

Social Dialogue mapping

Description scheme for country overviews

PORTUGAL

Sources:

- 1/ Eurofound Working Life Profiles <https://www.eurofound.europa.eu/country/portugal#actors-and-institutions>
- 2/ OSH WIKI https://oshwiki.eu/wiki/OSH_system_at_national_level_-_Portugal
- 3/ ESENER-3 <https://visualisation.osha.europa.eu/esener#!en/survey/overview/2019>

Introduction on Social Dialogue in MS (1)

Portuguese legislation does not provide rules regarding criteria and mechanisms to assess the representativeness of trade unions and employer associations and regarding the implications of representativeness in social dialogue institutions and collective bargaining. All officially registered unions or employer associations are entitled to engage in collective bargaining. What counts is mutual recognition.

The MoU required that the extension of collective agreements should be based on representativeness, both of trade unions and employer associations. The legal changes in 2012 and in 2014 referred only to employer representativeness/representation.

Trade Unions (1)

- **About trade union representation**

The right to organise in a trade union (*liberdade sindical*) is guaranteed by the Constitution of the Portuguese Republic and by the Labour Code. Very few groups are excluded from this right, namely members of the armed forces and militarised security forces.

- **Main trade union confederations and federations**

There are two trade union confederations (CGTP and UGT) that have access to tripartite social concertation at macro level (Standing Committee for Social Concertation, CPCS).

During the past 15 years, the most comprehensive and profound restructuring among Portuguese unions was carried out by FIEQUIMETAL. The process began in 1999 with the merger of CGTP's metal and chemical and chemical workers' federations and was continued in 2007 with the integration of the electrical workers' federation. In 2010, eight of FIEQUIMETAL's member unions merged into four newly created regional unions covering several branches of manufacturing. In the same year, the

national Union of Paper and Printing Workers integrated itself into these four new organisations. FIEQUIMETAL now covers the following sectors: metal, chemical, electrical, pharmaceutical, paper and pulp, graphical, press, energy and mining.

Another important structuring process occurred in 2007 when UGT's three banking and two insurance unions created the National Federation of the Finance Sector (FEBASE). During the same year, CGTP's transport and communication unions founded FECTRANS. In contrast to FIEQUIMETAL, the creation of FEBASE and FECTRANS did not result in restructuring the member organisations.

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
General Confederation of Portuguese Workers (Confederação Geral dos Trabalhadores Portugueses – Intersindical Nacional)	CGTP-IN	460,000	201	No, not directly (only via its member organisations)
General Union of Workers (União Geral de Trabalhadores)	UGT	193,000	2011	No, not directly (only via its member organisations)
Union Federation of Financial Sector (Federação Nacional do Sector Financeiro)	FEBASE (UGT)	79,000		Yes
Federation of unions of Metal Chemical, Electric, Pharmaceutical, Paper, Printing, Energy and Mining industries (Federação Intersindical das Indústrias Metalúrgicas, Químicas, Eléctricas, Farmacêutica, Celulose, Papel, Gráfica, Imprensa, Energia e Minas)	FIEQUIMETAL (CGTP-IN)			/
National Federation of Teachers (Federação Nacional dos Professores)	FENPROF (CGTP-IN)	60,000		

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
National Federation of Public Sector Trade Unions (Federação Nacional dos Sindicatos da Função Pública)	FNSFP (CGTP-IN)	Between 50,000 and 65,000		
Federation of unions of Textile, Wool, Clothing, Footwear and Leather workers (Federação dos Sindicatos dos Trabalhadores Têxteis, Lanifícios, Vestuário, Calçado e Peles de Portugal)	FESETE (CGTP-IN)	50,000		

Employers' organisations (1)

• About Employers' organisations

The Constitution guarantees the right to organise voluntarily and protects against any coercion to affiliate in an association, and the Labour Code specifies this right for employers' organisations.

As regards the legal status of interest associations, there is an important distinction between the employers' organisations that are recognised as social partners on the one hand and pure trade associations on the other.

The main employers' organisations that are represented in the most important cross-sectoral, national institution for social dialogue, the Permanent Commission of Social Concertation (Comissão Permanente de Concertação Social, CPCS) are: the Entrepreneurial Confederation of Portugal (Confederação Empresarial de Portugal, CIP), the Confederation of Commerce and Services of Portugal (Confederação do Comércio e Serviços de Portugal, CCP), the Confederation of Farmers of Portugal (Confederação dos Agricultores de Portugal, CAP), and the Confederation of Portuguese Tourism (Confederação do Turismo Português, CTP).

The Entrepreneurial Confederation of Portugal was founded in 2010 as a result of the merger of the Confederation of Portuguese Industry (CIP) with the two large national entrepreneurial associations, AIP and AEP. With this merger, CIP consolidated its leading role in the employers' camp.

• Main Employers' organisations

There are two main employers' confederations (CIP and CCP) covering more than one sector that have access to the body of tripartite social concertation at macro level (Standing Committee for Social Concertation, CPCS).

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
Entrepreneurial Confederation of Portugal (Confederação Empresarial de Portugal)	CIP	Approximately 820,000 (without members of Chambers of Industry and Commerce) Source: Authors' calculations based on data provided by CIP	2013	No, only via its members
Confederation of Trade and Services of Portugal (Confederação do Comércio e Serviços de Portugal)	CCP	No data	-	No, only via its members

Social Dialogue on OSH (2)

- General Remarks on Social Dialogue on OSH**

Portugal has a system of social dialogue at all levels (national, sectoral and company) and in the different socio-economic fields such as socioeconomic development policies and legislation projects concerning social and labour matters, namely labour law [social dialogue](#).

- National level**

Social dialogue at national level takes place in the negotiation and joint consultation committees, which are composed of government representatives and the representative trade union and employers' organizations. The Economic and Social Council (CES - Conselho Económico e Social ^[19]) is a constitutional body for consultation and social agreement. Its main goals are to promote the participation of economic and social agents in decision-making procedures of the organs of sovereignty, within the scope of socioeconomic issues. It is the space for dialogue between the Government, Social Partners and remaining representatives of an organised civil society par excellence.

The Constitution of the Portuguese Republic (Article 92) grants the CES two types of competencies, one consultative and the other of social agreement. Its consultation competencies are based on the participation of the most representative organisations in Portuguese society and economic agents and are carried out by drafting opinions, requested by the Government or other organs of sovereignty, or upon its own initiative. Within the scope of this competency, the CES expresses its opinion about the drafts of the programmes and policies for social and economic development, Portugal's positioning within the European institutions with regard to these policies, the use of European funds at national level and the regional development policy.

The competency for social agreement aims to foster social dialogue and negotiation between the Government and Social Partners – trade unions and employer associations – and is exercised based on tri-party negotiations with representatives of such bodies, during which legislation projects are appraised with regard to social and labour matters, for which social agreements are then entered into [20].

The Social Partners, i.e. Government, employer associations and trade unions are part of the Standing Committee on Social Agreement (CPCS – Comissão Permanente de Concertação Social), whose main task is to foster dialogue and social agreements [21]. The work at the CPCS is carried out in several phases, namely the proposal and scheduling of the issues to be handled and the definition of the most suited methodology for analysis based on a work line (annual or by legislature), which is accepted by all members. Employment policies, vocational training, social welfare, tax and public administration policies are included among the matters to be discussed.

The composition of the Standing Committee on Social Agreement is composed by government members, trade union members and employer association's member [22]. The board is responsible for issuing an opinion within their competence, on the plan and report on activities, the budget, the annual report and accounts, action programs and regulations, quality policy and the policy of human resource training.

The National Board of Health and Safety at Work (CNHST - Conselho Nacional de Higiene e Segurança no Trabalho) [26] aims to promote cooperation between the state and the social partners with a view to the formulation, implementation and periodic assessment of a national policy aimed to preventing occupational accidents and diseases, by reducing the risks inherent in the work environment. The CNHST is tripartite board, comprising representatives of Government Administration and most representative employers and workers organizations.

The Advisory Council for the Promotion of Safety and Health at Work (CCPSST - Conselho Consultivo para a Promoção da Segurança e Saúde no Trabalho) [73] from the Working Conditions Authority (ACT-Autoridade para as Condições do Trabalho) [17] is an advisory council which is responsible to assist the Working Conditions Authority in carrying out their responsibilities for safety and health at work.

- **Sectoral level**

At the sectoral level there is no social dialogue structures oriented to occupational health and safety aspects. Collective negotiations at sectoral level between unions and employers contain some clauses concerning occupational health and safety (see for example the Collective Bargaining Agreement (CBA) in the Banking Sector [23] and the Collective Bargaining Agreement (CBA) to Telecom Operators [24]).

- **Enterprise level**

The social dialogue at enterprise level may be based on company agreements with union representatives or based on health and safety commissions at company level. The company agreements are established between the managements of companies and union representatives, and contains some clauses also addressed to occupational health and safety (see for example chapter XIII in the company agreement between Repsol Polímeros, S. A. and FETESE - Trade Union Federation of Industry and Services [25]).

According to The Decree-Law 102/2009 of 10 September 2009 [26], workers' representatives for safety

and health at work shall be elected at company level by the workers, by direct and secret vote. Only lists submitted by unions that have represented workers in the company or lists that have subscribed at least 20% of the workforce, can compete. Workers' representatives have a credit of five hours per month to perform their functions.

According to the same Law, it can be created occupational safety and health committees, by collective agreement, of equal composition. The occupational safety and health committees are constituted by workers' representatives for safety and health at work, according to the proportionality principle (see, for example, the Occupational Health and Safety Regulation in the collective bargaining agreement, between the EDP Group and the workers, represented by trade unions ^[27]). Workers' representatives for safety and health at work have the right to meet with the administration of the company at least once a month, for discussion and analysis of issues related to occupational safety and health.