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Understanding the shortcomings in the implementation of the quota system to promote the employment of people with disabilities: the contribution of the social representation approach

Abstract

Affirmative Action (AA) policies, such as the Quota Systems, are widely used in Europe to promote the employment of persons with disabilities, however, they are not entirely successful. To better understand this outcome, more attention needs to be paid to the psychosocial processes involved in their reception, especially ambivalence - considered a form of resistance -, and its expressions, such as *ambivalent support* and *ambivalent acceptance*. Furthermore, it is important to analyse the role played by those professionals directly responsible for the implementation of such policies, rarely studied, although having a crucial role in the adaptation of the new values and ideas of these policies. Drawing on Social Representations approach, 23 interviews were conducted with these professionals to examine their representation about the Quota Systems for persons with disabilities. The analysis focused on the themes, arguments and discursive strategies used. Results reveal that interviewees expressed mainly ambivalence using two discursive strategies: 'Yes, but...' - *ambivalent support* - supporting the law in general, but also disqualifying it (e.g., difficult to apply); 'No, but...' - *ambivalent acceptance* – opposing AA policies (e.g., they violate the merit principle), but recognizing in it some positive aspects (e.g., it's a tool against discrimination). We discuss the different practical implications of these two types of ambivalence for the AA literature and to better understand policy implementation problems.

Keywords: Affirmative Action; Quota System; persons with disabilities; Ambivalence; Support and Acceptance; Social Representations;

It is time to *move from law to practice* in the implementation of the rights of persons with disabilities[1]

Introduction

The high unemployment rates faced by persons with disabilities require the development of legal innovations, i.e. new laws and policies to address this problem. The promotion of the rights of persons with disabilities, in particular the right to work and employment, has been strengthened by the Convention on the Rights of Persons with Disabilities (CRPD, 2006), which establishes general principles and guidelines to be implemented by the signatory countries in national and local contexts (Castro, 2012; De Búrca, Keohane, & Sabel, 2013; Harpur, 2012). Based on the social model of disability (Oliver, 1990; Rioux & Valentine, 2006), the CRPD shifts the focus of change from the individual to society: barriers faced by persons with disabilities are seen as socially constructed, and need to be addressed through political and social intervention.

While there may be a general consensus in society to create laws and policies to combat unemployment of persons with disabilities, their effective implementation (e.g., by companies, Public Administration) may take a long time (Castro, 2012) or even fail. This has been the case with the Quota System, an Affirmative Action policy that has been widely used in Europe (Fuchs, 2014; Vornholt et al., 2018), but whose results have fallen short of expectations, at least in some countries (Archibong et al., 2009; Pinto & Neca, 2020; Valdes, 2016).

The focus of this paper is to better understand the lack of success of the Quota System, by looking at how the new ideas and values, introduced by this law, are being received and appropriated - favourable, unfavourable, or ambivalent (both positive and

[1] Note 1: Statement of the Special Rapporteur on the rights of persons with disabilities, Catalina Devandas Aguilar, to mark the 10th anniversary of the UN Convention on the Rights of Persons with Disabilities

https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21018&LangID=E

negative evaluations of the same object) – by those directly responsible for their implementation, who, as far as we know, remain under-researched.

Because laws are formulated in abstract, their appropriation by social actors involves debate, argumentation, negotiation, and transformation (Castro, 2012; Moscovici, 1988). Through communication, both positive and negative ideas about the same law or policy can be mobilised and reconciled at the same time (Elcheroth, Doise, & Reicher, 2011, p. 746, Castro, 2012; Castro & Batel, 2008; Mouro & Castro, 2012). Although there is extensive research on ambivalence applied to the political domain (e.g. REF LIVRO), to our knowledge, none of the existing studies has proposed the distinction between *ambivalent support* and *ambivalent acceptance* (without support). In this paper we adopt this conceptual distinction (Batel + X), which we believe is crucial for a better understanding of policy implementation problems.

Understanding societal change and resistance is one of the key concerns of Social Psychology (Blackwood, Livingstone, & Leach, 2013; Castro, 2012), which has developed theoretical and methodological tools to examine how legal innovation can contribute to promoting change and human rights (Castro, 2012; Spini & Doise, 1998). This paper draws on the Social Representations approach (Moscovici, 1972), which is suitable for understanding how new and unfamiliar ideas are received and appropriated by individuals, institutions and society (Castro & Batel, 2008). Contradiction and ambivalence are central themes within this approach, which emphasises that people can hold conflicting representations (socially shared ideas and values used to make sense of the new) about the same issue, taking into account the interconnections between psychological processes and social contexts, the environments of change (Castro, 2012; Castro & Batel, 2008; Elcheroth, Doise, & Reicher, 2011; Howarth et al., 2013; Voelklein & Howarth, 2005).

To further the analysis of the role of ambivalence in the reception and implementation of AA policies, this paper adopts a recently proposed conceptual distinction between two expressions of agreement, distinguishing between those who *support* ("active and favourable position") and those who *accept, without support* ("passive reception") or tolerate a particular policy (Batel, Devine-Wright, & Tangeland, 2013). Based on the analyses of the interviews (N=23) conducted with the professionals responsible for the implementation of the Quota System in the Portuguese Public Administration, in the empirical part of the paper we differentiate two types of ambivalent reception of the law: *ambivalent support* (*Yes*, I agree with the law, *but* I also I also see some problems) (Castro & Batel, 2008; Durrheim, Boettiger, Essack, Maarschalk, & Ranchod, 2007; Spini & Doise, 1998), a position that has triggered a debate on maintaining and improving the Quota System, as opposed to an *ambivalent acceptance (No,* I don't agree with the law, *but* I recognise some positive aspects) that has triggered a discussion on solving this social problem by replacing the law. The introduction of this distinction is the main contribution of this paper to a better understanding of the implementation problems of the law.

In what follows, we describe the crucial role of the Quota Systems in promoting the employment of persons with disabilities in the European context and in Portugal, where this study was conducted. We then present a literature review on the reception of Affirmative Action policies, in order to transfer its theoretical advances to our study, followed by the contributions of the Social Representations approach to understanding the reception of legal innovations. Finally, we present the methodology and the main findings of the study.

Quota Systems to promote the employment of persons with disabilities

In Europe, the Quota Systems were created after the First World War to combat the unemployment of ex-soldiers with disabilities (Waddington, 1994). Nowadays, this Affirmative Action policy is in force in at least 20 EU member states (Fuchs, 2014; Vornholt et al., 2018), including Portugal (since 2001), where the presented research was conducted.

In general, Affirmative Action policies have two main purposes: to create jobs for groups that are underrepresented in the labour market (Crosby, Iyer, & Sincharoen, 2006); and to pave the way for more positive representations of disadvantaged groups, who are very often seen as lacking the competence to fit into the work context, as in the case of persons with disabilities (Louvet, Rohmer, & Dubois, 2009; Nario-Redmond, 2010). However, the implementation of these Quota Systems has not been successful (Archibong et al., 2009), hindering change: some European countries have abandoned this policy (e.g., UK, Netherlands), while others fall short of the targets established (e.g., Archibong et al., 2009; Valdes, 2016). In Portugal, although the Quota System has been in force in the Public Administration since 2001 (and was extended to the private sector in 2019), its impact has been modest: in 2019 there were only 2,66% (Pinto & Neca, 2020) civil servants with disabilities, still considerably below the target of 5%. These figures suggest that the Quota System may be a modest contribution to solving an important social problem: the high unemployment rates of persons with disabilities in most European countries (Pinto & Neca, 2020). The literature on Affirmative Action, particularly in Social Psychology, has paid little attention to disability policies and has been mainly focused on individual levels of analysis, lacking studies that consider psychosocial processes, such as ambivalence, a gap that this paper aims to fill.

The reception of Affirmative Action policies: Theoretical perspectives

The literature on the reception of Affirmative Action policies resorts essentially draws essentially on two main theoretical approaches, with different research agendas. Some research has attempted to identify the psychological processes that explain attitudes towards affirmative action policies aimed at women, ethnic minorities (e.g., Durrheim et al., 2011, 2007; Harrison, Kravitz, Mayer, Leslie, & Lev-Arey, 2006; Reyna, Tucker, Korfmacher, & Henry, 2005) and, less frequently, persons with disabilities (Kravitz & Platania, 1993; Ruiz & Moya, 2005). The findings suggest that stereotypes about policy targets (e.g., Eberhardt & Fiske, 1994; Ruiz & Moya, 2005), ideologies related with merit (Reyna et al., 2005; Son Hing, Bobocel, & Zanna, 2002) and legitimation of the social order (e.g., Phelan & Rudman, 2011) are some of the processes that play an important role in explaining attitudes towards Affirmative Action policies. This research highlights a paradox, the "Principle Implementation Gap" (P-I Gap): on the one hand, "most citizens embrace *equality* as a noble end" (Dixon, Durrheim, & Thomae, 2017, p. 120), but on the other, they often oppose Affirmative Action policies as a means to achieve equality. However, research also suggests that when opponents of Affirmative Action policies perceive that targets are discriminated against, they "make concessions" and become "less opposed" (Son Hing et al., 2002, p. 494). In conclusion, those who *oppose* Affirmative Action policies often *agree with* its general principles (e.g., promoting equality) (Dixon et al., 2017). However, in the face of discrimination, even opponents may *not reject* these policies (Son Hing et al., 2002). But does such a change imply *support* or *acceptance*? In this paper we argue that this conceptual distinction (Batel & Devine-Wright, 2015), which, to date, has not previously been used in the AA literature, is crucial for better understanding policy implementation problems.

Although less developed than the previously mentioned research, the reception of Affirmative Action policies has also been examined within the framework of Discursive Psychology framework (Augoustinos, Tuffin, & Every, 2005; Durrheim et al., 2007). Findings highlight the expression of *contradiction and ambivalence:* non-beneficiaries tend to disagree with the law (e.g., using meritocratic arguments), while at the same time expressing agreement based on the recognition of the social exclusion of those targeted (Augoustinos et al., 2005). Beneficiaries, on the other hand, tend to express ambivalent support: agreement with Affirmative Action policies, defining them as a means to correct social inequalities, but also highlighting their potential to stigmatise their beneficiaries (Durrheim et al., 2007).

It is important to bring together the theoretical developments of the above-mentioned research and to extend them by including the study of the social actors responsible for the *implementation* of the law. Assuming that meaning-making cannot take place outside a culture or a specific context of interaction (Castro, 2015), we next outline some of the main contributions of the Social Representations approach to advancing research on the psychosocial processes involved in the reception of legal innovations.

Social Representations approach

Social Representations are meanings attributed to social objects (laws and policies) that result from processes of communication that occur at several levels: internal (individual thinking), interpersonal and societal (what culture, media, social groups and institutions believe about a particular object) (Castro & Batel, 2008). If changes in individual thinking is not accompanied by changes in culture and institutions, practices may remain unchanged (Elcheroth et al., 2011). One of the processes by which content is attributed to SR is anchoring: “To cope with a ‘strange’

idea or perception, we begin by anchoring it to an existing social representation" (Moscovici, 1998, p. 235). Different ways of communicating can lead to different types of social representations. The hegemonic representations are perceived as uncontroversial facts. The emancipated representations, on the other hand, are those that build bridges with the Other, and are more open to change (Mouro & Castro, 2012).

Given the heterogeneity of ideas circulating in our society, the process of making sense of legal innovation can reconcile conflicting representations of new laws and policies (Castro, 2012; Elcheroth et al., 2011; Moscovici, 1972), opening space for different versions to emerge (Tuffin & Frewin, 2008). Research on the reception of legal innovations has prioritised the analysis of communication and discourse (Castro & Batel, 2008), highlighting the importance of examining the *arguments* used to agree or disagree with laws and policies and the *discursive strategies* that allow for the expression and conciliation of contradictory and ambivalent ideas about the same law (Batel & Castro, 2018; Castro & Batel, 2008). This research shows that one of the strategies used to express *ambivalence* can be the distinction between the general and the concrete, expressed through the discursive strategy "Yes, but…": "*Yes, I agree with the law, but in practice, it has problems*" (Castro, 2012; Castro & Batel, 2008; Durrheim et al., 2007; Mouro & Castro, 2012; Spini & Doise, 1998). Using different arguments to simultaneously agree and disagree (Mouro & Castro, 2012) opens up space for legitimising the gap between ideas and practices (Castro & Batel, 2008). To date, the literature has mainly addressed the use of the discursive format "yes, but" to express *ambivalent support* (Castro & Batel, 2008) and has not explored other types of ambivalence, namely, *acceptance (without support),* as proposed by Batel et al. (2013). Drawing on the SR approach, this paper examines representations of the Quota System - univalent (favourable or unfavourable) and ambivalent -, by looking at the *arguments*

used, and the *discursive strategies* employed to articulate positive and negative arguments, as detailed below.

Method

Participants

Sampling was mainly purposive. Letters requesting participation were sent to the directors of various public administration bodies. All interviewees (N=23) had direct responsibility for the recruitment process of civil servants in central and local government: Internal Administration (n=1); Agriculture (n =1); Culture (n =4); Internal Security (n =1); Economy (n =1); Education (n =3); Justice (n =3); Health (n =3); Labour and Social Security (n =5). In addition, one interviewee was recruited from the Local Administration (n =1) using snowball sampling.

Participants were aged between 37 and 63 years; 16 were women; 22 had completed tertiary education. The interviews took place between September 2014 and October 2015 in the public entities where interviewees worked (n=22) and one was carried out in a public place (n=1). Some participants (n=14) held leadership positions and others (n=9) held technical positions in human resources departments.

All interviews were recorded and fully transcribed with the prior consent of the interviewees. The average duration of the interviews was 44 minutes (ranging from 20 minutes to 80 minutes). The topics of the interviews were the following: a) professional integration of persons with disabilities; b) affirmative action policies to promote the employment of persons with disabilities; c) personal experiences related to the implementation of the law.

Analytical Procedure

The interviews were analysed using a combination of thematic analysis (Braun & Clarke, 2006) and the examination of discursive strategies (Batel & Castro, 2018; Castro & Batel, 2008), as proposed by Batel and Castro (2018). Thematic analysis allows the identification of general ideas and patterns (themes) of discourse, and is considered useful and appropriate in the study of social representations (Batel & Castro, 2018; Flick, Foster, & Caillaud, 2015). The examination of discursive strategies (Batel & Castro, 2018; Castro & Batel, 2008) consists of the identification of discursive formats used to express simultaneously agreement and disagreement with policies, such as "Yes, But ..." (Castro & Batel, 2008). N-Vivo software was used to carry out the analysis described above.

As proposed by thematic analysis (Braun & Clarke, 2006), we followed five steps: 1) familiarisation with the data; 2) identification of favourable and unfavourable arguments; 3) refinement of the analysis of the content of the arguments; 4) revision and elimination of redundancies, and, 5) global and comparative analysis through the identification of common and distinct themes and the standardisation of the names of the categories used.

Findings

Most interviewees (n=22) expressed ambivalence towards the Quota System in two different ways, according to the proposed conceptual distinction (Batel et al., 2013) between *support* and *acceptance*: *ambivalent support* (n=14; see Table 1) using the distinction between general/particular (Castro & Batel, 2008), that is, supporting the law in general, but disqualifying it in particular; 2) *ambivalent acceptance* (n=8; see Table 1), opposing the Quota System but *accepting* it for the specific case of disability, considering that "unfortunately, it is necessary", mainly because of the need to combat

discrimination on the grounds of disability. In these cases, the interviewees *did not support the law* but *accepted* it (Batel et al., 2013). Only one participant expressed absolute opposition to the Quota System. In the following, we present in more detail, the arguments and discursive strategies used to express ambivalence.

Ambivalent positions on the Quota System

The interviewees expressed their ambivalent positions on the Quota System mobilising four central themes: 1) discrimination based on disability; 2) representations of disability; 3) relationship with the principle of equality (substantive vs. formal); 4) implementation (problems vs. makes it possible to act). The first two arguments were shared by the two types of ambivalent positions to support/accept the law and to disqualify it, respectively. Conversely, the latter two, although related to the same issue – equality and implementation -, had different meanings and were used to justify different positions.

INSERT TABLE 1 HERE

Ambivalent Support - "YES, BUT…"

YES arguments

The Quota System helps to combat disability discrimination

The main argument used to *support* the law was based on a socially shared representation of persons with disabilities: their difficulties in accessing employment, as the next extract shows:

> I fully agree [with the Quota System] (…) it's a way of giving an opportunity, that sometimes is not given (…) because there is a disability. (…) This law has

> given [persons with disabilities] the opportunity to be integrated into our society (…) because they are *capable*. [07]

> I think it's positive [Quota System] (…) this kind of integration policy can never - in my opinion - be left to the free will of the employer. If it was not imposed, it would be difficult for persons with disabilities to keep their jobs. Very difficult. [12]

In both extracts, disability discrimination was described as a "social fact" (Elcheroth et al., 2011): "an opportunity that sometimes is not given" [07] or "if it was not imposed, it would be difficult…". On the other hand, competence, the key to entering the labour market, was presented as a personal viewpoint ("capable" [07]), not consensually shared by companies and institutions: integration "can never be left to the free will of the employer" [12]). Despite the widespread recognition of discrimination, change may be difficult to achieve as long as stereotypes relating disability to incompetence (Nario-Redmond, 2010) remain deeply rooted in institutions (Moscovici, 1988).

The Quota System promotes equality of outcomes - substantive dimension

The emergence of a new and emancipated representation linking disability to competence ("fully able to work" [17]) opened the way to legitimize the provision of *different treatment* to persons with disabilities, as shown below:

> The principle of equality says that (...) there must be equal treatment for equal persons and different treatment for different persons. (…) [Quota System] is an excellent way (..) to introduce into Public Administration services the idea that persons with disabilities are fully capable of working. [17]

The extract shows that, for supporters, the law is perceived as being fair, anchoring the definition of the principle of equality in its *substantive* dimension: equality of outcomes (Garcia, 2005). Conversely, as we will explain below, the same principle has also been mobilised to justify opposition to the Quota System, which was anchored in a *formal* dimension: equality before the law, where any kind of differential

treatment is considered unfair (Garcia, 2005). We will return to this argument later. These findings confirm the importance of analysing the anchoring of principles, such as equality, in argumentation, as their meaning is not always the same (Rioux & Valentine, 2006; Staerklé, 2009). Next, we will describe the disqualification arguments used by those who *support* the law.

BUT arguments

The Quota System has not changed disability representation

Despite the favourable arguments exposed, the Quota System was not perceived as being able to challenge the old and hegemonic representations of disability, especially within the Public Administration entities. The following extract illustrates what was said:

> I am very much in favour of positive measures (…) but I think that the [Quota System] cannot be dropped like a "*bomb*" (…) positive measures alone are not enough (…) It is necessary to raise awareness, to inform and prepare those who are going to use it. And I think this is something lacking. (…) We have not yet been able to achieve a sustainable change of mentality within the Public Administration. [02]

It is claimed that there is a need to raise awareness in order to "achieve a sustainable change in mentality" [02], suggesting that the new ideas and values proposed by the law have not been incorporated into public institutions. In other words, the way Others' think (e.g., other colleagues in the Public Administration, leaders), the institutional culture, did not change. As the SR approach suggests in the presence of conflicting ideas (e.g., competent/ incompetent), socially shared representations can override and overcome individual representations (Elcheroth et al., 2011). These assumptions about what the others think - including both the operational and top level –

think was described as a strong barrier to changing representations, as the extracts below show:

> When the decision is made by the leader, there is a lot of resistance (…) [Hiring a person with disability] is a problem (…) there is a clear discomfort. [18]

> I agree with this kind of measures (…) We do not know how to deal with these situations [disability] (...) the Quota System only exists on paper. [22]

As described above, the recruitment of a person with a disability can be seen as a "problem" for two main reasons: the lack of commitment from the very top of the Public Administration and the lack of knowledge of the civil servants at the operational level on this issue ("we do not know how to deal with these situations" [22]). This lack of a common and shared social representation of persons with disabilities as valuable and competent to work legitimises the practices related to the non-enforcement of the Quota System, which was sometimes described as existing "only on paper" [E22]. Looking at institutions, and collective experiences is crucial for understanding change (Elcheroth et al., 2011; Moscovici, 1972). In this specific case, the "common feeling" (Elcheroth et al., 2011, p. 742) within the public services was that the law faced serious implementation problems, as developed below.

The Quota System presents implementation problems

Given the enforcement problems identified, there was a lively debate on how to improve the legislation. The quota system was seen as incomplete. It was criticised for its lack of specific information. The gaps reported mainly related to the lack of provision of *reasonable accommodation* (adjustments to the working environment to meet their needs), which is a concept widely endorsed by the CRPD but apparently not yet mainstreamed in Public Administration, as the next extract shows:

> There are laws that are very well made, very well written, in practice (…) how do I see it? (…) the opportunity in terms of equal opportunities did not happen (…) a person with disabilities came in (…) then, this person gave up, why? Because the job (…) did not suit the person's disability (…) it was not the public institution that said that the person had to go, it was the person himself who gave up, although probably the public institution also had a role there, because there is always back office work (…) they could have tried to integrate this person. [21]

The social model of disability assumes that environments must be adapted to the needs of the persons with disabilities. The example presented illustrates the lack of appropriation of this new approach, as the institution does not see reasonable accommodation as an obligation. In addition, the law was considered too broad, as it was intended to apply to all types of disability:

> I very much welcome the law (…) but (…) there are tasks that have to be done that are very complicated for people with a certain type of disability and therefore in one way or another, there is a way of getting around it. It is nothing against persons with disabilities, of course (…) If the law were a little bit more flexible (…) for example one particular function no, but another ... [23]

It was assumed that this law should not apply to all persons with disabilities (some were considered more competent than others), and this understanding legitimised practices of non-implementation of the law: "in one way or another, there is a way of getting around it" [23]. The criticism also opened up an important debate on how to improve the law, and facilitate its implementation:

> Establishing the Quota System for persons with disabilities is okay (...) I agree with the measure (...) But perhaps it could be possible to do more than just set a quota. [17]

The interviewees highlighted the need for additional measures to change various practices within the public administration: more information about disability to deconstruct hegemonic representations; more information in the law about reasonable

accommodation; more financial resources (more tenders, with more vacancies). Finally, *ambivalent supporters* also expressed meta-knowledge about the negative connotation that the Quota System has for some, a view with which they disagree with:

> People tend to say that they [persons with disabilities] are being favoured; in my opinion, it is exactly the opposite: everyone has the right to have a job. [17]

This meta-knowledge (what the others think, specifically opponents) (Elcheroth et al., 2011) was contested and strategically used to reject opponents' arguments and reinforce support. Next, we analyse the main arguments used by the interviewees who expressed *ambivalent acceptance*.

Ambivalent Acceptance - "NO, BUT…"

NO arguments

The Quota System violates equality before the law - formal dimension

In contrast to the *ambivalent supporters*, who conceptualise equality in terms of outcomes obtained, those who accept the Quota System, without supporting it, have a different view, linked to a formal conceptualisation (equality before the law), as illustrated in the excerpt below:

> So do we treat people differently from others? If we want integration we should treat everyone in the same way ... ah and so maybe the Quota System should not exist. (...) It ends up being a form of discrimination because we have to treat everyone as equal. [16]

It is argued that there is a need to ensure equal treatment for all ("treat everyone as equal"[16]), without differentiation for the most disadvantaged. In contrast to the *ambivalent supporters*, those who *accepted* the quota system, perceived differential treatment based on group membership as unfair and illegitimate ("it ends up being a form of discrimination" [16]). This formal dimension of the principle of equality was also related to another argument, often

used to justify opposition in the debates on Quota Systems: personal merit. In their view, the only valid criteria for access to employment should be the personal characteristics and abilities, as the following extract shows:

> The Quota System should not exist (...) people are either capable of performing a certain function or they are not. [09]

> Things have to be seen tin the light of people's abilities because... it can be a bit unfair to get a job just because a person is disabled, isn't it? [11]

The above extracts show that opponents believe that the Quota System, in general, regardless of its target, "should not exist" [09] because this type of law is considered "unfair". This conflicting interpretation of the principle of equality – formal vs. substantive – helps us to understand the different meanings attributed to the same policy, as a function of the different cultural resources available in our society, as the SR approach suggests. However, the opponents also shared some similar ideas with supporters. However, they have different implications, e.g. improving the law vs. repealing the law, as shown below.

The Quota System has not changed disability representation

Another argument used to contest the Quota System was that the legal norm did not have sufficient potential to promote a cultural change in relation to representations of disability. The following excerpts illustrate this idea:

> I think the fundamental change must be to adopt policies to change mentalities, not to impose a Quota System. [01]

> If we understand that there are still many cultural barriers, of mentality, education, etc., a law is not going to change that. [16]

While as shown in the previous section, *supporters* of the Quota System argue for the need to introduce additional measures to improve the law (e.g., awareness-raising) and implementation practices, in this case, the same argument was used in the opposite

direction, reinforcing the understanding of the lack of legitimacy. Thus, the lack of potential to drive the cultural change was used to justify the need to repeal the law.

Nevertheless, two further arguments paved the way for a more moderate position to be formulated: while maintaining opposition in general, they accepted the law (without supporting it) for the specific case of disability, because of the perceived discrimination experienced by persons with disabilities, which seems to be understood as a consensual shared representation. We then develop this argument, which enabled the law to be *accepted* (despite initial opposition).

BUT arguments

The Quota System helps to combat disability discrimination

The perceived social exclusion of persons with disabilities, mainly access to employment, was a shared representation used to redefine the law as "useful" or "necessary". It was sometimes preceded by the adverb "unfortunately", as we show below:

> I think, unfortunately, they are useful. I think our society does not view them very favourably … [society] thinks that a person with a disability is less capable than any other person. [01]

> I understand that (…) [Quota Systems] may be necessary to change some recruiting and working habits. [03]

The extracts show how the resignification of the Quota System as acceptable was anchored in the socially shared consensus about the discriminatory practices towards them. Thus, two different rationales were put forward: initially, opposition was mainly based on meritocratic values and formal equality, but later, the representation of the group as the target of prejudice allowed for the acceptance of the Quota System (although without support), as also suggested by other studies (Son Hing et al., 2002).

Yet, those who share this *ambivalent acceptance* were much less committed and concerned with the discussion of solutions for overcoming the implementation problems of the Quota System than the *ambivalent supporters*, as will be shown in the next argument.

The Quota System makes it possible to act

This *ambivalent acceptance* (without support) did not trigger a discussion about implementation problems or ways to improve the law, in contrast to the *ambivalent supporters*. This group mentioned some positive aspects of the law, such as drawing attention to the unemployment of persons with disabilities, and presented the law as being implemented, as shown in the following extracts:

> I don't think it's the best measure, but I think it works. [01]
>
> If the Quota System did not exist, I do not know to what extent we would have some employees with disabilities in the Public Administration. [15]

In this case, the interviewees did not position themselves as knowing the strategies to get around the law, moving away from this debate on the implementation of the law. This silence and devaluation of this debate around the implementation problems of the law may suggest less commitment to change (Elcheroth et al., 2011).

As mentioned above, one interviewee expressed absolute opposition to the Quota System. This position was not based on traditional arguments used to oppose these Affirmative Action policies, such as the merit principle (Son Hing et al., 2002), but on disability representations and implementation problems, as we will show in the next section.

Absolute Opposition

The Quota System did not change the disability representations / Implementation problems

Only one interviewee expressed absolute opposition towards the Quota System, considering that the law *does not work* because the Public Administration has not incorporated the new ideas introduced by the law into its culture:

> The Quota System has never worked (…) This is not the way to solve the problems (…) There is no integration policy (…) Unfortunately, I have seen situations on the contrary, where they even said "we don't want persons with disabilities" (…) departments lack the appropriate conditions (…) they have always tried to escape the situation of including persons with disabilities in the permanent staff. [04]

The aforementioned description of the "common feeling" (Elcheroth et al., 2011) - "we don't want persons with disabilities" - within the Public Administration suggests a clear devaluation of the inclusion of persons with disabilities in everyday practice. This shared understanding of the non-implementation of the law completely discredited the law and inhibited the discussion on how to improve it.

General Discussion

The right of persons with disabilities to work on an equal basis with others, promoted by the CRPD, is being institutionalised at national and local levels through legal innovations such as the Quota Systems widely used in Europe (Fuchs, 2014; Vornholt et al., 2018). However, this legislation is not being fully implemented (Pinto & Neca, 2020; Valdes, 2016), meaning that its appropriation - by individuals and institutions -, and translation into new practices remains a challenge. Social Psychology has developed theoretical and methodological tools to better understand policy reception and implementation, such as the Social Representations approach (Castro, 2012; Elcheroth et al., 2011; Moscovici, 1972). Drawing on this perspective, recent

studies sought to understand the role of legal innovation to promote change (Castro, 2012), highlighting the importance to look at how people make sense of the new, paying special attention to ambivalence, linked to resistance (Castro & Batel, 2008), and the need to integrate into research programmes the environments of change, specifically looking at "those [social actors] who are at the receiving end of it" (Castro & Batel, 2008; Elcheroth et al., 2011; Moscovici, 1972, p. 27). Affirmative Action research, mainly based on an individualist approach, has paid little attention to ambivalence (but see Durrheim et al., 2007) and implementation contexts. In this paper, we have sought to show how the Social Representation approach, which assumes that meaning-making is simultaneously psychological and social (Moscovici, 1988; Voelklein & Howarth, 2005), can be useful in developing Affirmative Action research.

This paper explored how the professionals responsible for the implementation of the Quota System in the Portuguese Public Administration (N=23) received it by identifying the arguments (Braun & Clarke, 2006) used to justify univalent or ambivalent positions. To deepen our knowledge of ambivalence, an important process for understanding resistance and implementation problems, we adopted the conceptual distinction (Batel et al., 2013) between *support* ("an active and favourable position"), and *acceptance* ("a passive reception"), in articulation with an innovative methodological approach (Batel & Castro, 2018): the identification of the discursive strategies (e.g., "Yes, but …") used to conciliate contradictory arguments (Batel & Castro, 2018; Castro & Batel, 2008; Durrheim et al., 2007).

The results presented distinguish two ambivalent positions - support and acceptance (without support) -, which contain more differences than similarities, and are related to different forms of resistance. *Ambivalent support*, already documented in the literature (Castro & Batel, 2008; Durrheim et al., 2007; Mouro & Castro, 2012),

expressed through the use of the discursive strategy "Yes, but…", consisted of a general agreement with the Quota System, followed by disqualifying arguments, sometimes used to justify non-implementation. In contrast, *ambivalent acceptance*, the new type of ambivalence proposed in this paper, expressed through the discursive strategy "No, but…", consisted of a general opposition to the law, followed by favourable arguments used to tolerate the law.

The main common ground between these ambivalent positions, used to *support and accept* the law was the argument (1) "the Quota System helps to combat disability discrimination". Both presented the law as a useful legal instrument to combat discrimination, an uncontested hegemonic social representation (Moscovici, 1988). Similarly, previous studies had identified "perceptions of discrimination" as being responsible changes in attitudes towards Affirmative Action policies: from *opposition* to *less opposition* (Son Hing et al., 2002). Based on the distinction proposed here, we believe that the meaning of *less opposed* should be problematised, as it is likely to be an expression of *acceptance* rather than support. However, this hypothesis needs to be confirmed.

Another shared argument relates to that (2) *the Quota System has not changed representations of disability* (mainly within institutions). However, while *supporters* of the Quota System still believe in the potential of the law to challenge hegemonic representations (by introducing specific amendments), those who *accept* the law use this argument to disqualify it, reinforcing the idea that it is not the most appropriate tool for achieving change. According to the Social Representations approach "changes in *individual representations* do not alter the existence or essence of specific institutional facts (…) [but] changes in *social representations* can and frequently do lead to changes in the institutional world" (Elcheroth et al., 2011, p. 744). In other words, there is still a

long way to go within the institutions in terms of appropriating the ideas promoted by the Quota System. However, at least among ambivalent supporters, the debate is still open to challenge the old representations of disability. In addition, both have brought to the discussion their different understandings of the principle of equality (Rioux & Valentine, 2006; Staerklé, 2009): treating what is different differently (ambivalent supporters) and equal treatment before the law (ambivalent acceptance) to legitimise and delegitimise the law, respectively. This means that, as previous research has highlighted (Rioux & Valentine, 2006; Staerklé, 2009), the reception of policies cannot be understood in isolation from the meanings attributed to values and principles, which are context-dependent and rely on a repository of socially shared ideas. This is also an important contribution to a better understanding of the "Principle Implementation Gap" (Dixon et al., 2017). Our findings show that some conceptualisations of equality, such as equality before the law, are used to contest Affirmative Action policies. Finally, another divergent issue was related to the (4) (non)implementation of the Quota System. *Ambivalent supporters* argued that despite the identified implementation problems, the law was good and should be maintained, actively suggesting ways to improve it (e.g., awareness-raising; amendments to address gaps related to reasonable accommodation). In contrast, those who expressed *ambivalent acceptance* discussed the gaps and shortcomings of the law much less: in their view, the law makes it possible to act, to do something against discrimination, but they did not discuss how to improve it. Identifying the discursive strategies "Yes, But" and "No, But" used to articulate favourable and unfavourable arguments (Batel & Castro, 2018) was an essential tool to clarify the differences between ambivalent supporters, who were interested in discussing and solving the law's implementation problems, in contrast to ambivalent acceptance, who did not participate in this debate.

This study also had limitations that need to be taken into account in future research. It would be interesting to explore the implementation problems in private companies, and to further explore the relationships between policy positioning and disability representations (medical vs. social model). Recent studies have shown that disability representations associated with the social model increase the perception of structural discrimination which, in turn, increases support for public policies that address it (Dirth & Branscombe, 2017). However, it may be interesting to integrate the conceptual distinction between support and acceptance proposed here into this literature.

In conclusion, based on the social representations approach which invites us to look at communication and institutional practices (Castro & Batel, 2008; Elcheroth et al., 2011), it was possible to extend the research on Affirmative Action to a more societal level (Castro & Batel, 2008; Howarth et al., 2013), interested in understanding the reception and implementation of the policy. Two types of ambivalence were identified, with different practical implications: while *ambivalent supporters* want to go further with this law and debate how to improve it, those who accept the law (without support) are absent from this debate, preferring another one: replacing the law. Importantly, the positions identified – ambivalent and absolute opposition - recognise that representations of disability within the Public Administration have not yet changed (e.g., recognition of competence and provision of reasonable accommodation), which is a clear obstacle to the enforcement of the law. However, our data also gave us some positive signs of change, namely showing that barriers to employability are beginning to be challenged, through the emergence of emancipatory representations, such as the association of disability with competence, paving the way for the professional integration of persons with disabilities.

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Table 1

Table 1 – Themes and arguments used by type of ambivalence

Ambivalent support - "Yes, But …"	
Yes arguments …	*But arguments …*
The Quota System helps to combat disability discrimination	The Quota System has not changed disability representation
The Quota System promotes equality of outcomes (*substantive dimension)*	The Quota System presents implementation problems
Ambivalent acceptance - "No, But…"	
No arguments …	*But arguments …*
The Quota System violates equality before the law (*formal dimension)*	The Quota System helps to combat discrimination against persons with disabilities
The Quota System has not changed disability representation	The Quota System makes it possible to act