



TWING PROJECT
Country:

Portugal – Fieldwork Report

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1 Introduction

The Portuguese telework legislation went through important changes in recent years. Telework is regulated in the labour code and subsequent regulations approved by the government. This legislation frames the minimum conditions to those who can do telework. It specifically states that the other rules should be set through collective bargaining.

The telework regime in Portugal (provided for in articles 165 to 171 of the Labour Code) underwent important changes with Law no. 83/2021 and later with Law no. 13/ 2023, as part of the implementation of the Decent Work agenda. In effect, these diplomas expanded the right to telework for parents and workers with non-main informal caregiver status. It also developed the regime in force before the COVID-19 pandemic, with benefits for employees, employees and society in general ¹. More recently, on October 1, the Ordinance No. 292-A/2023 came into force. This legislative regulation approves the establishment of limit values for compensation due to teleworkers for additional expenses for providing work in a teleworking regime. The compensation does not constitute income for tax or social security contributions.

The following chapter presents the methodology used to gather information about the changes in legislation and the social partners' perception of these changes at different levels (i.e. confederation, sectorial and company level). It also presents the main drivers of development of telework during collective bargaining in four selected sectors, namely public sector, ICT, chemical and financial sectors.

¹ From the interview with the DGERT officer.

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2 Methodology

This report presents the results from the fieldwork conducted in the project TWING. Overall, the project carried out 21 semi-structured interviews, lasting on average one hour in the period January 2023 to February 2024. The selection was based on the main industrial relations actors, at top, sectoral and company level that signed collective agreements to regulate telework until November 2023.

The interviews included confederations of social partners such as CGTP², UGT³ and CIP⁴; two sectoral federations ANIMEE⁵ and ANEME⁶ (in sectors that overlap in some occupations). Other interviews were also held with several sectoral trade unions, such as SITESE⁷, SINDEL⁸, SINTAP⁹ and SIEAP¹⁰. Finally, interviews were done as well as works councils of the manufacturing multinationals Forvia (ex-Faurecia), multinational company that in Portugal acts as electronic component supplier for the automotive sector and AutoEuropa Volkswagen¹¹, the major final automotive assembler in Portugal. Furthermore, seven interviews with directors of human resources or production managers were carried out.

Given the difficulty to develop research interviews about industrial relations, three complementary interviews were also carried out to cross-check information with the national authority for working conditions (ACT), the Portuguese DG for Industrial Relations (DGERT) and one specialist in collective bargaining.

There were two different rounds of research to collect information about collective agreements that included telework. First, the work included an extensive analysis of the

² CGTP (General Confederation of the Portuguese Workers) is the major trade union confederation that has a major activity in the labour movement, in particular, at the ICT sector, chemical sector and public sector (among others).

³ UGT (General Workers Union) is the large central trade union with organisations located in almost all sectors and affiliated to the social-democratic parties. They cover trade unions in the financial sector and in some public sectors.

⁴ CIP (Portuguese Industry Confederation) is the largest employers confederation, and their activities cover ICT, chemical and financial sectors.

⁵ ANIMEE (National Association of Industries of Electric and Electronic Material) is the major employer association in the ICT sector.

⁶ ANEME (National Association of Metallurgical and Electromechanical Companies) is an employer's association of the metal sector. Many professionals, as stated during interviews, prefer to opt for the ANEME sectoral collective agreement because it offers them better conditions. Thus, there is some overlap between ANIMEE and ANEME's sectoral collective agreements. This overlap explains why this report analyses both sectoral collective agreements.

⁷ SITESE (Service Sector Workers Union) covers the labour interests in ICT, chemical sector (pharmaceuticals agreements), Public sector, among other areas. It is affiliated to UGT.

⁸ SINDEL (Electrical and Industrial Trade Union) covers the labour interests in electromechanical, electricity and industrial production, among other areas. It is affiliated to UGT.

⁹ SINTAP (Public Administration and Public Entities Workers Union) is the main public sector trade union. It is affiliated to UGT.

¹⁰ SIEAP (National Union of Energy, Industry, Services and Water) is a non-affiliated trade union for sectors such as energy, water, public sector, among others.

¹¹ <http://www.volkswagenautoeuropa.pt>

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database of collective agreements in the beginning of January 2023¹². In the initial period of the year, the search in the database of DGERT revealed that there were seven collective agreements that mentioned the word “teletrabalho”: two in ICT (NACE 62), one in the chemical sector and one at the local level of public administration. At the time, there were no collective agreements in the financial sector, but there were three in the insurance sector and one in the transport sector. Later and more importantly, on 17th of October 2023, an interviewee from UGT indicated that there were already ten collective agreements mentioning the word “teletrabalho”: seven company agreements in the local public administration¹³; two sectoral collective agreements in the Chemical sector¹⁴; and one sectoral agreement in the Electromechanical sector¹⁵.

Afterwards, the research focused on the mapping of the actors of these collective agreements. This allowed contacts to be made for conducting semi-structured interviews. The actors were invited by email, in five different rounds in the period of September 2023 to February 2024. Many of those invited did not wish to give interviews. This attitude can be interpreted within the fatigue that many have in relation to telework, many social actors do not have an internal cohesive position in relation to this topic (different workers want different modes of working) and it was too soon to have a position in organisations given that the compensation ordinance only was published on the 29th of September.

Furthermore, the semi-structured interviews lasted on average one hour. Most of these interviews were conducted through online meetings via Zoom. The interviews were recorded, transcribed and later analysed in a fiche to be used for further qualitative analysis.

¹² Source: DGERT, Pesquisa de Convenções Colectivas, Accessed in 5/1/2024.

¹³ The seven agreements were:

1. Acordo de empresa entre a EMARP - Empresa Municipal de Águas e Resíduos de Portimão, EM, SA e o Sindicato dos Trabalhadores da Administração Pública e de Entidades com Fins Públicos - SINTAP - Revisão global (BTE 6, 15/2/2023).
2. Acordo coletivo entre a Águas do Norte, SA e outras e o SIEAP - Sindicato das Indústrias Energias Serviços e Águas de Portugal (BTE 13, 8/4/2023).
3. Acordo de empresa entre a CMPEAE - Empresa de Águas e Energia do Município do Porto, EM e o Sindicato dos Trabalhadores da Administração Pública e de Entidades com Fins Públicos - SINTAP - Alteração salarial e outras/texto consolidado (BTE 13, 8/4/2023).
4. Acordo de empresa entre a AC, Águas de Coimbra, EM e o Sindicato dos Trabalhadores da Administração Pública e de Entidades com Fins Públicos - SINTAP - Revisão global (BTE 16, 29/4/2023).
5. Acordo de empresa entre a Parques de Sintra - Monte da Lua, SA e o Sindicato dos Trabalhadores da Administração Pública e de Entidades com Fins Públicos - SINTAP - Revisão global (BTE 30, 15/8/2023).
6. Acordos de empresa entre a Imprensa Nacional - Casa da Moeda, SA - INCM, SA e o Sindicato dos Trabalhadores do Setor de Serviços - SITESE - Alteração salarial e outras (BTE 33, 8/9/2023) and also the agreement of 2022.
7. Acordo de empresa entre a Rádio e Televisão de Portugal, SA e a FE - Federação dos Engenheiros e outros - Revisão global (BTE 33, 8/9/2023).

¹⁴ The two agreements were:

1. Contrato coletivo entre a GROQUIFAR - Associação de Grossistas de Produtos Químicos e Farmacêuticos e o Sindicato dos Trabalhadores do Setor de Serviços - SITESE (produtos farmacêuticos) - Alteração salarial e outras e texto consolidado (BTE 26, 15/7/2023).
2. Contrato coletivo entre a GROQUIFAR - Associação de Grossistas de Produtos Químicos e Farmacêuticos e a Federação Intersindical das Indústrias Metalúrgicas, Químicas, Eléctricas, Farmacêutica, Celulose, Papel, Gráfica, Imprensa, Energia e Minas - FIEQUIMETAL - Revisão global (BTE 29, 8/8/2023).

¹⁵ Contrato coletivo entre a FENAME - Federação Nacional do Metal e o Sindicato dos Trabalhadores do Setor de Serviços - SITESE e outros - Revisão global (BTE 22, 15/6/2023).

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The objectives of the last interviews related to sectoral and company agreement were directed to HR directors and trade unions to elaborate mini-case studies. The objective was to identify the extent of good measures established through social dialogue to promote good quality telework arrangements; the process (how good practices have been introduced and through which the regulatory tools); the outcomes observed; and its potential transferability.

The elaboration of this research was based on two main research methods:

- Desk research: focused on gathering background information (company annual reports, media articles, etc.) aiming to contextualise the social dialogue practice introduced; and to have a clear understanding of company regulation of telework prior to the interviews. Desk research included the revision of the company's website and relevant stakeholders, such from union's federations and local branches, or from employers' associations. Desk research paid particular attention to analyse sectoral dynamics and its reflection in companies' managerial and work organisation practices, existing regulation of telework through sector or company-level collective agreement.
- Semi-structured interviews: When possible, the elaboration of three sectoral studies included two interviews conducted in each companies and/or sectors, one with a company representative with responsibilities in the management of labour relations and human resource management, and another with employees' or trade union representatives.

The next session presents the sectoral studies elaborated for this report. The first part presents views and discourses of telework, followed by the regulation of telework through collective bargaining, the bargaining approaches and outcomes and, finally, the understanding of collective bargaining approaches and outcomes. This section aims to get a broad picture of economic and workforce characteristics and prevalent work organisation practices in the sector and/or the company. The focus was on dimensions that were of relevance for understanding the implications of telework, when possible working time flexibility, job autonomy¹⁶ and task interdependence.

¹⁶ Autonomy on the job is understood as the degree in which workers can organise their work independently and it is associated with flexible work opportunities. It can be constrained by organisational hierarchies or managerial practices, but also because of the degree of interdependence with other co-workers, or rather to the extent to which this cooperation is self-managed within working teams or led by managers.

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3 Views and discourses of telework

Summarise how each trade union and employer organisation approached frame and understand the challenges brought by telework in work organisation and working conditions. In doing so, we expect description of:

- Main risks and benefits identified by employers

According to the major employers confederation (CIP), telework brings new organisational problems because qualified young people demand teleworking, firms need to manage the necessary space” and invest in hardware and software. Telework also increases spaces where work can be carried out, reduces space costs for companies and allows hiring workers across borders and in other regions. Furthermore, CIP considers the Working conditions allow the use of more open space work, crowdworking, better Work Life Balance and better working hours”. However, telework may increase the monitor and control of workers with software, may worsen health and security at work and may lead to isolation and disconnection of the workers from the company.

To the ICT employers association ANIMEE, telework in the ICT remains as conceived to maintain and attract new talent, for work-life balance purposes and/or specific issues in companies. It can bring worse working conditions to workers who do not have good telework practices but can also be a positive tool to organise work and be used in specific working conditions.

To the electromechanical employers association ANEME, telework in this sector has implications in the organisation of work: ANEME considers that it can be a challenge to manage teams in different work regimes – in-person and telework– or just telework as it can be more complex. But telework can be positive because the flexibility inherent to the telework regime can allow the worker to better organise their work. In terms of working conditions, ANEME indicated also that the working conditions of telework workers may not be ideal or adequate, depending on the location where their activity is carried out, their privacy, etc. On the other hand, the flexibility inherent to the telework regime provides greater reconciliation between personal and professional life, which can constitute an increase in the worker's working conditions.

- Main risks and benefits identified by trade unions

One of the largest trade union confederation CGTP mentioned that they do not promote telework. According to this central union, telework is just another way of organising work with advantages and disadvantages to workers and should be adopted when necessary. In terms of work organisation: telework implementation can lead to increased monitoring and control of workers; and the regime of telework can also increase concerns with privacy of workers. On the other hand, telework gives workers more autonomy and spatial flexibility. To. CGTP, working conditions is the most determining factor to identify telework as a benefit. There are problems frequently associated with telework such as ergonomic issues and occupational

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safety and health problems. Telework allows workers to stay at home and to avoid travelling to work.

The other major Portuguese central union, UGT, views that telework promotes work organisation as it is a benefit that allows work life balance and to manage the lives of workers. There are, however, several problematic issues in terms of working conditions such as wages (exemptions and additional work performed free of charge), direct costs of telework, occupational safety and health, equal treatment of teleworkers in training, career progression, the right to disconnect and work life balance.

The ICT, chemical and public sectors union - SITESE - considers that telework may be problematic in terms of work organisation hindering company values, preventing passing of knowledge and teamwork. It is beneficial as it is an egalitarian policy in companies and contributes to improving a company's performance and it helps to retain and attract new talent. In terms of working conditions, telework may undermine union contact and the passing of among workers but telework arrangements are a choice of the worker.

To SINDEL - the electromechanical, electricity and industrial production union federated to UGT -, telework could be problematic in terms of work organisation if the worker lives in non-urban areas, has less contact with the trade union and less collective power to negotiate. But telework can be beneficial if it leads to less use of car parks and less energy consumption and increases productivity. In terms of working conditions, telework can be problematic if there are ergonomic problems, but it improves companies' ability to keep higher qualified labour.

The main public sector trade union SINTAP, affiliated also to UGT, considered that telework is a risk in terms of work organisation if contact with the trade union is lost. SINTAP was never against telework but, in terms of work organisation, was preoccupied with the imposition of it to workers. On the other hand, many workers that had to go home to eat, now improved the gas consumption of its members. SINTAP identified difficult issues as those related to health and safety, ergonomics and the availability to be at service in less than 24 hours. In terms of working conditions, the trade union managed to focus and achieved good compensations for telework.

The non-affiliated union SIEAP, which covers the energy, water, and public sectors, considers that in terms of work organisation telework brought a new way of working but now there is a tendency to send people back to work which conflicts with workers who live far away. Telework is voluntary, when possible, in the functions of the workers and the manager agrees. This is not exactly an equal treatment dimension, but is, at least, a regime that is available to those performing functions that allow telework. In terms of working conditions, SIEAP mentioned that there are no reports of discrimination until now and workers regard this right as a benefit to improved work-life balance.

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4 Regulation of telework through collective bargaining

Very short summary/description (tables are recommended) of the regulation of telework in the 4 sectors covered and the structure and coverage of collective bargaining in each sector.

Hybrid models are now the dominant form of telework in Portugal. Most companies interviewed and/or contacted indicated that their norm were regimes of 2 to 3 days of telework per week. The predominant way companies deal with telework was to make addenda to contracts, stipulated telework rules in their internal regulation and rarely agreed on collective agreements. Furthermore, when there are very few sectoral or company agreements with telework that they tend to reproduce what is written in the labour code.

In the public sector different topics were regulated. Águas de Porto introduced the topic of working hours. The collective bargaining about telework was made with only one trade union and left the others out of the discussions. The company's agreement applies mostly to administrative functions, back offices, accounting, financial and planning departments. Another company, Parques de Sintra, on the other hand, was more prolific introducing topics related to working conditions, restrictions to telework, conditions to be available on-site, duty to be at home, ensure the same levels of service, comply with the working hours, rules regarding the organisation and provision of teleworking, particularly regarding the recording and control of working times and the fulfilment of the obligations assumed by the worker, simultaneous face-to-face contact at least once a month and Parques de Sintra will provide the work instruments, equipment and systems. The first collective bargaining was made with only one trade union. The company's agreement covers 1000 workers. Last, the public company Casa da Moeda introduced a higher compensation for telework. The collective bargaining about telework was made with only one trade union and the works council and left the others out of the discussions. The company's agreement covers 400 workers.

In the ICT sector, there was agreement on the notion of teleworking; voluntary nature of teleworking, the form and content of the teleworking contract, working time, ownership of work instruments and the participation and collective representation of workers. It follows the lines of the Labour Code. This agreement repeats parts of the labour code, was made with three trade unions and left the others out of the discussions. The agreement was extended to the rest of the sector, except for the one of ANEME.

In the electromechanical sector, there was agreement on many issues beyond what is written in the labour code. This novelty is a characteristic of the employers association that usually innovates in collective bargain topics, such as insurance against work accidents and occupational diseases, meal allowance, and limits on the normal working period. It also included adaptations and flexibility necessary for the provision of work under this regime, but without prejudice to the working time record that must be ensured by the worker and sent to the company with the agreed frequency. Last, the agreement text gives telework rights to workers with disabilities or chronic illnesses, or who are responsible for children aged up to

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12 years old. The agreement covers, directly and indirectly, 17 953 full-time employees (TCO) and was extended to the rest of the sector, except for the one of ANIMEE.

In the financial sector there was no regulation through collective bargaining about telework. The MillenniumBCP bank refers that “collective agreements must now regulate the conditions for providing teleworking work. On the other hand, workers’ representative structures now have the right to post notices, communications, information or other texts relating to union life and the socio-professional interests of workers, in a place made available for this purpose, on the company’s internal portal, as well as how to distribute it via an email distribution list for all teleworking workers, provided by the employer. The worker can use technologies related to the provision of work to participate in a meeting promoted at the workplace by a structure of collective representation of workers. Workers’ collective representation structures can also use the aforementioned technologies, in the exercise of their activity, to communicate with workers on a teleworking basis, namely by disseminating union information. Violation of these rules constitutes a serious offence”¹⁷. However, the legal references are the ones presented on the above-mentioned Law 83/2021¹⁸. The agreements are made on an individual basis. As the bank also mentions on their webpage “a company employee or someone else hired for this purpose may work remotely. As a rule, the implementation of the teleworking regime always depends on a written agreement, which may appear in the initial employment contract or be autonomous in relation to it”.

In the chemical sector there was no regulation through collective bargaining about telework. The collective agreement¹⁹ published in the *Boletim do Trabalho e Emprego*, n.º 19, 22/5/2022²⁰, has not a single reference to telework.

5 Bargaining approaches and outcomes

5.1 Sectoral analysis

Analyse, for each sector covered in the study, which were the main bargaining approaches and outcomes

¹⁷ <https://ind.millenniumbcp.pt/pt/geral/fiscalidade/Pages/2022/Teletrabalho-com-novas-regras.aspx>

¹⁸ Lei n.º 83/2021 - DR n.º 235/2021, Série I de 06.12.2021

¹⁹ Contrato coletivo entre a APQuímica - Associação Portuguesa da Química, Petroquímica e Refinação e outras e a Federação de Sindicatos da Indústria, Energia e Transportes - COFESINT e outros - Alteração salarial e outras e texto consolidado

²⁰ <https://cip.org.pt/contrato-coletivo-entre-a-apquimica-associacao-portuguesa-da-quimica-petroquimica-e-refinacao-e-outras-e-a-federacao-de-sindicatos-da-industria-energia-e-transportes-cofesint-e-outras-3/>

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- Topics subjected to discussion
- Priorities of each social partner organisation
- Negotiation process
- Negotiation outcome and flexibility approach

The public sector actors provided grounds to discuss and have very different topics, priorities, processes, outcomes and flexibility approaches:

The priorities of Águas de Porto were the working hours, as any other topic could give more rights to workers. The companies' priority was to have an exemption from working hours that can be given to teleworkers with a written agreement and if they are in teleworking and other cases of regular exercise outside the Águas do Porto facilities, without immediate control by a hierarchical superior. The company agreed with two trade unions without any flexibility.

The SINTAP and SIEAP were not strong enough to change the mind of the administration of Águas de Porto. Their main priority was to assert that only volunteer telework exists and negotiate compensations. They were flexible in negotiations with Águas do Porto but were not able to include any topic. The latter was lost after the government approved a low compensation, leaving no space for them to discuss.

Parques de Sintra was open to negotiating civil servants' topics. Its priority was to have their first company agreement, which also included telework during Covid-19 pandemic and after. The administration was flexible after a long process of discussion and multiple consultations with shareholders and stakeholders.

SINTAP was open to discuss all topics that promote work organisation and working conditions in the public sector, although it is mostly interested in improving wages and promotions yearly for their members when it is possible to negotiate to be the most representative trade union in the public sector. SINTAP's priority was to have another agreement with a public utility and to recruit in the company. They were not participative in the negotiation process, but in the end got another agreement without effort in a public company.

Casa da Moeda was open to negotiate with the works councils all topics and wages and promotions with trade unions. Casa da Moeda's main priority was to lower the turnover by extending telework to all their workers. Their negotiation process included the works council and trade unions since the company agreement of 2022. They were flexible in their approach and, by being rich, were able to make everybody happy by introducing an egalitarian policy for workers without the ability to telework, who won the same compensation as teleworkers.

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SITese is open to discuss all topics that promote work organisation and working conditions in the public sector, although it is mostly interested in improving wages and promotions yearly for their members when it is possible to negotiate. SITese's priority was to have their strength in Casa da Moeda recognised as a union in the company agreement. They were flexible and discussed issues with the works council. In the end, they were able to sign a company agreement that satisfied most of their workers.

The ICT sector was much more homogeneous than the public one, in terms of topics, priorities, processes, outcomes and flexibility approaches. AIMAPP is open to discuss all topics but mostly interested in maintaining and negotiating the topics of wages and promotions yearly. AIMAPP's priority was to have telework as a tool available to their companies, if they need it, Their priority was not negotiable. They do not negotiate with trade unions from CGTP. The outcome was the traditional one, plus the repetition of some topics already included in the labour code. At this point there could be a little flexibility if the agreements remain in the lines of the labour code. This strategy is repeated every year and extended to the remaining sector, with the exemption of workers covered by the early agreement of ANEME.

SITese was open to discuss all topics that promote work organisation and working conditions in the ICT sector, although it is mostly interested in improving wages and promotions yearly for their members. SITese's priority was to have their strength in the ICT sector recognised as the main union with which employers can negotiate. This had been their strategy in the last years either with AIMAPP and ANEME. They were flexible and open to discuss all issues including telework. In the end, they were able to sign the ICT sectoral agreement with three other trade unions and extend it to all the sectors, excluding those workers covered by the agreement of ANEME.

In the electromechanical sector, ANEME was open to discuss all topics and to negotiate most topics with unions from UGT. Their main priority was to have the best wages and promotions of the electromechanical sector and in areas where it overlaps, such as ICT. They were interested in signing sectoral agreements to be extended by the government yearly. They were generally very flexible and one of the first employers' associations to introduce new topics such as telework, work life balance, etc.

SITese was open to discuss all topics that promote work organisation and working conditions in the electromechanical sector, although it is mostly interested in improving wages and

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promotions yearly for their members. SITESE's priority was to have their strength recognised in the electromechanical sector and similar sectors, as the main trade union with which employers can negotiate. This had been their strategy in the last years, either with ANEME and AIMAPP. They were flexible and open to discuss all issues including telework. In the end, they were able to sign the electromechanical sectoral agreement with three other trade unions and extend it to all the sector, excluding those workers covered by the other employer of the area. Their agreements offer the best pecuniary conditions to the workers of the sector.

SINDEL was open to discuss all topics that can improve the working lives of its members, such as work organisation and working conditions in the electromechanical sector. SINDEL's priority was to improve wages and promotions yearly for their members in these yearly agreements with ANEME. SINDEL's aimed to be recognized as having presence in the industry, energy and sanity sector, as they are a small but active trade union. Similarly to SITESE, they were always open to negotiate agreements and to sign the electromechanical sectoral agreement with other trade unions and extend it to all the sector, excluding those workers covered by the other employer of the area. Their agreements also offer the best pecuniary conditions to the workers of the sector.

As mentioned above, in the financial sector there is no regulation through collective bargaining about telework.

The same applies to the chemical sector where there was no regulation through collective bargaining about telework.

5.2 Cross-sectoral analysis

- Based on the information described under section 4.1, compare main differences and similarities between bargaining approaches and outcomes (win-win vs. win-lose; employer-oriented flexibility vs. worker-oriented flexibility) identified in each sector

It can be said that the public sector has very different company agreements with telework. In Parques de Sintra and Casa da Moeda both sides won their case, in win-win situations that provided worker-oriented flexibility. In Águas de Porto, however, the trade unions lost as regulations were almost all internalised.

A similar situation of Águas de Porto was observed in the ICT sector where the major employers association stuck to its long-term plans and included an employer-oriented tool to provide further flexibility for its companies.

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It is interesting to notice that in the electromechanical sector, ANEME was able to sign with trade unions the traditional sectoral agreement rather developed with more content than the labour code. This agreement can also be classified as a win-win situation with flexibility oriented to both employer and worker.

The public actors were very heterogeneous in their topics of interest, priorities, processes, outcomes and flexibility approaches. First, Águas de Porto introduced only the topic of the working hours. Parques de Sintra, on the other hand, was more prolific introducing topics related to working conditions, restrictions to telework, conditions to be available on-site, duty to be at home, ensure the same levels of service, comply with the working hours, rules regarding the organisation and provision of teleworking, particularly regarding the recording and control of working times and the fulfilment of the obligations assumed by the worker, simultaneous face-to-face contact at least once a month and Parques de Sintra will provide the work instruments, equipment and systems. Last, Casa da Moeda introduced a higher limit of compensation for telework.

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6 Understanding collective bargaining approaches and outcomes

Identify main factors which contribute to explain differences and similarities in terms of bargaining approaches (industrial relations' institutions, sectoral logics, etc.) and outcomes

The power of trade unions was eroded by the continued neoliberal reconfiguration of the labour market and collective bargaining institutions, and the lasting effects of austerity policies suggested by the Troika period in Portugal (2011-2014)²¹ (Campos Lima and Naumann 2023²²). As trade unions fight to find new answers, they are weak, manipulable and dependent on the state. They find the chance of signing agreements in important areas (such as the public sector or ICT) a solution to survive in a challenging environment.

Furthermore, during the Troika period collective negotiation practices and agreements were significantly undermined (Campos Lima and Naumann 2023). The various governments promoted, explicitly or implicitly, a variety of different policies that hindered collective negotiations, its formal outputs and its practices. For instance, old collective sectoral agreements in important sectors to the labour movement were extinct and the signature of new ones was not promoted. Since then, trade unions tend to focus their attention during collective bargaining on core issues related to pay rises and career progressions. Consequently, topics raised by the Covid19 pandemic, such as telework, were generally passively accepted by trade unions, without much internal discussion in many collective agreements. Furthermore, telework not only was imposed by the Covid-19 pandemic, but also was controversially desired by many workers for different reasons. Caught unprepared (Moniz and Boavida 2019) and in need to have collective agreements signed, many trade unions passively accepted employers' suggestions about telework within the lines of the updated labour code.

Social partners had different positions regarding telework. After the imposition of telework by Covid-19 governmental measures, most unions tended to accept them, despite the ideological disagreement with the measure. Presently, CGTP agrees with but does not make it a flag for negotiations with their trade unions. However, UGT's unions were always available to

²¹ Troika was an *Ad hoc* authority, representing the European Commission (EC), the European Central Bank (ECB) and the International Monetary Fund (IMF), with a mandate to manage the bailouts of Cyprus, Greece, Ireland and Portugal, in the aftermath of their prospective insolvency caused by the world financial crisis of 2007–2008.

²² Campos Lima and Naumann 2023 ETUI, Brussels https://www.etui.org/sites/default/files/2023-06/Chapter23_Portugal_Between%20marginalization%20and%20revitalization_2023.pdf

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negotiate telework. Indeed, UGT had telework inscribed in their 2009 book about guidelines to collective bargaining made for their trade unions. Presently, UGT considers that telework is an important theme for collective bargaining. Along similar lines, the most important confederation of employers in Portugal - CIP - considers it important to have telework as a tool available to the companies that need it. Thus, their main sectoral federations tend to agree on having signing parts of the labour code in their sectoral agreements about telework. Some agree on more extensive considerations than others, however.

Each sector has its own logics for collective bargaining: public companies are bound by the reasoning of its shareholders that varies significantly; and in ICT the employers association need to have telework as a tool for its companies, the electromechanical association wishes to spread good practices regarding telework and other topic, as well as maintain the best conditions for their export-oriented SMEs. Furthermore, the financial sector traditionally avoid agreement at sectoral level. The chemical sector has a collective agreement but without telework. It is not only capital intensive, but it requires their workers' presence to function smoothly.

After audiences within the Socialist decision makers, the UGT complained that their unions were waiting a long time for a political decision about the telework compensation, advancing negotiations with other aspects of this regulation. The confederation was significantly disappointed when, in September 2023, there was a piece of legislation presented that defined the minimum of 0,5€ per day of telework instead of 5 or 6€ per day. The expectations of UGT were based on the idea that the meal subsidy would be included in telework compensation, to assure that teleworkers would not lose the right to a paid meal by the employer. This governmental decision²³ totally undermined the efforts of UGT to negotiate compensations for telework and hindered the Socialist Party's narrative of promoting collective bargaining in Portugal. According to the representative of UGT, the narrative of the government was oriented to support collective bargaining, but the government's practices with statutory legislation undermined most trade unions efforts about telework.

²³ <https://diariodarepublica.pt/dr/detalhe/portaria/292-a-2023-222239472>

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