Spivak 1988).

5 Decolonial theory encompasses: i) Postcolonial studies, concentrated mainly in India and focused on post-structuralist theories (Spivak 1988); ii) Latin American decoloniality, derived from the concept of coloniality of power (Quijano 2000), which also includes Latin American contracolonial concepts, such as *buen vivir* (Acosta 2016); iii) Descolonial theories, which emerged with demands for independence and anti-imperialist movements in Africa and the Caribbean, which permeates Ubuntu philosophy (Ramose 2005; Fanon 2008); iv) Decolonization studies in North America and Oceania, focused on English colonization, centered on insurgent epistemologies (Simpson 2017).

work for White colonizers but were also enslaved into plantations and mining labor (Oyèrónké 2004; Lugones 2008).

Finally, in the axis of *knowledge production*, Eurocentrism prevailed as the only valid form of science. Eurocentrism “does not refer to all the ways of knowing of all Europeans and in all eras, but to a specific rationality that becomes hegemonic worldwide, colonizing and overriding all others [...] in Europe and the rest of the world” (Grosfoguel 2008, 117). Considering the intersection between Eurocentrism and racism, the epistemic inferiority of racialized people was a crucial argument, which is called epistemic racism (Gonzalez 1984; Grosfoguel 2016). The Eurocentric narrative of the “lack of intelligence and civility” of Black and Indigenous people imposed the inferiority of the culture, knowledge, and scientific production of racialized people, which Nelson Maldonado-Torres (2008) dominantes coloniality of being. Epistemic racism was the colonial idea that justified the anti-human ontology of Black and Indigenous people, underpinning the racist division of labor in Latin America (Gonzalez 1984; Nascimento 2018).

3 Coloniality and Brazilian Welfare State

Analyzing the pattern of coloniality of power, one can understand the different formations of the Welfare State in the countries of the Global North, based on the processes of exploitation and expropriation of the colonies (Esping-Andersen 1990). Despite the heterogeneity, especially in the capitalist countries of Western Europe, the existence of a Welfare State is observed, marked by the expansion of distributive policies, such as social rights (like education, labor rights, and social security) (Antunes 1995; Batista 2017).

In Brazil, considering the violent process of colonization, this construction occurred in a completely different way, as it did in most countries of the Global South. In a neo-extractivism pact, even under progressive democratic governments, the majority of the working-class remained excluded from the protected employment relationship, the key to accessing social rights (Svampa 2015).

Accordingly, Social Security Law granted central visibility to one form of exploitation: the standard employment relationship. With this, Eurocentric labor sociality became the “world’s typical work” (Muradas, Pereira 2018). The axes of coloniality of power are embedded in Social Security Law’s epistemology, which centers on the “typical” modern Eurocentric employment relationship, creating a deliberate gap between legal theory and the realities of the Global South’s working-class, especially women and racialized people (Muradas, Pereira 2018).

Therefore, the advancement of contributory social security rights was destined mainly to the White people who, from colonization, are the epistemic subject of the employment relationship (Muradas, Pereira 2018; Corraide 2022). In Brazilian peripheral areas, whether rural or urban, usually occupied by racialized workers, the Welfare State paradigm has never arrived (Pochmann 2007; Harvey 2012; Gomes 2021), so this gap is filled by parallel drug trafficking states and currently by evangelical churches (Spyer 2020). Only the non-contributory portion of social rights reaches these locations, such public health clinics and Social Assistance Reference Centers (CRAS), but most of them are far more precarious than those in affluent areas (Bomfim 2022).

This makes clear the capitalist state's dirigism and its attempt to maintain coloniality, including through Whitening policies in social rights (Gomes 2021). Coloniality manifests itself in neoliberal-racist epistemic choices regarding legal protection: White people, despite being a minority, control the executive, judicial, and legislative branches and large corporations in Brazil, guaranteeing rights for themselves (Gonzalez 1984). Juridical colonial institutions have ensured, since the beginning of modernity, the maintenance of racialized subaltern subjects (Muradas, Pereira 2018). Recognition of social rights are only fulfilled when they are operationalized within this state capitalist/colonial racial logic and, consequently, conceding legal crumbs aimed at pacifying social sectors (Batista 2017).

There is in Brazil a racial pattern of juridical intelligibility that, since the colonization, determines who is the epistemic subject of Social Security Law and, therefore, who will be protected or excluded from contributory social security rights (Muradas, Pereira 2018; Bomfim 2022). This is done based on a White standard of humanity derived from a capitalist racial (and sexual) division of labor established with the European invasion (Quijano 2000; Lugones 2008), as the data on informality, work and Social Security will demonstrate below.

4 The Black Division of Labor Market and Social Security

The maintenance of the colonial pattern of racial inequality can be observed through the distribution of different law protections and labor opportunities among Black and White people. For this paper, job occupation and levels of informality are established as parameters to prove the correlation between the racial phenotypic division of labor linked to Brazilian Social Security.

Brazilian Law n. 12.288/2010 (Racial Equality Statute) the Black category (*negros*) encompasses Black (*pretos*) and Brown and Mixed-Raced people (*pardos*). According to data from Brazilian

Institute of Geography and Statistics (Instituto Brasileiro de Geografia e Estatística 2024), 40.9% of the Brazilian population is working in informality. In this informal economy, the Black population, in 2023, represented 45.8% of workers, while White people occupied 34.3% of these jobs. The rate of Black workers in the informality is higher when compared to other years maintaining colonial patterns⁶ (IBGE 2022). On average, out of every ten Black people of working age, more than four have no type of coverage of retirement or pension (INESC 2017).

In 2023, it is noteworthy that the rate of underemployment⁷ among Black people represented 21.3%, while among White people, it was 13.5% (IBGE 2024). The same survey shows that the wages received by Black people in all occupations are lower than those of White people, and there are fewer Black people in leadership positions (IBGE 2024). Black workers are more than 60% of workers in sectors linked to agriculture, construction, and domestic services and these activities have lower incomes (IBGE 2024).

Based on these data, a statement can be made regarding Social Security. When monthly wages are lower due to precarious and low skill work, the Social Security benefits that Black population will obtain in events such as accidents, disability, death, disease, and age will also have negligible values (Lima, Silva 2020; Oliveira, Dutra, Junior Santos 2023). This is due to the contributory nature of part of Brazilian Social Security, in which benefits linked to social risks depend on the amount of contributions and consistency over time - translated into two legal institutions: the contribution time and the waiting period⁸ (Castro, Lazzari 2025). These data show that race is a variable that explains Social Security inequalities related to the labor market in Brazil, because when the remuneration of a

6 The data available from Social Security Yearbooks does not differentiate between Black national and migrant workers. However, the percentage of migrants in the “formal” Brazilian labor market is low. Data from the Ministry of Justice (2024) shows that only about 203,473 thousand migrants were in “formal” labor relations out of a total of 102.4 million people in Brazil.

7 This index is calculated by adding together three components: unemployment, underemployment due to insufficient hours, and the potential labor force (which includes people who are not employed but were available for work or did not seek work despite wishing to be available for work (IBGE 2024).

8 The benefits offered by the General Social Security System are: i) survivor’s pension; ii) permanent incapacity retirement; iii) retirement by age and time of contribution; iv) special retirement, for those who work in conditions harmful to health; v) imprisonment allowance, for the family of a low-income insured person who is imprisoned; vi) family allowance, for low-income families with children under 14 years of age; vii) temporary incapacity allowance; viii) accident allowance, for people who return to work with injuries and are undergoing rehabilitation. Each benefit has specific requirements, but the general requirements for accessing benefits are only these two. The waiting period is the minimum period of monthly contributions required to be eligible for Social Security benefits (Brasil 1991).

Black worker is below or only a minimum wage⁹ necessary expenses are concentrated on subsistence and not on benefits contributions.

Even though race is a determining factor, the Social Security Statistical Yearbook (*Anuário de Estatístico de Previdência Social*), a document produced by the Brazilian Ministry of Social Security, does not include in its periodic data any differentiation of Social Security benefits between Black and White people. There was no field or requirement for recording “race” in the National Social Security Institute (INSS) forms until 2002 (INESC 2017). This itself is a racial structural erasure in the process of public policy-making. There appears to be an attempt to avoid a racial-redistributive justice due to the absence of this data.

5 Epistemic Racism in General Social Security System

Therefore, we turn to the analysis carried out by published research to demonstrate other dimensions of epistemic racism in the Brazilian General Social Security System. First, It should be noted that access to minimum Social Security benefits cannot be considered as an accessory element within an unequal society such as Brazil (Silva 2017). This makes retirements and pensions an instrument of maintenance for working-class families, who often rely on low Social Security benefits for their livelihood, forcing elderly workers to continue working just to survive (Silva 2017). Around 70% of benefits paid by the National Social Security Institute in Brazil correspond to only one minimum wage (IPEA 2024).

However, there is a clear discrepancy in the degree of dependence on this source of income for Black and White people: 72.7% of the income of elderly Black people is made up of these benefits, while this percentage is 64.8% for White people (Zorzin 2008). Black people depend more on Social Security income because their income from work and income from rent, allowances and donations is much lower than that of White people, which implies a smaller share of total income for the latter (Zorzin 2008). Furthermore, the average value of benefits received by elderly Black people corresponds to only about 63% of the value received by White people (Zorzin 2008).

In 2019, a Social Security reform took place, through Constitutional Amendment n. 103, which reinforced the notion of individuality over solidarity by establishing austerity measures such as: i) more rigorous calculations for granting benefits; ii) a minimum age for all retirements, with the elimination of voluntary retirement based on

⁹ The minimum wage in Brazil is 1518 reais per month, which is equivalent to about 273 dollars per month.

contribution time; iii) impoverishment of working-class families due to the inability to accumulate retirement and pension benefits in their entirety (Castro, Lazzari 2025).

This is a reform that harms the entire working-class, but it is even worse for those on the margins of society (Lima, Silva 2020; Oliveira, Dutra, Junior Santos 2023), as it requires more time working and contributing to the system in order to access lower benefits in older age, increasing pre-existing intersectional inequalities derived from colonization (Lima, Silva 2020).

Marcio Pochmann (2007) states that general access to Social Security has expanded in terms of the overall number of benefits granted (retirement and pensions) but without addressing social exclusions of gender and race as structural elements. Data from the Social Security Statistical Yearbook (Anuário Estatístico de Previdência Social) between 2009 and 2024 prove this logic. In 2009, 4.5 million social security benefits were granted. In 2024, that number reached 6.9 million, with a steady increase in benefits granted since 2020 (INSS 2025). However, the Black population, especially Black women, remain vulnerable. In 2022, more than a fifth (21.2%) of employed Black women were unable to contribute to Social Security, while only 6.8% of White men were in this situation (IPEA 2024). The situation worsened for Black women during the last years. In 2016, 19.2% of them were unprotected by Social Security and lacked the ability to contribute (IPEA 2024).

Therefore, there is a racial positional precariousness derived from coloniality in Brazilian Social Security Law that can be listed: i) there is a greater barrier to Social Security affiliation related to race, which is linked to the racial division of labor of the colonial past; ii) with the neoliberal reforms, there is an intensification of internal and external informality for Black workers, generating jobs that tend to lack social protection, as Brazilian Social Security is contributory; iii) in the realm of internal informality, Black workers occupy lower-paying jobs, which, in the long term, guarantee social security benefits that are linked to the minimum wage or very close to it.

Given this Brazilian reality, stemming from the coloniality of power, it becomes relevant to consider pluralizing social protection for Black people, challenging epistemic racism in Social Security Law epistemology with regard to the principle of contributive benefits.

6 Pluralizing Social Protection for Black people

Thinking about going beyond a merely rights-claiming policy, to develop legal paradigms beyond the racial/colonial capitalist system, it is important to consider multiple conceptions of time, value, and therefore, work inspired by decolonial studies.

In the cosmology that underlies the Western understanding of value, water, animals, land and anticapitalist labor are placed on a lower hierarchical scale than market value (Krenak 2019; Herzog, Pereira 2025). In contrast, in other cosmologies – such as the idea of *Buen Vivir*, which includes the *sumak kawsay* in Ecuador, *suma qamaña* in Bolivia, or *teko porã* in Brazil – such living beings, communitarian labor and a sense of belonging to the land are not reducible to economic resources but have a higher value (Krenak 2019; Herzog, Pereira 2025). Inspired by these ways of thinking, in Ecuador and Bolivia, Nature was constitutionally recognized as a subject of rights (Herzog, Pereira 2025).

This biocentric stance is “based on an alternative ethical perspective, accepting that the environment – all ecosystems and living beings – has an intrinsic, ontological value, even when it has no use for humans” (Acosta 2016, 27). Some South American Indigenous and Quilombola’s¹⁰ time conceptions focus on the time of nature, with its own circularity, without a separate notion between past, present and future (Nascimento 2018; Munduruku 2020). As decolonial feminists have always pointed out, temporalities are multiple, challenging the linearity of time set in the Eurocentric patriarchal-industrial capitalism, which reduced the measurement of various temporal layers to the legal institute of working hours (Perez-Orozco 2019).

Such ways of understanding and organizing life in society are not new, not homogeneous, and not free from hierarchies (Nascimento 2018; Herzog, Pereira 2025). But the point is that such non-market societies are not “primitive”, as coloniality taught us – and they might, despite all imperfections, be better in line with social justice than many Western forms of governance (Herzog, Pereira 2025).

Considering these counter-hegemonic concepts of time and value, the question arises: how can Social Security Law recognize these decolonial perspectives on labor? Among several examples, we list two that can be considered as decolonial instruments of strategic essentialism, which means occupy hegemonic categories within the system itself, with the political intention of undermining its power structures (Spivak 1988): i) intersectional female reproductive work; ii) racialized ontological labor.

One of the main concerns of feminists, including the decolonial ones, is understanding how to recognize the value of reproductive work, which includes the biological and practical reproduction of life

10 *Quilombos* are territories protected by the Brazilian Constitution because these Black communities resisted colonial violence and have maintained ancestral ways of life. *Quilombismo* is a Black scientific project that confronted and continues to confront Eurocentrism and the capitalist racial division of labor (Nascimento 2018).

in daily routines, e.g., the provision of meals for family members, the cleaning of living spaces, but also the emotional and physical care for children, the elderly, or the ill (Federici 2012; Herzog, Pereira 2025). These feminist critics agree that reproductive work, mainly performed by women, sustains all life, rather than being primarily an input into the “productive economy” (Zbyszewska, Maximo 2025). However, in a capitalist patriarchal society, reproductive work continues to be economically and socially undervalued, maintaining the White patriarchy (Davis 1981; Herzog, Pereira 2025).

Considering the intersection of class, gender, and race, when White women, from the middle and upper classes, manage to leave the household, there is often a delegation of domestic and care work to other women. These are often poorer, racialized women, from Global South countries, as Black, Latin, and Asian feminists have highlighted (Davis 1981; Gonzalez 1984, Chow 1992). In Brazil 93.9% of paid domestic and/or care work were women. Black women make up around 70% of them (IPEA 2025). From January 2017 to August 2023, 101 Black domestic workers were rescued from conditions analogous to slavery (INESC 2017). These numbers are extremely underreported, due to the difficulty of labor inspection at private homes.

One of the ways reproductive work is legally recognized is through inclusion of mothering labor for contribution time purposes. From a decolonial perspective, this could be a form of strategic essentialism, as it pluralizes the conception of time and value, and therefore of work, within the epistemology of Social Security Law, which only considers as contribution time the mercantile value extracted from the exploitation of formal productive labor (Lenzi 2021; Bomfim 2022).

Countries like Argentina and Uruguay have already adopted laws in this regard. In Argentina, according to Decree 475 of July 19, 2021, women and pregnant individuals may accrue 1 year of contribution time for each child born alive; in the case of adoption of minors, the adoptive person will accrue 2 years of contribution time for each adopted child; and 1 additional year of contribution time for each child with a disability, who was born alive or adopted as a minor. Individuals who have benefited from the Universal Child Allowance for Social Protection (an Argentinian program for low-income families) will have 2 additional years of contribution time added for each child (Argentina 2021).

In Uruguay, according to Law n. 18.395/2008 (foot note not in references), mothers receive an additional year of contribution time for each child born or adopted. This increase is limited to a total of 5 years (Uruguay 2008). In both countries, retirement requires 60 years of age and 30 years of contribution time: time spent caring for children can help reach those 30 years (Uruguay 2008; Argentina 2021)

Obviously, these are still minimal legal recognitions of contribution time that exclude other types of reproductive work that do not

include motherhood (Collins 2000; Vieira 2018). Furthermore, this assumes that the remaining contribution time for benefits purposes is obtained through formal productive work (Collins 2000; Vieira 2018). However, we emphasize that, unlike legal protection under Social Assistance, here there is a conversion of the social/economical value of care work into the market value recognized as contribution time by Social Security Law, which generates a small shift in an epistemology intertwined with racial/colonial capitalism (Bomfim 2022; Herzog, Pereira 2025).

In Brazil, despite existing legislative bills to recognize maternal care labor as time contributing to social security benefits, such as bill 2647/2021, the current system does not provide any legal recognition of reproductive work (Vieira 2018; Lenzi 2021). The figure of the voluntary insured (*segurado facultativo*), used by most housewives with children, still requires monetary contributions to reach the minimum time for retirement purposes (Batista 2017; Lenzi 2021). In this sense, the racist patriarchy of capitalism is maintained, because women need to rely on their husbands to contribute to Social Security, and when they are unable to do so, the Social Assistance system ends up being overburdened (Lenzi 2021; Bomfim 2022).

A great example of a Brazilian social assistance benefit that legally recognizes reproductive work is “Bolsa Família”, which is a conditional income transfer program that benefits families living in poverty and extreme poverty - per capita income of up to 218 reais per month, approximately 30 dollars per month - that has drastically reduced hunger and social inequality in the country, encouraging the formalization of work (Santos et al. 2017).

However, despite providing political visibility and being important instruments for reducing intersectional inequalities, using Social Assistance benefits to recognize reproductive work does not alter the racial/colonial capitalist patterns on Social Security Law’s epistemology in terms of time, value, and therefore, the legal category of work (Muradas, Pereira 2018; Bomfim 2022). Associated with the strategies of conditional and universal basic incomes (provided for in Brazil by Law 10.835/2024, which was never implemented), it is necessary to rethink the very legal categories that underpin the centrality of White productive-formal work in Social Security Law, which maintains the structure of colonial power in Brazil (Bomfim 2022).

Just like intersectional female reproductive labor, racialized ontological labor remains invisible in Brazilian Social Security Law. According to Sara Ahmed (2012), ontological labor consists of invisible work carried out by Black people that unfolds in two aspects. The first manifests itself in confronting daily violence in order to remain in institutions that are historically naturalized as White. This ontological labor develops within the realm of being, insofar as Black people do not feel they belong in that place, which

can result in mental illness, suicide, devaluation of work, moral and sexual harassment, discrimination, silencing, theft of speech, among other forms of daily micro-violence (Ahmed 2012; Corraide 2022). The second aspect concerns the work of Black people in acquiring know-how to develop survival strategies in White institutions. Such strategies involve the stripping away of cultural and religious symbols, the imposition of clothing, haircuts and the mimicking of language (Ahmed 2012; Corraide 2022).

Ontological labor for Blackness represents the energy, time, and suffering resulting from the struggle to simply exist as a person within White institutions. As long as Blackness remains attached from the zoomorphization of the coloniality of being, which justified slavery in the Americas, its inhumanity persists (Maldonado-Torres 2007; Corraide 2022).

A legal-social security proposition would be the recognition of ontological labor as contribution time for retirement purposes, just as motherhood has been recognized in some Latin American countries. As has been demonstrated, due to the racial division of labor established during colonization, informality in Brazil is occupied by racialized workers. In this sense, a decolonial proposal would be an affirmative action¹¹ in the Social Security System recognizing this work, made invisible by coloniality, performed exclusively by racialized people in Brazil, especially Black and Indigenous people.

These two examples of decolonial instruments of strategic essentialism in Brazilian Social Security Law have a number of limitations, insofar as, despite generating small shifts in the legal coloniality of epistemology, they still maintain the racial/colonial capitalist system and are assimilated by it. However, decoloniality is a process. A process of struggle to involve subaltern voices in the creation of a new epistemology of Social Security Law. Therefore, mapping these small shifts that seek to pluralize the capitalist/racist concept of work, derived from the coloniality of power, is crucial for seeking other imaginaries for Social Security Law.

7 Conclusion

In this paper, we attempt to demonstrate the epistemic racism that stems from the coloniality of power embedded in the legal categories of Brazilian Social Security Law. More than demonstrating racial

11 Affirmative actions policies based on self-declaration of race are already used for the admission of Black and Indigenous people to public universities in Brazil, under Law 12.711 of August 29, 2012. Even with some problems related to fraud/oversight, these instruments are altering academic knowledge production and the racial composition of power spaces (Lima, Campos 2021).

and class inequalities, this brief study aimed to show that the very ontology of the subject of rights protected by Social Security Law in Brazil is based on a cosmology of the capitalist racial/colonial system.

By recognizing Eurocentric sociability as central to its epistemology, and protecting only capitalist labor within the employment relationship, Brazilian Social Security Law maintains the colonial power project of excluding Black workers from legal protection. Epistemic racism impacts access to and the value of contributory social security benefits, creating a fracture between the theory of Social Security Law and the reality of the Brazilian working-class, which has always been predominantly Black, despite state attempts to whiten it or erase its history of struggle.

Thinking about other ethics of life through decolonial lenses can be an opportunity to rethink the very foundations of the categories of Social Security Law, such as the legal concept of time, value, and work. This epistemic shift aims to alter the ontology of the subject of social rights, to expand the legal protection of other forms of work - unproductive, reproductive, or ontological - performed throughout history by racialized workers.

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