

Failure or Success? Defensive strategies and piecemeal change among racial inequalities in the Brazilian banking sector

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ABSTRACT

We analyze how Brazilian Black Movement organizations and banks deployed different mechanisms like cooperation, cooptation, and confrontation that generated affirmative action initiatives in the banking sector at the beginning of this century. Black movement organizations triggered an institutional change by connecting fields and exploring a constellation of strategies. However, Brazilian banks adopted defensive strategies aiming to accommodate their interests. We found that a piecemeal change occurred, once the field's structures - resource distribution and power – remained unscratched. Thus, the success of social movements strategies depends upon framing and sense giving work that they conduct in their continual jockeying towards incumbents.

Key-words: Social movement success, counter-movement dynamics, institutional change, banking, black movement organizations, Brazil

INTRODUCTION

Brazil was the last country to abolish slavery. Even though it has been abolished for over 127 years, Brazil still faces racial inequalities. The racial economic gap in Brazilian society is astonishing. According to the Inter-Unions Statistics and

Socioeconomic Studies Department (DIEESE), due to economic growth and restructuration of the Brazilian labor market, the unemployment rate among blacks (12.0%) and non-blacks (10.1%) has been diminishing. However, unemployment among the black population is systematically higher in every metropolitan area (DIEESE, 2015). The same can be said regarding earnings, systematically, blacks earn less (an average of R\$ 8.79 per hour) than non-blacks (R\$ 13.80) in the same economic sector and with the same level of qualification. Moreover, blacks are predominant in precarious forms of occupation, characterized by lower earnings and absence of welfare.

Since the end of the 1990's and especially during the first decade of the XXI century, Brazil was experiencing a peculiar situation regarding racial relations. On the one hand, the Brazilian State was more open to discuss and tackle racial inequality and affirmative action became a dominant claim for black movement organizations, which were strengthening their international network. On the other hand, the myth of the racial democracy discourse – which perpetuates the idea that there is no racism within Brazilian society – was still strong and in operation. Such combination of factors created a context in which discussing racial discrimination or inequalities were equal to discussing affirmative action policies, which is a taboo due to the racial democracy discourse.

At this particular moment, some black movement organizations decided to challenge racial discrimination in the labor market. This research examines how the constant jockeying between black movement organizations, the State, and the banking sector resulted in piecemeal institutional changes. While exploring such negotiation processes, expressed by different mechanisms such as cooptation, cooperation, and confrontation, the paradox of failure will be examined.

Drawing on an empirical investigation into the Brazilian black social movement organizations spanning eleven year (2005 – 2016), the main sources of data were: (i) interviews with black activists engaged in the case being analyzed, activists engaged in the development of affirmative action in Brazil and members of the Federal Labor Prosecutor's Office – some of the interviewees were contacted just after the final decision in court and again in 2016; (ii) public documents; (iv) legal documents (ACP; TACs; lawsuits and legislation) and; (v) journalistic materials; such written data encompasses more than 2000.

Therefore, the paper combines a longitudinal case study (Pettigrew, 1990) with a multilevel approach (Pozzebon *et al.*, 2009; Pozzebon and Diniz, 2012) to examine situations of negotiations, focusing at the confrontations and alliances of the black movement regarding racial discrimination within the banking sector.

The objective of this paper is to analyze how Brazilian Black Movement organizations and banks deployed different mechanisms (i.e. cooperation, cooptation, and confrontation) that generated affirmative action initiatives in the Brazilian banking sector in the first two decades of this century. These strategies involved different actions in different fields: from the international arena of fighting racism at the United Nations conferences to the national labor judiciary system. It is shown that by connecting such fields and exploring a constellation of strategies – varying from direct action to litigation – black movement organizations seemed to trigger an institutional change. On the other hand, Brazilian banking sector organizations (banks and their peak organizations) adopted defensive strategies, such as cooptation, aiming to accommodate their own interests. By examining actors' constant jockeying, our findings stress that an institutional change occurred, once affirmative action programs

were developed. However, the transformation was a piecemeal change as it has kept the field's structures - such as resource distribution and power among incumbents and challengers – unscratched. Thus, the success of social movement strategies is dependent upon the framing and sense-giving work that social movements conduct in their continuous jockeying activity towards incumbents.

LITERATURE REVIEW

Social Movements and Organization Studies

The intersection among social movement and organizational studies is quite extensive on reliving how social movement actors combine different tactics in the institutional transformation process (Leblebici *et al.*, 1991; Hinings and Greenwood, 2002; Suddaby, 2010; Suddaby *et al.*, 2010; Jennings *et al.*, 2013). Just to highlight some examples, King and Soule (2007) examined how social movements act as extra-institutional actors that could trigger engage in contentious process (Soule 2009; Soule, 2012) that leads to institutional change due to impacting on organizational fields (Fligstein, 2001), creating new forms of organizations and markets (Rao *et al.*, 2000; Lounsbury *et al.*, 2003; Zald *et al.*, 2005; Weber *et al.*, 2008) and, thus, acting as social actors (King *et al.* 2010).

Furthermore, the literature emerging from the intersection between organization studies and social movements (Weber and King, 2014) has been able to analyze institutional transformation as a process that might combine elements of social movements, extra-institutional actions (King and Soule, 2007) and corporate non-market strategies (Baron, 1995; Mahon *et al.*, 2004). Thus, institutional reproduction and transformation could be framed as a process that encompasses actors' constant

jockeying (Fligstein and McAdam, 2012), i.e., while some actors might be using their resources to keep their advantages, others might be challenging such resource distribution. Consequently, corporations do not behave passively as targets of social mobilization. Rather the contrary, corporations can also create some strategic management devices (McDonnell *et al.*, 2015) as oppositional tactics to contain social movements, such as the development and support of other organizations that implement their corporate agenda (Barley, 2010; Leitzinger and Terlaak, 2013).

Despite such theoretical developments, the need to further examine how corporations influence grassroots mobilization and how activists interact (i.e., confront or negotiate) with powerful corporations (Weber and King, 2014) has been highlighted. Social movement mobilization success or failure depends on the matter that is underneath these interactions, as well as its consequences in terms of institutional transformation and reproduction.

Recently, literature on social movements' also highlights their capacity to articulate local and global arenas (Castells, 2015; Thorson *et al.*, 2013; Della Porta and Tarrow, 2005; Keck and Sikkink, 2014) as a condition for mobilization towards success or failure. Thus, it is important to understand how social movements are capable to act in different arenas and fields.

Fields and Field Positions

Individual and collective actors can only be understood considering the tactics they employ to relate with others. Generally, we understand that these maneuvers take place in social arenas that might be called 'social fields' or simply 'fields'.

Field theorists may use the word ‘field’ in three coinciding senses (Martin, 2003): a topological sense (see Lewin, 1951); an analytical sense for positioning individuals, organizations, and institutions; a contention sense, where the field assumes the characteristics of battlefields (Bourdieu, 1989).

Fields can be depicted as places where competing struggles between the actors take place around the specific interests that are representative of these actors’ area (Bourdieu, 1989). Therefore, a field is an arena of production, circulation and appropriation of goods, services, knowledge, or status, and the competitive positions held by agents in their struggle to accumulate, monopolize different forms of capital, where the dispute of different forms of capital takes place (Swartz, 1997; Bourdieu, 1989).

With earlier formulations on fields, Bourdieu notoriously used to focus on individuals – mostly subject positions in the field (see Bourdieu, 1989) and to neglect collective arrangements like organizations (Swartz, 1999; Martin, 2003), a position that generates an oscillating analytical tendency between subjectivist constructions and larger structural analysis (Martin, 2003).

In the developments of Bourdieu’s notion of fields, DiMaggio and Powell (1983, p. 148) defined organization field as “those organizations that, in the aggregate, constitute a recognized area of institutional life: key suppliers, resource and product consumers, regulatory agencies, and other organizations that produce similar services or products.” Organizations within a field compete for resources, legitimacy, and power (DiMaggio and Powell, 1983).

Accordingly, fields emerge when there are interactions among organizations that constitute them, especially those interactions that evolve into structures of domination, mechanisms of collaboration and coalition, and a mutual awareness among participants that they are part of a common purpose/dispute (Martin, 2003; Diani, 2010).

Recently, Fligstein and McAdam (2012) gave a new insight to the discussion of fields. Departing from a critique that new institutionalists depict [organization] fields as spaces of routine social order and reproduction, Fligstein and McAdam (2012) offered the concept of Strategic Action Fields (SAFs), which are arenas that are socially constructed where differently endowed actors compete for advantages. Moreover, instead of a relative stability and inertial tendency to the maintenance of positions, Fligstein and McAdam (2012) affirmed that actors – regardless of their power – are constantly jockeying in fields, making moves that the other actors should interpret, to reconsider their options, etc., once the character of fields are their contentions nature.

In order to characterize social position, scholars made a distinction among central and peripheral positions. Peripheral positions would be located at the margins or interstices of a field, and some argue that there is significant advantage for actors being in these spaces to act as institutional entrepreneurs, as they have easier access to alternative practices and are exposed to multiple, sometimes contrasting, authority systems (Haveman and Rao, 1997; Garud and Kumaraswamy, 2002, Boxenbaum and Battilana, 2005; Morris, 2002; Rao *et al.*, 2000).

Previous research has also shown that powerful dominant agents located in central field positions in mature fields can ignite change (Greenwood *et al.*, 2002; Greenwood and Suddaby, 2006). However, these central agents may not be embedded

in a single field; in fact, they have access to alternative practices in other fields through a variety of mechanisms (Hardy and Maguire, 2008).

From, Fligstein and McAdam's (2012) insight into the constant jockeying among actors in a field, we can devise that even from a peripheral position, agents are able to engage in activities that contribute to the construction of meaning, affecting the public perception of the unique dynamics of a field and changing the types of features and capabilities that confer legitimacy inside the field that they are seeking to change.

This capacity for agency can be gained through the mobilization of public opinion (King and Soule 2007); through bargaining power between distinct groups (Fligstein, 1997, Maguire *et al.*, 2004), or by occupying a position in the interstices of the field (Rao *et al.*, 2000), which gives these actors the ability to act as a 'bridge' between different fields.

Social Movements between Collaboration and Cooptation

In spite of the fact that there is a wide range of examples in social movement literature of different strategies and tactics towards other organizations and sectors, most of the literature focuses on confrontation (Soule and Olzak, 2004; Soule and King, 2006; Santoro, 1999; Rao *et al.*, 2000; Morrill *et al.* 2003; Meyer, 2004; King *et al.*, 2007; Johnston and Shoon Lio, 1998; Goldstone, 2004). A confrontational relationship is likely when governmental agencies, social movement organizations and other forms of collective action consider each other's goals and strategies to be antithetical to their own – essentially, total divergence of preferred ends as well as means (Najam, 2000). The confrontational character is constitutive of social movements (Morrill *et al.*, 2003; Melucci, 1980; King *et al.*, 2007; Davis, 2006; Tarrow, 1998; McAdam *et al.*, 2001)

However, the focus on confrontation may overlook other forms of relationship, such as collaboration and cooptation (Najam, 2000; Gary, 1996; Gamson, 1990; Coy and Hedeem, 2005; O'Mahony and Bechky, 2008; Van Wijk *et al.*, 2013). Recently, Van Wijk *et al.* (2013) suggest that collaboration between central and peripheral movements may change a field, especially when the challengers appear more structured.

A relationship of collaboration or cooperation may occur when social movement organizations and other forms of collective action interact with governments or business, not only sharing similar policy goals but also preferring similar strategies (Najam, 2000; Ramanath and Ebrahim, 2010; Burchell and Cook 2013). Essentially, there is a convergence of preferred ends as well as means (Coston, 1998; O'Mahony and Bechky, 2008).

Cooperation and collaboration are different forms of relations between social movements and government – or business –, which require far greater power symmetry in collaborative arrangements (Coston, 1998), even with the help of brokers (O'Mahony and Bechky, 2008; Lavallo and von Bülow, 2015). In fact, genuine collaboration is rare and social movement organizations may develop a contractual role of agents executing government or business projects (Coston, 1998; O'Mahony and Bechky, 2008; Burchell and Cook 2013; Lavallo and von Bülow, 2015).

A relationship of cooptation is likely when different organizations share similar strategies but prefer different goals (Coston, 1998). Such situations, based on divergent goals but convergent strategies, are often transitory. Phillip Selznick's (1949[1984]) analysis of the Tennessee Valley Authority's relationship with various organizations, including local elites and community groups in the 1930's, is the pivotal work for understanding the cooptation concept. According to Selznick, two variables are central

to account for cooptation: power imbalances and the presence of threat (Gamson and Wolfsfeld, 1993). Thus, cooptation is only possible when a challenger organization contests practices, policies or understandings of an incumbent organization or institution.

Cooptation is not a single event, but a process in various stages (Couto, 1988; Coy and Hedeem, 2005; Burchell and Cook, 2013), enabling an organizations' character to change (Selznick, [1949] 1984, 2011; King, 2015). From the point of view of the coopter, the great advantage of formal cooptation resides in incorporating a resistance, dividing the boundaries of power, gaining commitment as compensation, without, however, transferring a substantial part of the power to the ex-opponent (Selznick, 2011). Nonetheless, the coopter may also change, absorbing some elements of the coopted, to restore commitment (Selznick [1949] 1984, 2011). As both, coopter and coopted are transformed to some extent, the cooptation mechanism could allow for extra-institutional elements to become institutionalized and consequently, for piecemeal institutional change.

Social movement organizations may operate with different strategies and tactics, even though they can activate more than one at the same time. Mostly, this activation depends on the institutional environment and context they operate in (Weber and Glynn, 2006) and the types of windows of opportunities that arise to propitiate entrepreneurial movements, even for extra-institutional entrepreneurs (McAdam *et al.*, 1996). However, as Della Porta and Diani (2009, p. 227) noted “the identification of a ‘strategy for success’ is an arduous task for both activists and scholars”. Identifying failure (Meyer, 2004) and or success is an analytical endeavor due to the following: variables are so close and interrelated that it is almost impossible to identify causality; social

movements are not the only source of change in institutional settings; it is difficult to identify precisely the dynamics that cause social change (Della Porta and Diani, 2009).

Mostly, we defend in this article that social movements can claim to have succeeded in their strategies – even when they do not completely fulfill their goals – when they are able to instill success through framing (Giorgi and Weber, 2015) in social movement individuals. Piecemeal institutional changes may demobilize social movement supporters if they are not perceived as successful outcomes of the employed strategies. Especially in fields where jockeying between incumbents and challengers are intense, where collaboration and cooptation may demobilize individuals, keeping audiences mobilized is essential.

METHODS AND EMPIRICAL SETTING

Longitudinal Case Study and Multilevel Analysis

Drawing on an empirical investigation on Brazilian black social movement organizations, this research elaborates a longitudinal case study (Pettigrew, 1990) on the confrontations and alliances of the black movement regarding racial inequalities within the banking sector. The case under scrutiny is controversial and deeply embedded in political disputes, which produces outcomes over a long period of time. Such characteristics could change the perception of ‘success’ and ‘failure’ as time goes by, because the social consequences of these disputes do not end in a given time defined by the researcher. Therefore, adopting a longitudinal case method (Pettigrew, 1990) enables examining the consequences of such disputes over time and a better assessment of its failures and successes.

Moreover, a longitudinal case study (Pettigrew, 1990) focuses the interpretation of social interactions embedded in their historical context, which is essential for examining the consequences of how one field is influencing another field and how a particular time and place affects actors' actions. Given this perspective, Pettigrew (1990) states that change and continuity are a matter of time. Paraphrasing him, it is possible to affirm that 'failure' or 'success' is a matter of time.

Advancing Pettigrew's contextualism, Pozzebon *et al.* (2009) and Pozzebon and Diniz (2012) developed a multilevel approach to examine situations in which interactions and negotiations between actors of different interests are prevalent, to make sense of how practices are socially constructed. Aiming to analyse interrelations at the individual level, group level and societal/community level, Pozzebon *et al.* (2009) and Pozzebon and Diniz (2012) developed an analytical framework focused on three dimensions: context, content and process.

While the context dimension refers to social configurations and historical backgrounds, including institutional perspectives, which lend support to social interactions, the content dimension focuses on the outcomes of ongoing negotiations as they refer to the socio-technical characteristics of the social practices being examined. Finally, the process dimension focuses on the negotiations and integrations, considering their intended and unintended consequences, that shape how practices are being implemented – i.e. the context dimension (Pozzebon *et al.*, 2009; Pozzebon and Diniz; 2012).

Given the characteristics of this study, we adopted this multilevel framework aiming to highlight how the negotiations that have taken place influenced the content in scene, while change and/or stability in such content enables us to assess whether the

strategies adopted by black movements during these negotiations were a failure or successful.

Applying such a framework to our study, demonstrates that the context consists of historical perspectives regarding racial issues in Brazilian society as well as the development of affirmative action in Brazil. Even though the latter could be considered a field in its own right and, thus, a content dimension, framed in this way, it is considered part of a context informing actors' interpretations and actions, rather than being content of negotiation itself. It is important to remember that the disputes triggered by the black movement do not necessarily aim to develop affirmative action, but focus on racial discrimination in the labour market. Finally, the process dimension is the disputes between black movement organizations and the banking industry, being mediated by MPT, such disputes will impact on the content dimension, which concerns the social interpretation of what is racial discrimination in the labour market, whether it 'exists' or not and what practices should be developed.

Data Collection

Regarding data collection procedures, the data collected covers a period spanning eleven years (2005 – 2016). The main sources of data are: (i) interviews; (ii) public documents; (iv) legal documents (ACP; TACs; lawsuits and legislation) and; (v) journalistic materials.

Regarding the interviews, we did not receive authorization to mention the interviewees' name and engagement in this mobilization process, as it is a political process that encompasses legal consequences. In total sixteen interviews were conducted between 2007 and 2016, all interviewees were engaged with the mobilization

process in question. Specifically, the interviewees are black activists, which were engaged in the case being analyzed and in the development of affirmative action in Brazil, and members of the Federal Labor Prosecutors. It is also important to highlight that IARA's representative and the MPT's Prosecutor-General during the contestation were interviewed again in 2016, which enabled us access to how their views and understanding regarding the failure or success of the mobilization process have changed, after the consequences of the process have been settled. The only actor who did not accept to be interviewed was the diversity representative from FEBRABAN, which initially had accepted to be interviewed but never returned our contacts for scheduling and conducting the interview. We dealt with this absence by extensively analyzing FEBRABAN's official statements, reports and journalistic material. We believe that it was possible to capture the official discourse as it would have been possible to access during the interview.

The written data encompasses more than 2000 pages, covering a period of twelve years (2002 – 2014). Such material includes public and non-public reports from IARA, Educafro, FEBRABAN, CEERT, DIEESE, MPT and ILO; legal documents publicly available from the Adjustment of Conduct Term (TAC), Public Civil Action (ACP) and the Public Hearing related to MPT legal actions focusing on the following banks: Bradesco, Itau, Real ABN-AMRO, HSBC and Unibanco. Concerning the journalistic material, our main sources were IARA's database in the case, which includes articles from the main Brazilian newspapers such as Folha de São Paulo, Estadão, and Valor.

Research Setting

The Brazilian Black Movement is vast and complex, as it is comprised of a vast number of organizations (formal and informal) and it is impossible to consider it homogeneous, as there are numerous disputes and different views on racism and racial inequalities in Brazil.

The case of affirmative action in banks involves several organizations and the incentive for affirmative action policies is not the result of a simple courtroom battle, neither of a partnership between banks and Non-Governmental Organizations (NGOs), but the result of different relationships (i.e. confrontation, cooperation and cooptation) which is precisely the level of analysis of this study. Therefore, the position of these organizations in this particular field (i.e. disputes over racial discrimination against the banking sector) is important to comprehend their strategies and objectives. Within this context, we briefly introduce the main organizations that played a prominent role in this case, aiming to highlight the tactics and strategies they employed to implement their agendas and consequently, achieve survival.

IARA

Racial and Environmental Advocacy Institute (Instituto de Advocacia Racial e Ambiental - IARA) was founded in 2003 to operate in the areas of Racial and Environmental Law, focusing on the promotion and defense of the Afro-Brazilian population's rights, with special attention to racial relations in education, the labor market, and affirmative action (IARA, 2008). It is chaired by attorney Humberto Adami, a man highly respected in the struggle against racial discrimination in Brazil.

IARA's tactics are predominantly legal; filing class actions, complaints and demands against racial discrimination with the country's various legal bodies. IARA

has already filed several legal complaints, targeting either companies or the Brazilian State. An important example concerns the creation of legislation for the incorporation of Afro-Brazilian History and Culture into the school education syllabus which became mandatory in 2003. Despite the legislation, no significant changes have taken place within the public education system, as some learning institutions overlooked the matter. Thus, IARA filed complaints requesting inquests at State and Federal level, demanding effective enforcement of the law. An example concerning companies is a complaint against Petrobras and Shell, which led to Rio de Janeiro's State Persecutor's Office and Federal Persecutor's Office (MPF) investigating these companies for racial inequality in their workforces.

IARA has been highly active in in-court advocacy in the past few years since the Labor Persecutor's Office (MPT) established a covenant with IARA. The purpose of the partnership is to "make society aware of and sensitive to the racial issue at all levels in addition to encouraging the education of society, in general, to prepare it for harmonic and egalitarian coexistence among its many ethnicities." (Conexão Sindical Observatório Social, 2008, our translation). Through this partnership, MPT is able to provide copies of inquests and proceedings, in addition to cooperating with the investigation of claims of racial inequality in the labor market.

IARA also maintains an online library that provides access to news stories on racial inequality that support many of its complaints, in addition to the complaints in question and other related materials.

Educafro

Franciscan friar, David Raimundo dos Santos created the NGO Education and Citizenship for African Descendants and the Underprivileged (Educação e Cidadania de Afrodescendentes e Carentes – Educafro) in 1992 in Rio de Janeiro but moved to São Paulo some year later.

Educafro is a network of community-operated preparatory courses for higher education admission processes and connected with the Franciscan Solidarity Service (Serviço Franciscano de Solidariedade — Sefras), a department of the Franciscan NGO Província Franciscana da Imaculada Conceição do Brasil. In 2008, the network was made up of 255 community course centers, a kind of educational communal effort that involves 2,550 volunteer teachers and 1270 center coordinators. Activities take place in spaces provided by churches, public schools or community associations in peripheral areas in the states of Rio de Janeiro, São Paulo and Minas Gerais, as well as the Federal District (EDUCAFRO, 2008).

Educafro's purpose is to fight for the inclusion of afro-descendants and the underprivileged into public or private universities, by means of scholarship grants. Educafro's objective includes the adoption of affirmative action policies in education in benefit of afro-descendants and the underprivileged, the promotion of ethnic diversity in the labor market and the fight against racism and discrimination (Educafro, 2008). Therefore, its main engagement with the black movement involves affirmative action.

Zumbi dos Palmares Citizenship University (Unipalmares)

Zumbi dos Palmares Citizenship University (Universidade da Cidadania Zumbi dos Palmares — Unipalmares) has two active undergraduate programs: Business

Management and Law. The university started operating in São Paulo, in 2004, with its Management School.

Unipalmares is the result of a partnership between the Afro-Brazilian Society for Socio-Cultural Development (Sociedade Afro-Brasileira de Desenvolvimento Sócio Cultural — Afrobras) and the Afro-Brazilian Institute of Higher Learning (Instituto Afro-Brasileiro de Ensino Superior). Its goal is the inclusion of Afro-descendants into higher learning in Brazil.

Access is universal, but 50% of vacancies are set-aside for afro-descendants. The main criterion is self-assigned skin color, which makes up the admission process along with admission test grades and an interview to determine the student's social condition and critical awareness. Applicants are also required to volunteer for community work (UNIPALMARES, 2008). Unipalmares has developed several partnerships with private sector institutions to place its students in the labor market. This partnership is how management undergraduates found jobs in the banking industry.

Labor Relations and Inequality Studies Center (CEERT)

The Labor Relations and Inequality Studies Center (Centro de Estudos das Relações de Trabalho e Desigualdades — CEERT) is an NGO founded in 1990 to produce knowledge on race and gender relationships in the workplace, with the aim of promoting equal opportunity and treatment.

CEERT's earliest activities involved training union leaders and employees from the Ministry of Labor on workplace discrimination (CEERT, 2008). Later, it started providing consultancy services to companies, city administrators and public bodies

with the aim to implement diversity appreciation programs and racial equality promotion.

CEERT struck up a partnership with the Brazilian Federation of Banks (FEBRABAN) to hold a census on diversity in the banking industry. The partnership was called the “most challenging and grandest workplace diversity-related initiative” (FEBRABAN, 2008).

The Diversity Appreciationⁱ project aims to survey and systematize best diversity appreciation practices in banks and hold censuses of diversity, based on which a map of bank employees in Brazil can be prepared. The first census was carried out in 2008 and the second one in 2014, although the latter has not yet been published.

Federal Labor Prosecutor's Office (MPT)

The Federal Labor Prosecutor's Office (MPT) is a branch of the Federal Prosecutors' Office (MPF) which aims to defend collective and individual rights regarding labor relations. The Prosecutor's Office system and MPT specifically, was created after the Federal Constitution of 1988, as the establishment of a new Brazilian Constitution to clean up aspects inherited from the dictatorial regime. Within this context, the permanent institution of the Prosecutors' Office has the duty to defend the juridical order and the democratic regime, as well as social and individual rights.

Regarding MPT's function, every prosecutor has the freedom to develop their own cases, as there is no institutional guide or specific guidelines. Moreover, MPT could be directly requested to work in a situation, as every citizen can file class actions, complaints and demands against any topic from its jurisdiction, or the prosecutor has the freedom to act on his or her own.

Banking Sector and racial inequalities

The banking sector has always been adamant regarding racial inequalities on its worker force. Even though since 1999 the Bank Sector Workers Union has been questioning and pushing the agenda of prejudice and racist, the banks and its representative FEBRABAN have always denied the existence of racism and prejudice on its human resources practices, arguing that both hiring and promotion processes are based on meritocracy.

CASE NARRATIVE AND ANALYSIS

Historical Context

The objective of this section is to provide a historical account of racial inequalities in Brazil, to better understand the context of the institutional changes engendered by the Brazilian Black Movement and evaluate whether they were successful or unsuccessful in this particular case. As Brazil has its own context regarding racial issues, two aspects of this context will be described: (i) the myth of racial democracy, a discourse that perpetuate the idea that there is no racism within Brazilian society; (ii) the development of affirmative action as it only became a dominant claim for the black movement after a series of events that connected the Brazilian context to the international arena of Human Rights.

The myth of racial democracy: racism and racial inequalities in Brazil

Race related topics in Brazil are controversial. Due to the (*mito da democracia racial*) racism and prejudice have acquired some specific characteristics within the Brazilian context. As the objective of this paper is to highlight institutional change, it

is important to describe this historical context to better comprehend the institutional changes that the Brazilian Black movement has been able to achieve.

For the most part of Brazilian history, racial exclusion has been ignored and even denied topic in the public agenda. To understand the emergence of the myth of racial democracy two events need to be examined: (i) slavery abolition; (ii) the incentive for European immigration and the consolidation of a “mixed-race” country.

In the late 19th century, Brazil was an empire and the economy relied upon tropical agriculture exportation – mainly coffee, sugar and cotton – and slaves predominantly formed the workforce. Until 1850, when the slave trade was prohibited, the slave market was the most profitable business within the Brazilian economy (Theodoro, 2005). Slavery was only abolished in 1888 when the *Áurea Law* was promulgated. However, the former slaves were not reintegrated into agricultural production as free workers earning wages. On the contrary, they were expelled from their former workplace, and the Brazilian State failed to create alternative means to include this population into the Brazilian labor market (Theodoro, 2005). They were simply abandoned to their own fate.

To fill the positions created by the end of slavery and meet the needs of the country’s infant manufacturing industry, the State encouraged European immigration. The official discourse claimed that freed Brazilian population was spread across the country, which increased recruitment costs, and they were trained to work in agriculture and were not used to being hired for work (Theodoro, 2005). Therefore, the alternative was to foster European immigration. However, this strategy was not simply the means found to address the issue of labor after the end of slavery. It was also related to the

objective of the national elite and its intellectuals and universities of promoting a natural “whitening” of the Brazilian population, of which the majority was black.

Intellectuals described the Brazilian racial situation as: “a predominantly mulatto population, vicious in blood and spirit and frighteningly ugly.” (Raeders, 1988, p. 96 apud Schwarcz, 1994, p. 137 - our translation). Miscegenation was seen by deterministic theories as a disaster for development (Schwarcz, 1994, p. 138). Fear of degeneration was present in the national debate; the Brazilian nation and its mixture of blacks, indigenous and whites needed “cleansing”. Therefore, the incentives for European immigration were not intended solely to address labor market issues, but also as an attempt to “whiten” the population (Skidmore, 1993). The argument reached its climax with the idea of racial democracy, according to which Brazil is conceived as a country where the various races coexist in peace, without prejudice building a sui-generis country.

The idea of racial democracy consolidated between the 1930s and '40s. The vision of a physically and culturally mixed country, based on the permissive relationship between masters and slaves, where conflict has no place of distinction, reaches its acme with the 1933 work of Gilberto Freyre, *Casa Grande & Senzala*, (Freyre, 2002). Freyre’s vision consolidates the image of pacific and idyllic racial coexistence, of a country where one can live in peace regardless of his or her roots (Freyre, 2002; Schwarcz, 1994; Osorio, 2004).

Researchers at the time may have been influenced by North Americans or even North Americans studying Brazil, such as Pierson (1945) who contrasted the vision of a country with characteristics such as Freyre described with their own, completely distinct experience, where discrimination was an unconditional and even a legally

mandated fact. These authors, supported by the small number of blacks and *pardos* (mixed-race) among the higher levels of Brazilian society, concluded that racial barriers (i.e. racism) were absent in Brazil (Osorio, 2004).

Florestan Fernandes (1965) pointed out the mythical nature of this discourse, classifying it as a political dominance discourse used to demobilize the black movement. Fernandes (1965) argued that in the absence of legal mechanisms against discrimination, the racial democracy discourse takes over the role of maintaining the slave society (Fernandes, 1965; Osorio, 2004). Therefore, the discourse of racism denial assumed the same social functions as discrimination enforced by law, as it kept the afro-descendant population within the lower classes.

Additionally, the racial democracy discourse was used to demobilize the black movement by accusing the ones who aim to shed light on Brazilian racism as racist, every time they do so. Martins, *et al.* (2004, p. 790) illustrates the strength of such a discourse: “The racial democracy ideology tends not only to deprive the dominated population of its base for collective self-defense and self-uplifting but also to convince the ruling elite of its pristine innocence and fairness.”

Within this context, affirmative actions were not part of the public agenda and to fight for them was strongly associated with the objective of dividing the country among black and white by importing from North America a racial discourse that does not fit with the Brazilian reality (Gomes, 2009). Consequently, it is possible to consider the black movement as extremely successful in forcing the Brazilian bank industry to implement affirmative action. However, for affirmative action to become a reality, the black movement needed to mobilize in the international arena of human rights, to gain political capital to change the Brazilian field of racial inequalities.

The international Human Rights arena and the development of affirmative action in Brazil

As previously mentioned, affirmative action in Brazil is a controversial topic. The racial democracy discourse forced the Black movement to adopt claims different to affirmative action, as it was first necessary to convince the Brazilian society that racism exists (Gomes, 2009). Affirmative action only became a dominant claim for the Brazilian Black Movement after the third United Nations World Conference Against Racism, held in Durban (South Africa) in 2001 (Medeiros *et al.*, 2004; Gomes, 2009).

There were almost no claims for affirmative action before the 2000s. It is possible to identify two exceptions; both held by Abdias do Nascimento – an important figure in the Brazilian Black Movement. In the 1940s, Abdias and his organization the Black Experimental Theater (TEN) made claims for equal opportunities for afro-descendant actors. Later, in the 1980s, once again Abdias claimed for affirmative action, this time as a congressman. On both occasions, he was not able to surpass the racial democracy discourse and, therefore, failed.

However, before the implementation of affirmative action, the black movement relied on a complainant in the International Labor Organization (ILO) to pave the way for affirmative action, once it had tried to soften the Brazilian State position regarding the matter. In July 1995, some black activists partnered with the Single Confederation of Workers (CUT) and filed a complaint with the International Labor Organization (ILO) for non-compliance with Convention 111, denouncing the practice of racial discrimination in the labor market and lack of action from the Brazilian State to remediate the situation. In response to the complaint, the ILO sent a delegation to Brazil,

which was received by the Ministry of Labor (MTE) (Jaccoud and Beghin, 2002; Alves and Galeão-Silva, 2004).

The ILO delegation visited several Brazilian municipalities and states, NGOs and companies. Their report highlighted that racism did not exist in legal terms and that the existing legislation was ineffective to combat racial inequality (Martins *et al.*, 2004). In response to this, the ILO and MTE established a partnership that led to the creation of the Working Group for the Elimination of Discrimination in Employment and Occupation (GTDEO). In March 1996, GTDEO was founded by presidential decree, with the aim of elaborating an action plan for the elimination of discriminatory practices in the labor market.

As a result, the issue of racial discrimination in the labor market became a sensitive one. Besides the ILO report, the United Nation organization had a symbolic effect, shedding light on the negative consequences of the racial democracy discourse, which was a long-lived complaint from black activists in Brazil (Medeiros *et al.*, 2004). Additionally, CUT decided to create a survey on the racial aspects of the labor market, conducted by DIEESE. This is still an important source of information and has had a significant role in the banks' case.

In 2001, the Third World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance took place in Durban, South Africa. However, preparations for the meeting started in 2000, when the Preparatory Pre-Conferences to Durban were held. Several cities across the country witnessed these events, and Rio de Janeiro hosted the last National Pre-Conference. The purpose of these meetings was to prepare for the Brazilian position at the Conference. Because of this process, the

engagement of civil society was so great that the Brazilian government decided to invite black activists and NGOs to take part in the Brazilian delegation.

Brazil had the second biggest delegation at the Conference, and it was very active during the Conference. Edna Roland, a black activist, was elected as General Rapporteur for the Durban Conference. This victory gave Edna and the black movement the recognition they were lacking for pushing affirmative action further in Brazil.

Moreover, the Durban report emphasised the importance of affirmative action as a mechanism against racism and racial inequalities (UN, 2001). Edna became the spokeswoman for affirmative action and this policy became a dominant discourse within the black movement (Martins *et al.*, 2004). Edna, while being interviewed, stated:

"(...) and then we were attracting people for this claim [for affirmative action] because people did not have much conviction, right? It became the hegemonic vision of the movement. But until Durban, it was not. Affirmative action also entered the Durban document because we fought very fiercely in Brazil. I personally fought fiercely, to keep the issue of affirmative action in the Durban document."

After the Durban processes, the Brazilian Black Movement strengthened its international networks, which increased its power to pressurize the Brazilian government into adopting affirmative action (Martins *et al.*, 2004). Maybe this could be considered an even more important achievement than affirmative action itself, as the

strategy of relying on the international human rights arena enabled the black movement activists to reconfigure the discourses within the national field for affirmative action development. Moreover, the international network established enabled Brazilian activists to learn with international experience regarding the development of affirmative action, as it was inspired by the North-American experience that IARA decided to start its litigation strategy.

The Black movement versus the banking industry: the paradox of failure

Starting a litigation campaign

Due to outrageous racial inequality labor market statistics demonstrated with the DIEESE survey contacted by CUT in the late 90s, IARA decided to file complaints with the Federal Labor Prosecutor's Office (MPT) against discrimination in the labor market. Since 2003, different industries have been targeted, including the oil and gas industries, Brazilian Army, Catholic Church and the financial sector, which is the focus of this study.

It is hard to affirm whether this was the first time a Brazilian Black Movement organization had adopted a litigation strategy, however it is possible to affirm that its reception was different, due to the ILO's report in 1995, which changed the Brazilian State's perception of discrimination in the labor market, making it more sensitive to such claims. Additionally, it is possible to sustain that a litigation strategy arrived in Brazil due to the network established between the Brazilian and North American black movement. As Humberto Adami stated:

Combative Advocacy defends the interests of those who are excluded. When I was in the United States, attending an activity by the North American Consulate, the black activist there told me: here we adopt a legal strategy; we file legal complaints about everything and all the time. We, in Brazil, have not yet learned how to do that (Ìrohìn, 2007).

In the year 2004, IARA had filed 28 complaints – one for each Brazilian state plus the Federal District (Brasília, the capital of Brazil) – against racial discrimination in the banking sector. To add credibility to the complaints, surveys done by official government statistics agencies were requested and media coverage claiming that racial discrimination exists in the labor market as well as such claims made by politicians and lawyers, were all employed by IARA

After receiving the complaint, MPT followed a four-stage procedure (Lopes, n/a). Firstly, it collected racial data regarding the Brazilian population in general and the economically active population (EAP). Secondly, MPT notified the banking sector requesting information about their employment workforce profile. Thirdly, by examining these two sets of data, MPT elaborated a profile of racial inequalities in each company. Finally, MPT offered an opportunity to sign an Adjustment of Conduct Term (TAC)ⁱⁱ for those banks in which racial discrimination was identified. If they did not sign and adhere to the TAC, they would face a Public Civil Action (ACP), which could lead to heavy fines.

After phases one and two, MPT could identify the major banks in which racial discrimination appeared to be systematically in operation. The result of this research was startling: only 2% of five big banks' employees were black (MPT, 2005a, 2005b).

To affirm the existence of racial discrimination within the labor market, MPT had adopted an innovative approach (Conceição, 2013). First, it addressed the notion of indirect racial discrimination as the root cause for such racial inequalities. By doing so, MPT argued that companies did not need to directly discriminate, because within their human resources procedures, a system that automatically diminishes opportunities for the black population was in operation (MPT, 2005a, 2005b; Conceição, 2013). Secondly, MPT argued that such indirect discrimination could be assessed by contrasting workforce profiles and socio-demographic statistics (MPT, 2005a, 2005b; Conceição, 2013).

Following the procedure adopted, MPT started to negotiate with banks and FEBRABAN (Brazilian Banks Federation), aiming to establish a TAC. According to the TAC offered, banks would develop their action plan based on a special program designed by MPT, as a strategy to tackle racial inequalities in the labor market that would give the banks indicators and goals; however, each bank could elaborate their own strategy. Labeled as *Program for the Promotion of Equal Opportunities for All*, it was linked to the National Coordination for the Promotion of Equal Opportunities and Elimination of Inequality at Work (Coordigualdade)ⁱⁱⁱ, a MPT department focused on promoting equal opportunities in the labor market. Coordigualdade was developed and designed in partnership with the ILO and the Institute of Applied Economic Research (IPEA)^{iv} and was released on April 11, 2005.

The *Program for Promotion of Equal Opportunity for All* aimed at combat racial and gender discrimination^v. The premise was to challenge the framework of inequality between blacks and whites; its objective was to foster companies to adopt affirmative action, using quotas based on the diversity of the economically active population of the

State in which a given company is located. According to Prosecutor Otávio Brito Lopes, Deputy Labor Prosecutor: “the goal of the program is to act effectively, extra-judicially, to combat racial discrimination, seeking equity in the insertion and placement of workers vulnerable to this type of discrimination in the labor market” (MPT, 2005a).

The program was supported by a large amount of statistical data from official sources from the Brazilian government to obtain verification of racial discrimination in the labor market. The banks’ performance was evaluated in three different spheres regarding the relationship between the company and employee: admission, payment and career progression.

By doing this, MPT could set different targets and goals for each bank according to the following rationale: (a) *admission*: this indicator chosen was the proportion of black workers in the company, therefore, the company’s goal was to achieve a similar proportion of black workers as the proportion of such a group within the EAP in the state where the company is located, while adhering to the minimum academic level required by the company for hiring; (b) *payment*: this indicator was the average payment of black workers and the company’s goal is that the average payment is similar to that of non-blacks in a given position; (c) *career progression*: the indicator was the proportion of black workers in positions of leadership (management and board). Thus, the goal was again the proportion of blacks according to the EAP in the state where the company is held, adhering to the minimum academic level required by the company for hiring (Lopes, n/a).

Moreover, TAC (MPT, 2005b) had six basic principles for implementation and assessment of each bank policy. The principles were:

- 1) Problem resolution: the programs must be capable of reversing the discrimination status.
- 2) Firm specificity: MPT expects each bank's traits to be taken into consideration.
- 3) Simplicity: to facilitate implementation and tracking of gains achieved.
- 4) Feasibility: the proposed goals must be viable within the proposed time frame and take account of the reality of each Brazilian state.
- 5) Homogeneity: every bank will be subject to the same conditions and deadlines.
- 6) Effectiveness: programs must show concrete results, particularly concerning the three spheres – admission, payment and career progression.

Finally, the banking industry was to achieve their goal until 2007. Aiming to evaluate the feasibility of *Program for Promotion of Equal Opportunity for All*, a pilot project was developed within Brasilia's banking sector during the year of 2005.

While such negotiations were taking place, some black movement organizations decided to help IARA by organizing demonstrations in protest against racial discrimination in the labor market. One of these organizations was Educafro, which had been organizing demonstrations since May 2005. The litigation campaign had drawn attention from other black movement organizations that started to adopt a confrontation strategy aiming to increase pressure on the banking sector.

Our research was not able to determine whether such a combination of strategies was intentional and rationally organized by a formal partnership. However, it is possible to assume that IARA and Educafro shared a certain degree of cooperation and

coordination, as there was evidence that they had discussed the impacts of the strategies on their own interests and goals.

After three months of negotiations, on the 18th of July, MPT, FEBRABAN and the following banks: Bradesco, Itau, Real ABN-AMRO, HSBC, and Unibanco met in a Public Hearing to agree to the terms and finally sign a TAC. However, the banking industry refused to accept the TAC with the terms proposed. They argued that the racial inequalities faced by the banks were an outcome of the social situation of the country and they were not able to assure whether they would be able to achieve the targets requested, even if they expand the affirmative action programs already in place (MPT, 2005b).

Figure 01 below represents the field relationships and the mechanisms adopted.

Take in Figure 01

Intensifying the demonstrations: confrontation opening room for cooptation

MPT had no other option than to file a Public Civil Action (ACP) suing the five major Brazilian Banks at the Labor Court for racial discrimination on the 12th of September 2015 (MPT, 2005a). At the same time, the demonstrations increased, and Educafro and others were organizing demonstrations in front of the Labor Court, shouting songs aiming to sensitize and pressurize the Court and its judges.

The Labor Court rejection was on the 14th of November 2015, arguing that statistics of racial inequalities do not prove racial discrimination. They also rejected the

possibility of framing racial discrimination as an indirect process engendered by a social system, arguing that it can only be perpetrated as a direct action (i.e. explicitly refusing to hire or promote an employee due to his or her race) (Oliveira, 2005).

Apparently, the demonstrations had had an unintended consequence, as the decision was not what the black movement organizations were hoping for. An explanation for such failure comes from the historical context. First, discussing racial discrimination at that moment was equivalent to supporting affirmative action, but as the racial democracy discourse was so strong, it agglutinated both matters, impeding both affirmative action and allegations of racial discrimination in the banking sector. Second, the demonstrations intensified the tension not in the direction that the organizers were expecting, as the judges were not used to demonstrations in front of their Court. Such characteristics combined with the racial democracy discourse transformed these public civil actions into what appeared to some, to be a “bomb soon to be exploded”. Consequently, the judges were willing to end it as soon as possible, justifying the incredibly fast decision – ‘for Brazilian terms...’. Therefore, the judges might have not analyzed the MPT innovation properly, judging as fast as possible with their existing interpretation and knowledge.

Despite the rejection of the ACP, IARA’s litigation strategy was successful in that: (i) it was able to convince MPT to sue the major banks; (ii) IARA and MPT established a partnership for the promotion of equal opportunities in the labor market; (iii) banks do have adopted measures to tackle racial inequalities, as will be discussed. On the other hand, it was also a failure, as the ACP was rejected and the main goal was not achieved.

Despite such negative outcomes, Educafro escalated the demonstrations aiming to accelerate the adoption of affirmative action, now targeting bank branches. On the 9th of January 2006, Educafro led the occupation in a branch of Itaú bank in Brasília. Educafro's student members occupied it in a protest against racial discrimination in the labor market. The branch was occupied for four hours while the bank's national management negotiated with Educafro in São Paulo, which led to a new meeting with the entity on January 13th to discuss an action plan to strive for racial equality.

The demonstrations seemed to be successful, as some banks signed a partnership with Unipalmarens in early 2006 whereby students from their business administration course were hired for internships and trainee programs in their banks within São Paulo. Some students from Educafro could also join these programs. The selected students received training, with some banks hiring universities of prestige in the financial sector to develop courses especially designed for these students. However, such programs have limited geographic impact, as Educafro and Unipalmarens are both only based in the city of São Paulo.

Moreover, at the beginning of 2007, FEBRABAN hired CEERT to hold a census on diversity in its member institutions and evaluate the changes achieved with the first programs put into action, as well as to promote campaigns encouraging diversity. The first census was published in 2008 and the second was expected to be published in 2015, but have not been published when this paper was being written. Figure 2 below represents the field configuration regarding the mechanisms adopted.

Take in Figure 02

In MPT, the racial discrimination topic lost its strength when Prosecutor Otávio Brito Lopes, who was moving up in his career, assuming administrative positions within MPT. As Prosecutors tend to develop their own cases and work on topics of their interest, the racial discrimination topic seemed not to have agglutinated enough social value to become institutionalized within MPT. Even though the organization carried on working with the subject, the innovations implemented by the ACP were not continued and new cases targeting different economic sectors and regions of Brazil were not developed. Additionally, it is important to highlight that the ACP was also occurring within what is considered a conservative court: Brasília. This point of view made possible for some to argue that if the IARA / MPT claim was multiplied and filed in different courts, eventually a more progressive court would give it a different outcome.

DISCUSSION

At a first glance, it seems that the confrontation was successful, since banks developed affirmative action, formed a partnership with Unipalmarenses and hired CEERT. However, it is possible to frame such achievements because of cooptation that demobilized a part of the black movement, as continued confrontation with the banking sector, either by demonstrations or litigation, could put at risk the achievements obtained. An interesting metaphor was used to explain such a process. If someone throws a piece of bread into a lake, probably several fish will try to eat it. They will move in a disorganized way, all of them aiming to eat the bread. Even though the water will be shaken, only a few of them will fulfill their objective. Similarly, this happened with the black movement in the banking sector. IARA's litigation strategy draws attention to other black movement organizations; however, they were acting in a disorganized way, each one seeking their own goals and objectives. The outcome is that

just some of them achieved it. Nonetheless, it does not mean that such negotiations were a failure, on the contrary, as some piecemeal happened, as the racial issue is now on the banking sector's agenda and FEBRABAN and banks are developing practices regarding it. Additionally, all black movement organizations have achieved some goals, even within failure.

However, under cooptation perspective there is a paradox regarding success. On the one hand, the final outcome was a failure. ACP was rejected, racial discrimination in the labor market was not recognized and no comprehensive affirmative action program was developed. Additionally, some minor and located – both in terms of geographic scope and as partnerships – affirmative actions were developed. On the other hand, exactly because some measures and partnerships to tackle racial inequalities and the topic entered the sector's agenda, it is possible to consider that there was some degree of success.

However, it is possible to wonder, whether a more organized series of action would have achieved greater success. Figure 3 below synthesizes in a matrix how these different strategies may be regarded as success or failure.

Take in Figure 03

The success or failure of social movement strategies depends on the matter that is underneath these interactions with incumbents, as well as the consequences in terms of institutional transformation and reproduction. Even though it is hard to frame such disputes as successful, mainly because racial inequalities are still predominant in the

banking sector – as in society as a whole-, it is possible to affirm that the cooptation processes employed by banks demobilized activists and organizations, jeopardizing the possibility of others black social movement organizations adopting more aggressive tactics, as this would put the advantages conquered by the movement (e.g. the development of affirmative action) at risk. Within this context, an ambivalent assessment of the mobilization's outcomes arises.

The paper contributes to the existent literature by: (i) offering an analysis of the relationship between fields, emphasizing that such connection is a result of a combination of different tactics employed by social movements in a given field; (ii) examining how corporations employ defensive tactics in order to influence social movement and; (iii) examine the matter of failure and success as an outcome of actors' negotiations, which produces a piecemeal change, and the framing by social movements, which keeps people mobilized.

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ⁱ For more information visit: <http://www.FEBRABAN-diversidade.org.br/>

ⁱⁱ In Portuguese: *Termo de Ajustamento de Conduta*. TAC is a piece of the Brazilian legal system in which a company recognises its socio and environmental damage and commits to change its practices according to an action plan.

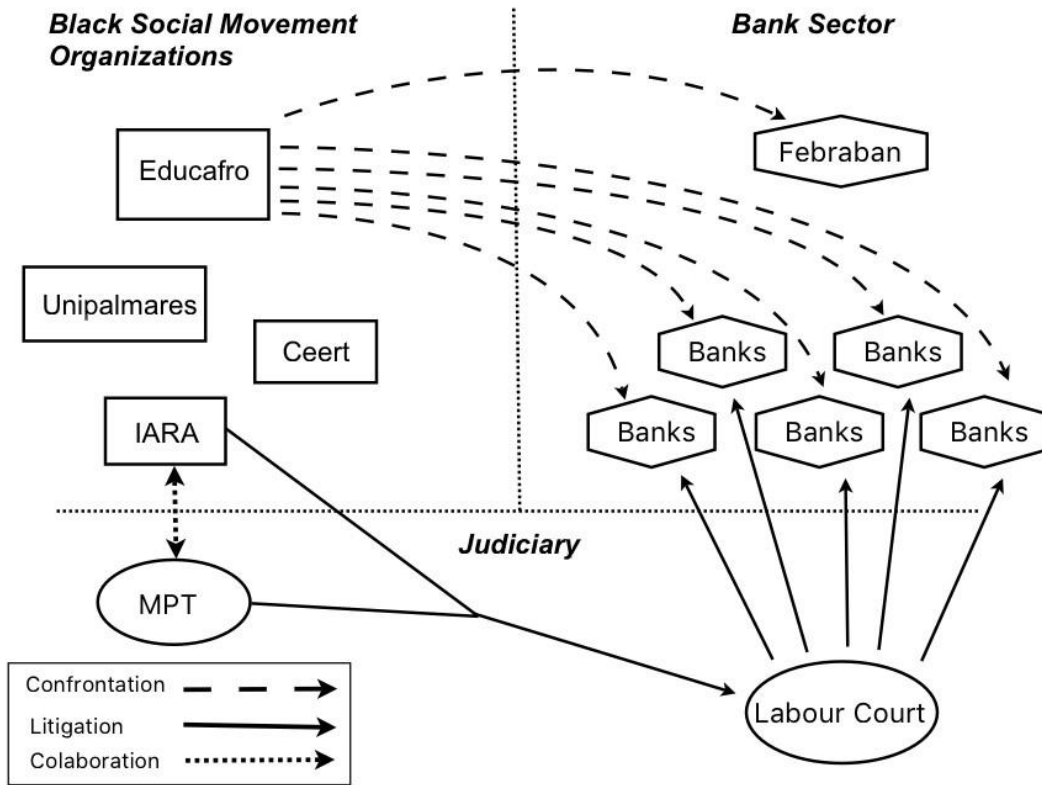
ⁱⁱⁱ In Portuguese: Coordenadoria Nacional de Promoção da Igualdade de Oportunidade e Eliminação da Desigualdade no Trabalho (COORDIGUALDADE).

^{iv} In Portuguese: Instituto de Pesquisa Econômica Aplicada (IPEA).

^v Although the project relates to racial and gender discrimination, this study focuses on its racial aspects.

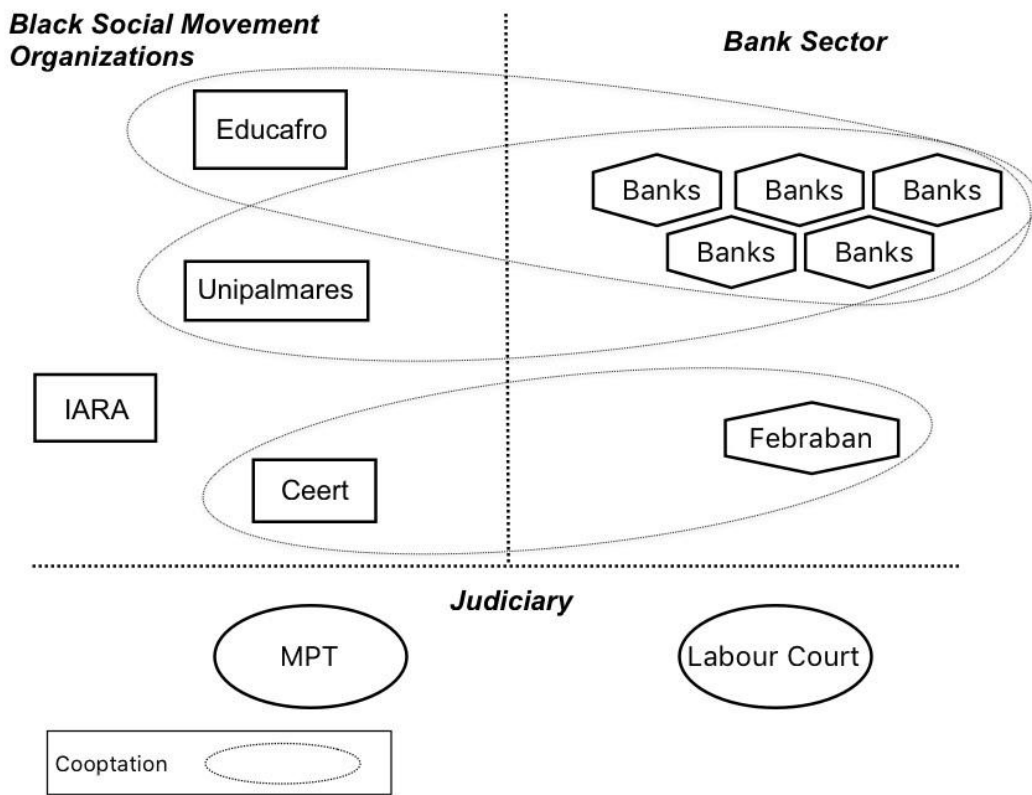
FIGURES

Figure 01: Mechanisms map – Phase 01: Confrontation and Collaboration mechanisms



Elaborated by the authors.

Figure 02: Mechanisms map – Phase 02: Cooptation as a defensive strategy



Elaborated by the authors.

Figure 03 – Matrix of Strategies

Strategies	Success	Failure
Confrontation	<p>Cooptation: employed by banks enabled a partnership with Zumbi University and Educafro. CEERT was hired to develop the banking sector census</p>	<p>Demobilized the black movement organizations and probably scared judges during ACP litigation.</p>
Litigation	<p>Racial profile entered the sector agenda: while no affirmative action was developed by the Banking sector, the racial topic has entered the agenda and FEBRABAN is still developing practices regarding this issue</p>	<p>ACP was rejected: (i) while the myth of racial democracy nurtured a predominant feeling against affirmative action and within this context discussing racial discrimination in the labor market was strongly correlated with the possibility of developing affirmative action; (ii) the confrontation strategies caused unintended consequences, as they might have scared judges, consequently they were willing to absolve the ACP as soon as possible.</p>

Elaborated by the authors.