

## PORTUGAL

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### I. SOCIAL PARTNERS' INVOLVEMENT IN THE MAKING AND FOLLOW-UP OF NAP

#### Introduction

We have adopted a predominantly macro-analytical approach in this report on the social partners' involvement in preparing, implementing, and following up on the National Action Plan for Employment (known in Portugal by its acronym PNE). References to collective bargaining and concertation derive exclusively from transposition of the Joint Declaration on the PNE signed in April 1998 by all the social partners, and implemented by the Ministry of Labour and Solidarity.

The documents that provide the basis of this report have been provided, at our request and taking account of the objectives, by the social partners and the Ministry of Labour and Solidarity. The need to collate them all in time, and the failure on the part of the social partners to formalise certain opinions, have meant that there is a wide variety of documents. At all events, the main documents are the 2000 Insert Report, PNE 2000, the social concertation thematic agreement on employment policy (February 2001), and contributions by the social partners to preparations for PNE 2000 formulated in early 2001 at the government's suggestion. The report is divided into three large sections: the PNE and other collective agreements, preparation for PNE 2001, and the climate in which this preparation was carried out.

#### I.1. PNE 2000 and other collective accords concluded by the social partners

According to the **Insert Report 2000**, Portugal has fared extremely well as far as the objective of full employment is concerned, particularly with unemployment down to 3.8% in the first half of 2000: unemployment is falling steadily, particularly among those aged 15 and 24 (Plan, undated, p 4).

As this is the third year of the PNE and a new Community Aid Framework is about to get under way, the document also presents a review of the development throughout the period of previously adopted measures. For example, under Pillar 1, 'Improving Employability', it is important to draw attention to the growing number of people affected by measures in the various guidelines, and particularly those with quantitative objectives. The report makes few references

to the social partners, and is mainly concerned with presenting statistics. Apart from that, references to the social partners concern negotiations undertaken in the framework of social concertation, and particularly the introduction of a training clause in the employment contracts of workers under 18 arriving on the labour market (Plan, undated, pp 5, 56).

If we evaluate the **impact of the Joint Declaration** on the content of collective labour agreements published in the first half of 2000, the issues addressed continue to be linked to the promotion of vocational training, shorter working time, and the definition of duties and careers. The reduction in working hours received a particular boost from the 1999 law, but the practical effects generally flow from collective bargaining, and little is known about them (Plan, undated, pp 63 et seqq).

More collective labour agreements (CCTs) contain this transposition than collective labour accords (ACTs) or enterprise-level agreements (AEs), but it is close-run thing - that is to say the latter two agreements, and AEs in particular, continue to introduce innovatory content into Portuguese collective bargaining. The main features are sectoral and fiduciary (Plan, undated). On 1 September 2000, 437,386 employees were affected by measures relating to Guideline 5 ('Encouraging a partnership approach'), and 249,809 by Guideline 16 ('Modernising work organisation')<sup>140</sup> (Plan, undated, pp 63 et seqq).

As **PNE 2000** says, 'The national strategy for 2000 took account of the diagnosis of the situation on the labour market, the review of the operation of the PNE in 1999, and EU Council recommendations' (Capucha, 2000, p 113). The strategy lines drawn up in 1999 have therefore been maintained, despite the fact that priority fields have now been identified: preventive action on unemployment with employed workers, and young people in a transitional stage approaching employment; early action to combat unemployment by reducing long-term unemployment; and action in support of sectors exposed to long-term unemployment, involving attempts to combine improved social protection and a return to the labour market.

Several objectives have therefore been fixed, and nearly all of them are quantitative: they include maintaining 16,500 annual traineeships, the creation of 5000 jobs per year at local and micro-initiative level, and the inclusion of information and communications technology content on at least 50% of continuing training programmes (Capucha, 2000, pp 113-114).

One of the key factors underpinning this strategy is the promotion of social dialogue by strengthening concertation, and setting up multi-level partnerships. This was one of the directions approved at the Helsinki Summit, and it was reiterated in the Council's recommendation to Portugal. The Council also referred

<sup>140</sup> It should be noted that the numbering of the guidelines is quite different from the numbering the 1998 Joint Declaration. New No 5 is old No 4, and new No 16 is old No 13.

to the following: continuing to work on an improved education system, and more robust support for continuing training, through more active mobilisation of the social partners; the adoption and implementation of coherent strategies, including regulatory, fiscal and other measures, designed to reduce the administrative load facing enterprises; stimulating entrepreneurship; and exploiting the job creation potential in the service sector (Capucha, 2000, p 148).

Transversal issues in PNE 2000 are therefore the exploitation of new information and communications technology; combating moonlighting; the encouragement of partnerships at regional and local level; the integration of environmental concerns; aid for job creation in the field of culture; equal opportunities between men and women; and involvement with the European Social Fund, mainly through building the Regional Development Plan 2000-2006 (Capucha, 2000, pp 149-150).

The year 2000 budget for policies on active employment and the promotion of a skilled labour force, according to PNE 2000, is approximately 230 billion escudos ( $\pm \text{€ } 1\,147$  million) PNE 2000 also says that the main instruments for the promotion of employment, employability and entrepreneurship, which take the form of reduced revenue, come to about 70 billion escudos (Capucha, 2000, p 158).

As for **social concertation**, the year 2000 began with a government proposal for a new methodology based on agreements of variable geometry, that is to say medium-scope agreements whose key issues may be proposed by any of the parties at any time, and on which consensus among all the social partners is vital. Of the four issues that were defined, two led to agreements that were signed on 9 February 2001. They were the *Agreement on Conditions of Employment, Health and Safety, and Combating Work-related Accidents* and the *Agreement on Policy relating to Employment, the Labour Market, Education and Training*. The fields addressed in these agreements combine two 1990 complementary agreements in the Economic and Social Agreement: the *Agreement on Occupational Health, Safety and Welfare* and the *Agreement on Vocational Training*, both of which, uniquely, were signed by the social partners some ten years ago.

The policies defined in the *Agreement on Policy relating to Employment, the Labour Market, Education and Training* link up with the PNE in a 'solidaristic' way: combating shortfalls in education and vocational training; promoting the quality of employment; and intervening through active, integrated employment, training and labour policies designed to address unemployment (Agreement, 2001, pp 2-3). Accompanying measures are varied, and are linked to such initiatives as: the setting up of public bodies (or their organic restructuring); rationalising the actions of various bodies; the promotion of studies and assessments of the measures; legislative review; and the definition of objectives quantified on the basis of precise factors, mainly the level of training and certification.

As an example, we might cite the establishment of the National Consultative Council for Vocational Training, which is attached to the Standing Social Concertation Commission, and in particular will assess the effectiveness of existing consultative bodies and the social partners' various participation structures

(Agreement, 2001, pp 5, 7). Defined objectives include the following: the introduction within six months of a standardised vocational training certificate that will be mandatory for all publicly funded training (Agreement, 2001, p 11); the adoption within six months of a programme for the preventive management of employers' crisis situations (Agreement, 2001, p 17); the development of an ongoing, sustainable system of continuing training that will enable all employees to have a minimum of 20 hours' certified training every year by 2003, and 35 hours by 2006 (Agreement, 2001, p 18); ensuring that by 2006, all young people under 18 can attend training or education courses whether they are in employment or not (Agreement, 2001, pp 21-22); the launch of a diploma in basic information technology skills that will be accessible to all, and linked to the end of nine years' compulsory education; and extending Internet use to all schools in the 1<sup>st</sup> cycle of basic education by the end of 2001 (Agreement, 2001, p 29). By its nature, the PNE is more global and responds to the central concern of Portugal's participation in the European Employment Strategy, but the measures in this social concertation agreement seem to be superimposed on the measures contained in the PNE. From the point of the government and the social partners, these two instruments appear to complement each other.

## 1.2. The social partners' current negotiations and consultations in preparation for PNE 2001

Several government Ministers are involved in the **dynamising and disseminating the PNE**. The PNE has developed in the Autonomous Regions of The Azores and Madeira through Regional Employment Plans in an attempt to adapt it to specific local requirements. The Ministry of Labour and Solidarity has an internal structure that was specially set up to implement the PNE: internally, it deals with links with Employment Centres; externally, it addresses links with the PNE Monitoring Commission Working Group. Both are tripartite bodies (Capucha, 2000, p 159).

Since the beginning of the PNE process, monitoring by the social partners has been carried out in the framework of social concertation, a tripartite working group having been set up in 1999 to support this work (Capucha, 2000, p 159). The organisations that are consulted therefore are the two trade union confederations and the three employers' associations represented on the Standing Social Concertation Commission of the Economic and Social Council. They are CGTP-IN (General Confederation of Portuguese Workers - Intersindical) and the UGT (General Workers' Union), and the CIP (Confederation of Portuguese Industry), the CCP (Portuguese Confederation of Commerce and Services) and the CAP (Confederation of Portuguese Farmers). The methodology employed for monitoring the PNE takes account of proposals presented by the social partners, and it is the responsibility of the Ministry of Labour and Solidarity to draw up regular monitoring reports (initially quarterly, now every six months) on progress in implementation of the PNE. The social partners make comments in the form of criticisms and suggestions.

There is no change worthy of mention in the **preparation of PNE 2001**. The social partners have already commented on the Memorandum produced by the government. Unions are mainly reactive. The **CGTP-IN** argues for the most part that European Commission reports on the structure support what it has always said about the importance of rationalising employment policy measures and the instruments used in the PNE, and that is why it is in favour of simplification. The CGTP-IN also stresses the need to focus on aspects of quality of employment, and agrees with measures for combating the informal sector (CGTP-IN, 2001, p 1). The union's main concern seems to be fighting precariousness in employment. Moreover, while acknowledging a new reference in the government PNE 2001 document to blockage on the labour market and in respect of qualifications, the CGTP-IN suggests the adoption of measures to attract young people into jobs and sectors where there are current and foreseeable blockages (CGTP-IN, 2001, pp 2-3). The **UGT**, like the CGTP-IN, disagrees with the new relationship between social benefits linked to unemployment and poverty and citizens' obligations, as they incorporate reduced social protection for unemployment.

According to the **CIP** employers' association, the content of the Memorandum is not very different from that of documents that have been known about since the last meeting. What is more, the CIP does not think that enough attention has been paid to matters affected by the Recommendations applied to Portugal (CIP, 2001, pp 1-2). Unlike the trade union centres, the CIP wants to focus attention on the need to make workers address issues of unemployment, particularly as regards taking responsibility for their needs (CIP, 2001, p 2). Like the CGTP-IN, another employers' association, the **CAP**, agrees with the European Commission's recommendations to simplify and rationalise the PNE, and refers to the issue of blockages on the labour market, although it alone suggests studies to forecast future needs, and closer links between local bodies, schools and enterprises (CAP, 2001, pp 2, 4). On the subject of preparation for the PNE, the CAP also believes that combating computer illiteracy should be backed up with measures to deal with illiteracy generally (CAP, 2001, pp 2-3). Other contributions, which are close to the CIP's position on the employability of unemployed workers, include its proposal to monitor the granting of unemployment benefit (CAP, 2001, p 5). Like the CGTP-IN and the CAP, the **CCP** agrees with recommendations to simplify the PNE (CCP, 2000, p 1). The CCP suggests discussions in the PNE technical monitoring group on increasing the quantitative objectives set by the European Commission and, in line with the government's document, *'development by the social partners of autonomous procedures for implementing the guidelines for which they are responsible'* (CCP, 2000, p 2). As for blockages on the labour market, the CCP believes that better organised public services and a speedier response to employers' needs might help to optimise available resources (CCP, 2000, p 3). The CCP also argues that acceptance of objectives relating to computer illiteracy - the definition of which, they say, needs to be clarified - is not acceptable if they involve additional charges for enterprises, particularly SMEs (CCP, 2000, p 3).

### 1.3. The climate in which the social partners' current negotiations and consultations are taking place

Preparation for the PNE did not prompt any significant dispute between the social partners during the period under discussion. However, there were claims that certain opinions had not been integrated, that the social partners only comment on provisional versions, and that deadlines for these are too short. For example, the **CGTP-IN** states that *'the assessment and contributions that it... may offer in respect of regards 2001 are very limited this year because the document produced by the government is very general with regard to the issues to be included in the PNE'* (CGTP-IN, 2001, p 1). In addition to saying that the government's document is too general, the CGTP-IN points out that deadlines for presenting opinions are short: *'the government must provide necessary, summarised information concerning the PNE in time, thereby enabling the confederations to make comments and present their proposals after a reasonable period for reflection. This does not always happen, as the present situation demonstrates'* (CGTP-IN, 2001, p 3). However, the union also makes clear its commitment, and says it is prepared to give a bigger role to collective labour agreements, particularly in connection with the gradual reduction in the working week, enterprise-level training programmes, and enterprise-level quotas for workers with disabilities (CGTP-IN, 2001, p 3). The **UGT** thinks that the Memorandum should have contained statistical tables and graphs. The union is not in a position to collate and process data: this, the UGT claims, is a task for public bodies that have the resources and staff to do the job properly (UGT, 2001, pp 1-2).

For the employers, and supporting the comments of the CGTP-IN, the **CIP** says that the delay in sending the Memorandum strongly influences the social partners' monitoring by giving them less than half the time deemed necessary at the outset to present their views. This situation is all the more serious as the European Commission is insisting that they should be more involved, and that, according to the CIP, the social partners are also demanding it (CIP, 2001, p 1). The CIP also thinks that its contributions last December have not been taken on board at all; this seems to mean that factors relating to progress on the content are unrelated to the employers' association's concerns (CIP, 2001, p 2). Again like the CGTP-IN, the CIP argues that as far as detailed assessments are concerned, the content and measures are not put into concrete form, and deduces that the practical lessons of implementing the PNE will not be learned as they should be (CIP, 2001, p 3). Lastly, although the **CCP** agrees with the proposal to simplify the PNE, it believes that *'it will be necessary to work hard on monitoring in order to ensure that all of this information is always well presented'* (CCP, 2000, p 1), and demands clarifications on the content of the guidelines, particularly concerning the social partners (CCP, 2000, p 4).

### Conclusion

There have been no significant alterations to the social partners' process of participation in the PNE since the beginning. The favourable situation of the Portuguese labour market is acknowledged by all, although the trade unions in particular draw attention to precarious employment. We may therefore say that the social partners have retained their strong desire, articulated in the Joint Declaration on the PNE in April 1998, to cooperate with the government in promoting a larger number of better jobs. The signing of the *Agreement on Policy relating to Employment, the Labour Market, Education and Training* on 9 February 2001 on the Economic and Social Council's Standing Social Concertation Commission is a clear indication of the current climate.

### References

- 'Acordo sobre política de emprego, mercado de trabalho, educação e formação', [www.ces.pt/docs/ace.pdf](http://www.ces.pt/docs/ace.pdf), Lisbon, 9 February 2001.
- CAP, *Contributos - Memorando de Balanço e Revisão do PNE (December 2000 version)*, 5 February 2001 (photocopy).
- Çapucha, Luís, and Paixão, Teresa (eds), *Plano Nacional de Emprego 2000 - Portugal e a Estratégia Europeia para o Emprego*, Lisbon, DEPP-MTS, September 2000.
- CCP, *Memorando de Balanço e Revisão do PNE (Dezembro 2000) - Observações da CCP*, December 2000 (photocopy).
- CGTP-IN, *Contributos da CGTP-IN para o Plano Nacional de Emprego de 2001*, 18 January 2001 (photocopy).
- CIP, *Memorando de Balanço e Revisão do PNE - Apreciação*, 17 January 2001 (photocopy).
- Plano Nacional de Emprego - Relatório Intercalar 2000*, Ministry of Labour and Solidarity, undated (photocopy).
- UGT, *Memorando sobre o Plano Nacional de Emprego - Parecer da UGT*, 16 January 2001 (photocopy).
- UGT, *UGT response to the ETUC questionnaire on the implementation of the 2001 Employment Guidelines*, June 2000 (photocopy).

## II. EMPLOYMENT-RELATED COLLECTIVE BARGAINING

### Introduction

As we have had occasion to point out in other reports, Portugal does not yet have systematised data on industrial relations available to researchers. Because of time restraints, and the lack of studies and other sources of information needed to draw up this report, certain issues have not been well developed, while others restate views already presented. We have nonetheless attempted to report on developments in employment bargaining during the period running from July 2000 to June 2001. We should also point out that for various reasons, the effectiveness of the negotiations is very debatable as no research has been conducted on the subject.

As forecast in the work programme for 2001 of the *Consultation and Negotiation in the EU and Its Member States* project, this report focuses on bipartite and tripartite negotiations on employment. On the one hand, the report therefore refers to features of collective agreements signed during the period under discussion, and on collective bargaining that transposed the *Joint Declaration on the PNE* signed by all the social partners in 1998<sup>141</sup>; on the other, we analyse the social concertation agreement on employment and vocational training signed in early 2001. The issue of the social partners' autonomy in these processes is only covered by a few comments as we have not had access to the sources of information necessary for a more detailed analysis.

### II.1. Employment bargaining

Portugal has little systematised information on developments in collective bargaining, particularly as regards content. The exception is a recent (published in 2000) in-depth study of collective labour agreements entitled *Conteúdos das Convenções Colectivas de Trabalho na Óptica do Emprego e Formação* (Content of Collective Labour Agreements dealing with Employment and Training)<sup>142</sup>. Unfortunately, it deals with a period that precedes ours, and the analysis focuses on six economic sectors. As a source, we have therefore used quarterly reports

<sup>141</sup> By 'social partners', we understand the CIP (Confederação da Indústria Portuguesa - Confederation of Portuguese Industry), the CCP (Confederação do Comércio e Serviços de Portugal - Portuguese Confederation of Commerce and Services), the CAP (Confederação dos Agricultores Portugueses - Confederation of Portuguese Farmers), the CGTP-IN (Confederação Geral dos Trabalhadores Portugueses - Intersindical Nacional - General Confederation of Portuguese Workers - National Intersindical) and the UGT (União Geral dos Trabalhadores - General Workers' Union).

<sup>142</sup> Freire, João et al (2000), *Conteúdos das Convenções Colectivas de Trabalho na Óptica do Emprego e Formação*, Lisbon, Employment and Vocational Training Observatory.

on movements in collective bargaining produced by the Ministry of Labour and Solidarity's General Conditions of Employment Directorate. At the level of tripartite negotiations (i.e. of social concertation), mention should also be made of the *Acordo sobre Política de Emprego, Mercado de Trabalho, Educação e Formação* (Agreement on Policy relating to Employment, the Labour Market, Education and Training). We believe this is particularly important for two reasons: firstly, it is one of the first agreements to be signed in a new methodological context in the Economic and Social Council's Standing Social Concertation Commission; and secondly, it focuses on issues related to employment, which has been a central EU theme, at least since the Luxembourg Council of December 1997.

#### *II.1.1. Identification of, and developments in, collective bargaining*

An analysis of quarterly reports on collective bargaining from July 2000 to June 2001 shows that 247 collective labour agreements were signed during that period. Trends in bipartite negotiations in Portugal have not changed for the most part. The focus is on money (i.e. the salary grid), and sectoral agreements are the order of the day. We will examine this development on a quarterly basis.

During the third quarter of 2000, 158 collective labour agreements were published, most of them at national level in manufacturing industries. Of these 158 agreements, 62 were signed by trade unions affiliated to the CGTP-IN, 54 to the UGT, 38 to both trade union centres, and 4 were signed by independent or unknown trade unions. Moreover, 108 of these agreements were collective labour agreements (CCTs), 11 were collective labour accords (ACTs) and 39 were enterprise-level agreements (AEs). Collective labour agreements account for about 68% of all agreements, and concern 85% of workers covered by collective bargaining during this period. As for issues addressed, 72 agreements contained changes of a non-financial nature (particularly maternity and paternity protection), and all agreements contained provisions of a financial nature, the salary grid being altered in all 158 agreements during the quarter. The table below sets out the 148 non-financial alterations.

**TABLE 1 - NON-FINANCIAL CONTENT OF AGREEMENTS  
IN THE 3<sup>RD</sup> QUARTER OF 2000**

ISSUES	AEs/ACTs	CCTs	TOTAL
Sectoral	0	6	6
Geographical	1	1	2
Conditions of recruitment	0	1	1
Jobs and definition of duties	8	19	27
Professional careers	10	8	18
Geographical mobility (travelling and transfers)	2	0	2
Training and re-training	1	4	5
Work adaptability/flexibility	2	4	6
Normal working hours	4	6	10
Rest periods	1	2	3
Part-time working	0	3	3
Holiday entitlement	8	5	13
Absences from work	4	2	6
Employment of students	1	4	5
Maternity and paternity protection	13	20	33
Occupational health and security	0	2	2
Workplace Safety Committee	0	1	1
Complementary social security schemes	1	1	2
<b>Equal opportunities</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Attendance</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>TOTAL</b>	<b>58</b>	<b>90</b>	<b>148</b>

Source: DGCT-MTS.

According to available data, the 27 changes to agreements dealing with 'jobs and definition of duties' focus on a wide range of activities in the primary, secondary and tertiary sectors. 'Professional careers' have been changed, for example, in agreements in the food industry, in chemicals products manufacture, in metalworking and in transport; 'workers' training and re-training' have been changed in agriculture, metalworking, and hotels and catering; 'organisation of working time' (which mainly takes the form of shorter working hours, and in many cases reducing maximum weekly hours below 40) has been addressed in agreements signed by non-independent unions, most of them affiliated to CGTP-IN, and concerns sectors such as food, textiles, metalworking, the manufacture of non-metal mineral products, and wholesale and retail trade; and 'part-time working' has undergone changes in wholesale and retail trade and in hotels and catering.

In the fourth quarter of 2000, 39 collective labour agreements were published, most of them in manufacturing industries, and covering one or districts. Of these agreements, 16 were signed by trade unions affiliated to CGTP-IN, 15 to the UGT, and 4 to both trade union centres, and 4 were signed by independent and unknown trade unions. 28 of them were collective labour agreements (CCTs), 2 were collective labour accords (ACTs), and 9 were enterprise-level

agreements (AEs). Collective labour agreements therefore account for 79% of all agreements, and concern about 99% of workers covered by collective bargaining during the period under discussion. As for issues addressed, 14 agreements contained non-financial changes (mainly maternity and paternity protection), and all of them contained financial provisions, the salary grid being changed in 39 agreements during the quarter. The table below sets out the 30 non-financial changes that have been introduced.

**TABLE 2 - NON-FINANCIAL CONTENT OF AGREEMENTS  
IN THE 4<sup>TH</sup> QUARTER OF 2000**

ISSUES	AEs/ACTs	CCTs	TOTAL
Sectoral	0	1	1
Jobs and definition of duties	1	4	5
Professional careers	2	2	4
Geographical mobility (travelling and transfers)	0	1	1
Training and re-training	1	2	3
Part-time working	0	2	2
Holiday entitlement	1	2	3
Absences from work	0	1	1
Maternity and paternity protection	2	6	8
Occupational health and safety	0	1	1
<b>Social services</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>TOTAL</b>	<b>8</b>	<b>22</b>	<b>30</b>

Source: DGCT-MTS.

According to available information, agreements that have undergone changes relating to 'jobs and definition of duties' were signed in agriculture, non-metal mineral products manufacture, metalworking, and wholesale and retail trade; 'professional careers' have been changed in agreements covering agriculture, commerce, hotels and catering, and transport; changes relating to 'training and re-training of workers' have been made in the same sectors (except hotels and catering); and trade agreements have also been changed in respect of 'part-time working'.

50 collective labour agreements were published in the first quarter of 2001, most of them in manufacturing and covering one or more districts. 21 of these agreements were signed by trade unions affiliated to CGTP-IN, 19 to the UGT, and 8 to both of them, and 2 were signed by independent or unknown unions. Of all these agreements, 31 are collective labour agreements (CCTs), 1 is a collective labour accord (ACT), and 18 are enterprise-level agreements (AEs). Collective labour agreements therefore account for almost 95% of workers covered by collective bargaining during the period under discussion. As for the issues addressed, 22 agreements contain non-financial changes (particularly relating

to jobs and the definition of duties, and maternity and paternity protection), and they all include financial changes, the salary grid being changed in 47 cases. The table below sets the 60 agreements with non-financial changes.

**TABLE 3 - NON-FINANCIAL CONTENT OF AGREEMENTS  
IN THE 1<sup>ST</sup> QUARTER OF 2001**

ISSUES	AEs/ACTs	CCTs	TOTAL
Sectoral	0	1	1
Geographical	0	1	1
Professional	0	1	1
Conditions of recruitment	1	1	2
Jobs and definition of duties	4	9	13
Professional careers	4	4	8
Geographical mobility (travelling and transfers)	1	0	1
Training and re-training	1	1	2
Working time adaptability/flexibility	0	2	2
Working time	5	0	5
Rest periods	1	0	1
Weekly rest period	0	1	1
Holiday entitlement	4	2	6
Absences from work	0	1	1
Employment of students	0	1	1
Maternity and paternity protection	3	5	8
Occupational health and safety	0	1	1
Complementary social security schemes	2	0	2
Equal opportunities	2	1	3
<b>TOTAL</b>	<b>28</b>	<b>32</b>	<b>60</b>

Source: DGCT-MTS.

'Conditions of recruitment' were changed in metalworking industries, and in the production and distribution of electricity, gas and water; 'jobs and definition of duties' and 'professional careers' were changed in several sectors; changes relating to 'training and vocational re-training' were introduced in trade and transport; 'working time adaptability/flexibility' was dealt with in agreements in trade and metalworking industries; and the 'number and identification of working hours' was changed in agreements in several sectors, the number of weekly working hours again being brought below 40.

We will now analyse the transposition of the *Declaração Conjunta dos Parceiros Sociais sobre o Plano Nacional de Emprego* (Social Partners' Joint Declaration on the National Employment Plan), which was signed in April 1998. In this Declaration, the Portuguese social partners undertake, as part of a unique initiative, to dynamise collective bargaining. In the main, this approach takes the form of focusing attention on two guidelines: Guidelines 4 and 13 of the PNE 1999 (since re-named Guidelines 5 and 15 of PNE 2000), relating to employability and modernising work organisation).

Tables produced by the Ministry of Labour and Solidarity's Department of Research, Prognosis and Planning for 2000<sup>143</sup> show that 36% of the collective labour agreements published (i.e. 69% of workers covered by agreements signed in 2000) deal with issues covered by the PNE guidelines. The distinction drawn between collective labour agreements on the one hand, and collective labour accords and enterprise-level agreements on the other, reveals how much more the latter transpose the guidelines. The issues that are more frequently transposed from the Joint declaration are, in descending order of importance, (i) 'definition of duties and careers' in modernising work organisation, (ii) 'maternity and paternity protection' in the promotion of equal opportunities and non-discrimination, (iii) 'the link between improving qualifications and development of the professional carer' in the framework of promoting vocational training, and (iv) 'shorter working time' with a view to modernising work organisation.

## II.2. Identification and analysis of tripartite social dialogue on employment<sup>144</sup>

At the level of social concertation, the year 2000 began with a government proposal on a new methodology based on agreements of variable geometry, that is to say medium-scope agreements whose key issues may be proposed by any of the parties at any time, and on which consensus among all the social partners is vital. Of the four issues that have been defined, two were signed on 9 February 2001: the *Acordo sobre Condições de Trabalho, Higiene e Segurança e Combate à Sinistralidade* (Agreement on Conditions of Employment, Health and Safety, and Combating Work-Related Accidents) and the *Acordo sobre Política de Emprego, Mercado de Trabalho, Educação e Formação* (Agreement on Policy relating to Employment, the Labour Market, Education and Training). The issues addressed in these agreements bring together the two 1990 complementary agreements of the *Acordo Económico Social* (Economic and Social Agreement), that is to say *Acordo de Segurança, Higiene e Saúde no Trabalho* (Agreement on Occupational Health and Safety) and the *Acordo sobre Formação Profissional* (Agreement on Vocational Training). Both of which, uniquely, were signed by the social partners about ten years ago in 1991.

The priorities of the Agreement on Policy relating to Employment, the Labour Market, Education and Training are linked 'solidaristically' with the PNE as follows: combating shortfalls in education and vocational skills; promoting quality of employment; and implementing active, integrated policies on employment, training and work with a view to combating unemployment. The measures for

dealing with these issues are varied, and are linked to the setting up of public bodies, or their organic restructuring, through actions including the following: the rationalisation of the action of the various bodies; the promotion of research into, and evaluation of, measures; a review of legislation; and the definition of quantified and planned objectives, particularly at the level of training and certification.

An example of this is the setting up of the National Consultative Council for Vocational Training, which is attached to the Standing Social Concertation Commission, and in particular will assess the effectiveness of existing consultative bodies and the social partners' various participation structures. Objectives include the following: the introduction within six months of a standardised vocational training certificate that will be mandatory for all publicly subsidised training; the adoption within six months of a programme for the preventive management of employers' crisis situations; the development of an ongoing, sustainable system of continuing training enabling all employees to have a minimum of 20 hours' certified training every year by 2003, and 35 hours by 2006; ensuring that by 2006, all young people under 18 can attend training or education courses whether they are in employment or not; the launch of a diploma in basic information technology skills that will be accessible to all, and linked to the end of nine years' compulsory education; and extending Internet use to all schools in the 1<sup>st</sup> cycle of basic education by the end of 2001. This social concertation agreement enables the social partners to be more involved in institutional changes and the development of social dialogue beyond the PNE. In the main, the nature of the PNE is more global, and it has one central concern: that of integrating Portugal into the European Employment Strategy.

In 2001<sup>145</sup>, with the forecast of a favourable situation on the Portuguese labour market (employment creeping up to 70% until 2005, and keeping unemployment below the 5% barrier), PNE 2001 aims to be consistent with the new strategic objective for Europe, and make Portugal the most competitive and dynamic knowledge economy in the world - while continuing to retain the transversality of issues like equal opportunities between men and women, and focusing on new priorities, with particular attention being paid to the following:

- increasing aid to continuing training, particularly in the field of information and communication technology, and by involving the social partners further;
- continuing to improve the education system, particularly by gradually making training linked to vocational qualifications more generally available, and by adapting teacher training to the new programmes;
- a more dynamic job-creation programme in services through a wider range of better-quality job vacancies in the sector;

<sup>143</sup> The sources used do not identify the dates of the collective labour agreements. They refer to all agreements concluded in 2000.

<sup>144</sup> In this section, we draw on part of the report entitled 'La Participation des Partenaires Sociaux à la Préparation, à la Mise en Œuvre et au Suivi des Plans d'Action Nationaux pour l'Emploi - Portugal' published in March 2001.

<sup>145</sup> We have been unable to make any comments on PNE 2001 as it was not available when the report 'La Participation des Partenaires Sociaux à la Préparation, à la Mise en Œuvre et au Suivi des Plans d'Action Nationaux pour l'Emploi - Portugal' came out.

Tables produced by the Ministry of Labour and Solidarity's Department of Research, Prognosis and Planning for 2000<sup>143</sup> show that 36% of the collective labour agreements published (i.e. 69% of workers covered by agreements signed in 2000) deal with issues covered by the PNE guidelines. The distinction drawn between collective labour agreements on the one hand, and collective labour accords and enterprise-level agreements on the other, reveals how much more the latter transpose the guidelines. The issues that are more frequently transposed from the Joint declaration are, in descending order of importance, (i) 'definition of duties and careers' in modernising work organisation, (ii) 'maternity and paternity protection' in the promotion of equal opportunities and non-discrimination, (iii) 'the link between improving qualifications and development of the professional carer' in the framework of promoting vocational training, and (iv) 'shorter working time' with a view to modernising work organisation.

## II.2. Identification and analysis of tripartite social dialogue on employment<sup>144</sup>

At the level of social concertation, the year 2000 began with a government proposal on a new methodology based on agreements of variable geometry, that is to say medium-scope agreements whose key issues may be proposed by any of the parties at any time, and on which consensus among all the social partners is vital. Of the four issues that have been defined, two were signed on 9 February 2001: the *Acordo sobre Condições de Trabalho, Higiene e Segurança e Combate à Sinistralidade* (Agreement on Conditions of Employment, Health and Safety, and Combating Work-Related Accidents) and the *Acordo sobre Política de Emprego, Mercado de Trabalho, Educação e Formação* (Agreement on Policy relating to Employment, the Labour Market, Education and Training). The issues addressed in these agreements bring together the two 1990 complementary agreements of the *Acordo Económico Social* (Economic and Social Agreement), that is to say *Acordo de Segurança, Higiene e Saúde no Trabalho* (Agreement on Occupational Health and Safety) and the *Acordo sobre Formação Profissional* (Agreement on Vocational Training). Both of which, uniquely, were signed by the social partners about ten years ago in 1991.

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dealing with these issues are varied, and are linked to the setting up of public bodies, or their organic restructuring, through actions including the following: the rationalisation of the action of the various bodies; the promotion of research into, and evaluation of, measures; a review of legislation; and the definition of quantified and planned objectives, particularly at the level of training and certification.

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<sup>145</sup> We have been unable to make any comments on PNE 2001 as it was not available when the report '*La Participation des Partenaires Sociaux à la Préparation, à la Mise en Œuvre et au Suivi des Plans d'Action Nationaux pour l'Emploi - Portugal*' came out.

- encouraging a partnership approach to questions linked to the modernisation of work organisation;
- combating different forms of unauthorised employment more robustly;
- promoting the employability of unemployed workers more energetically.

In the context of this last point, the Programme for Stimulating Job Vacancies was set up at the end of March 2001; it will run until 2006. The programme is designed to make job access easier for groups who find it difficult; they include young people looking for their first job, the long-term unemployed, disabled workers, and recipients of the minimum social wage. Practical initiatives include assistance with recruitment, local employment initiatives, assistance with self-employment and special equal opportunities benefits.

The number of quantified objectives set out in the European Employment Strategy rose in 2001, with several priorities being defined. They include giving a fresh chance to all unemployed workers before they complete 6 months (youth) or 12 months out of work; ensuring by 2002 that all the long-term unemployed registered at Employment Centres are given a Personal Employment Plan; offering job-search training to all young people under 21, who are registered at Employment Centres and have not completed their basic or secondary education; guaranteeing the provision of 16,500 vocational training courses for young people; setting up 84 Basic Skills Recognition and Validation Centres by 2006; connecting all schools to the Internet by the end of 2001; guaranteeing access to pre-primary education for all 5-year-olds, and for 75% of children aged between 3 and 4, by 2006. There is a clear overlap between the objectives of the social concertation agreement and those of PNE 2001, and generally speaking, from the point of view of the government and the social partners, the two instruments appear to complement one another. At all events, we do not have any more information on the practical impact of the February 2001 agreement, and we have not been able to obtain the views of the various people who took part in the process.

However, in their opinions on PNE 2001, certain social partners<sup>146</sup> refer to the link between the two employment policy instruments (i.e. the PNE and the Agreement on Policy relating to Employment, the Labour Market, Education and Training). The CGTP-IN thinks that *'although the agreements on employment and training and on occupational health and safety do not go far enough to change the current model, they contain a corpus of measures and important commitments relating to the issues that they address. One hopes, therefore, that there will be a closer link with the PNE... however, it is noticeable that several measures... have not yet been incorporated into this version of the PNE.'* It should also be pointed out that the CGTP-IN again undertakes to dynamise collective bargaining in order to pursue some of the PNE directions. The UGT thinks it is *'positive that the PNE incorporates the Agreement relating to Policy on*

*Employment, the Labour Market, Education and Training'*, and the CCP simply points out that some matters relating to Guideline 14-Pillar III (adaptability) - i.e. the National Plan of Preventative Action and the National Health Service's Adaptation Plan, both of which derive from the social concertation agreements - will be implemented according to the impact that the agreements have. Lastly, the CIP seems to transcribe parts of both social concertation agreements, which were signed in February, as suggested content that the commitments might contain in respect of the social partners' involvement. Interestingly, the CIP draws attention to the fact that the European Commission's recommendations relating to the social partners' effective participation in the process and their assumption of responsibility are not being complied with.

Apart from the necessary link with the recent social concertation agreement, PNE 2001 also considers links with other strategies in the process of being drawn up (e.g. the Strategy for Lifelong Learning, the Plan for Social Insertion and the National Innovation Programme). For example, the government published the National Plan of Action for Inclusion 2001-2003 (PNAI) in 2001. This consists of a large corpus of measures designed to achieve the following objectives: combating poverty and social exclusion; promoting participation in employment; access for all to resources, rights, goods and services; preventing risks of exclusion; interventions on behalf of more vulnerable people; and the mobilisation of all actors. In addition to the indicators and quantified measures, the PNAI contains a diagnosis, and quotes examples of good practice.

### II.3. The degree of autonomy among the social partners

We have not been able to accumulate specific information on this subject, but it is important to remember that the social partners are anxious to transpose the *Joint Declaration on the PNE* into collective bargaining, and have revealed their enthusiasm for implementing and monitoring the PNE. Moreover, the new social concertation methodology won their immediate approval, and led to them signing two medium-scope agreements early this year. This is something that had not happened for about ten years. To conclude, it is worth noting that the government's initiative apparently continues to prevail in the field of social concertation.

<sup>146</sup> The CAP, however, makes no reference to the February agreement in its April opinion on PNE 2001.

## Conclusion

PNE 2001 provides for a concentration of actions on the part of the State and the social partners. As far as the State is concerned, several Ministers are involved in dynamising the PNE, and a structure was set up in the Ministry of Labour and Solidarity to cater for this process; the aim is to promote links with all the Employment Centres, and coordination with the PNE Monitoring Commission Working Group. The tripartite Monitoring Commission has responsibility for supervising the whole process.

The social partners are involved at the level of the Economic and Social Council's Standing Social Concertation Commission). Reports on implementation of the PNE are presented in the framework of the Commission. The new social concertation methodology has recently led to the setting up of a new instrument whereby the social partners can involve themselves in social policy, in addition to the PNE. It is a thematic medium-scope agreement, and is called the Agreement on Policy relating to Employment, the Labour Market, Education and Training. Its objectives incorporate those of the PNE. However, the National Plan for Inclusion 2001-2003, which is linked to the PNE and the Integration Programme of Aid for Innovation. The three instruments are known as 'the strategic triangle of Lisbon'.

There has been more continuity than before in collective bargaining, but there also appears to be a tendency for enterprise-level agreements and collective labour accords to increase in number. Most collective labour agreements deal with salary matters, for long a decisive characteristic of Portuguese collective bargaining. Despite some innovation in work organisation, collective bargaining continues to be excessively traditional, and there is still insufficient linkage between the various levels (i.e. workplace-level, enterprise-level, sectoral, national and European). Attempts by the employers to increase the amount of multi-skilling and flexible working runs into opposition from some trade unions. The unions are also more aware of information on struggles abroad against globalisation, for example in Seattle and Porto Alegre, and at Marks & Spencer. 2001 is marked by an increase in industrial disputes in certain sectors including transport, health and the public sector.

## References

- Acordo sobre Política de Emprego, Mercado de Trabalho, Educação e Formação*, Internet: [www.ces.pt/docs/ace.pdf](http://www.ces.pt/docs/ace.pdf)
- Apreciação da Versão Preliminar do PNE 2001, pela UGT* (23 April 2001), União Geral de Trabalhadores (UGT).
- Parecer - Plano Nacional de Emprego 2001* (23 April 2001), Confederação dos Agricultores de Portugal (CAP).
- Contributo da CGTP-IN - Plano Nacional de Emprego de 2001 - Versão Preliminar* (24 April 2001), Confederação Geral dos Trabalhadores Portugueses - Intersindical Nacional (CGTP-IN).
- Lima, Marínus Pires de, and Raquel Rego (March 2001), *La Participation des Partenaires Sociaux à la Préparation, à la Mise en Oeuvre et au Suivi du Plan d'Action National pour l'Emploi - Portugal*, report for the 'Consultation and Negotiation in the EU and its Member States' project, Lisbon, ICS-UL.
- 'New employment programme favours the sustainability of ventures and of the jobs that they create', Internet: [www.eurofound.ie/2001/05/An\\_Brief/pt0105146n.html](http://www.eurofound.ie/2001/05/An_Brief/pt0105146n.html)
- Plano Nacional de Emprego 2001* (April 2001), Ministry of Labour and Solidarity, Internet: [www.deppmts.gov.pt/PNE/Pne\\_2001.pdf](http://www.deppmts.gov.pt/PNE/Pne_2001.pdf)
- Plano Nacional de Emprego 2001- Contributo da CIP* (19 April 2001), Confederação da Indústria Portuguesa (CIP).
- PNE 2001 - Observações da CCP*, Confederação dos Comércio e Serviços de Portugal (CCP).
- Quadros de Convenções Colectivas de Trabalho, Publicadas em 2000, Relativas às Matérias Enquadráveis nas Directrizes 5 e 15 do PNE*, Department of Research, Prognosis and Planning, Ministry of Labour and Solidarity.
- Relatório sobre o movimento da contratação colectiva - 1.º Trimestre de 2001*, General Conditions of Employment Directorate, Ministry of Labour and Solidarity.
- Relatório sobre o movimento da contratação colectiva - 3.º Trimestre de 2000*, General Conditions of Employment Directorate, Ministry of Labour and Solidarity.
- Relatório sobre o movimento da contratação colectiva - 4.º Trimestre de 2000*, General Conditions of Employment Directorate, Ministry of Labour and Solidarity.