



TWING PROJECT

Portugal: Case Studies Report

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Abstract

The objective of this report is to present the case studies developed in the frame of the European research project Twing. The methodology included the elaboration of four mini-case studies based on 21 semi-structured interviews with the main industrial relations stakeholders at top, sectoral and company level that signed collective agreements with telework, until November 2023, in four sectors of the Portuguese economy: Public, ICT, Finance and Chemical sectors.

The main results indicate that hybrid regimes are now the dominant form of telework in Portugal. Most companies interviewed and/or contacted revealed models of 2 to 3 days of telework per week and that depend significantly on the function. The predominant form to deal with telework was to make addenda to individual contracts. Afterwards, many companies also stipulated telework rules in their internal regulations. In very few cases, companies and specific sectors signed collective agreements. We detected three companies and one sectoral agreement that regulated telework using the content of the labour code and the existing legal frame. Only one sector added more content than the labour code.

Furthermore, the main social partners had and have different positions regarding telework. After the imposition of telework by the governmental measures related to the Covid-19 pandemic, some trade unions accepted telework, despite their ideological disagreement with the measure. Contrary to the UGT's long-standing flag to negotiate telework, CGTP accepted it without making it a flag for negotiations in their trade unions. Along similar lines, the employer's confederation CIP considers telework a tool that should be available to the companies that need it. Furthermore, telework not only was imposed by the Covid-19 pandemic, but also was controversially desired by many workers for different reasons. Caught unprepared by the pandemic and in need to have telework regulated, some sectoral trade unions passively accepted employers' suggestions to include telework within the lines of the updated labour framework in their collective agreements.

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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, also developing the regime in force before the COVID-19 pandemic, with benefits for employees, employees and society in general (Interview to DGERT). More recently, on October 1, Ordinance No. 292-A/2023 came into force, which 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 mini-case studies developed to improve our understanding of the collective bargaining situation in selected sectors, such as public sector, ICT, chemical and financial sectors.

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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 CGTP, UGT and CIP, two sectoral federations ANIMEE and ANEME (in sectors that overlap in some occupations) and several sectoral trade unions, such as SITESE, SINDEL, SINTAP and SIEAP, as well as works councils of the manufacturing multinationals Faurecia/Forvia and AutoEuropa Volkswagen.¹ 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 labour authority (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 database of collective agreements in the beginning of January 2023². 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

¹ These organisations are named and described as follows:

- 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).
- 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.
- CIP (Portuguese Industry Confederation) is the largest employers confederation, and their activities cover ICT, chemical and financial sectors.
- ANIMEE (National Association of Industries of Electric and Electronic Material) is the major employer association in the ICT sector.
- 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 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.
- 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.
- SINDEL (Electrical and Industrial Trade Union) covers the labour interests in electromechanical, electricity and industrial production, among other areas. It is affiliated to UGT.
- SINTAP (Public Administration and Public Entities Workers Union) is the main trade union (affiliated in UGT). It is affiliated to UGT.
- SIEAP (National Union of Energy, Industry, Services and Water) is a non-filiated trade union for sectors such as energy, water, public sector, among others.

² Source: DGERT, Pesquisa de Convenções Colectivas, Accessed in 5/1/2023.

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UGT indicated that there were already ten collective agreements mentioning the word “teletrabalho”: seven company agreements in the local public administration³; two sectoral collective agreements in the Chemical sector⁴; and one sectoral agreement in the Electromechanical sector⁵.

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.

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.

³The 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. Acordo de empresa entre a Imprensa Nacional - Casa da Moeda, SA - Casa da Moeda, SA e o Sindicato dos Trabalhadores do Setor de Serviços - SITESE - Alteração salarial e outras (BTE 33, 8/9/2023).
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).

⁴ 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).

⁵ 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 elaboration of these mini-case studies 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 the mini-case studies included two interviews conducted in each company, 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 mini case studies elaborated for this report. The first part presents contextual information about the sector or the company. 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. This information was partially elaborated using main indicators for each sector and with information available through corporate websites. Thus, specific questions will depend on the information that was possible to gather through desk research. The focus was on dimensions that were of relevance for understanding the implications of telework, when possible working time flexibility, job autonomy⁶ and task interdependence.

⁶ 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 Mini-Case Studies

3.1 Public sector: Company Agreement with telework of Águas do Porto

3.1.1 Águas do Porto

The water and sanitation sector in Portugal is mostly controlled by public companies. These companies can be centrally controlled or regional and local entities. In this chapter, the focus will be on the municipal companies of the water sector.

The CMPEAE - Empresa de Águas e Energia do Município do Porto, referred here only as Águas do Porto, develops a structuring role in the environmental sector in Porto, with activities in the areas of water supply and wastewater sanitation. The owners of Águas do Porto are all public entities controlled by the central government: Parública has 81% and the main public bank Caixa Geral de Depósitos has 19%. The number of employees has grown from 3290 in 2018, 3308 in 2019, 3499 in 2020, 3589 in 2021 and 3742 in 2022, according to their website ⁷ and Relatório e Contas de 2021.

The number of workers in the water and sanity sector was 27869 workers in 2021, according to Quadros de Pessoal. In 2021, the total of employees was 27469. In terms of their qualifications, statistics of Quadros de Pessoal indicate that the number of employees with less than 1st cycle was 220, with the 1st cycle 3747, 2nd cycle 4230, 3rd cycle 7780, secondary education 6654, post-secondary education not higher than level 4 was 129, higher professional technical course was 9, without a complete bachelor degree was 272, with a bachelor 3641, a master 711 and a doctorate was 21 individuals. More than 50% of the employed have the 9th grade. Thus, it can be concluded that the workforce in the water and sanitation sector has low qualifications.

According to Quadros de Pessoal in 2021, the number of workers with less than a year was 4751 workers, those who work in the sector between 1 and 4 years was 9346, working in the sector with 5 to 9 years were 3625, from 10 to 14 years were 4011, from 15 to 19 years were 3057 and 20 and more years were 2779. These statistics show that the sector workforce has a normal pyramidal workforce.

In terms of the qualifications of those working in the sector, it can be said that there are 7604 unqualified professionals, 6466 semi-qualified, 7764 qualified, 100 interns and apprentices, 848 highly qualified, 1459 team leaders, 824 middle managers and 2404 senior managers. These statistics show that the workforce in the sector has low qualifications.

⁷<https://www.Águas do Porto.pt/pt/sobre-nos/o-nosso-desempenho/principais-indicadores/?id=20>

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There is significant collective bargaining coverage of the ICT sector, relative to other sectors of the economy. The total number of workers covered by collective bargaining is 8993 and those non-covered are 18476. The number of workers covered under Collective Labour Contracts (ACT) is 8943, covered under Collective Contracts is 4719, covered under Extension decrees (PRT and PCT) is 1685 and converted under Company Agreements is 2589.

3.1.2 The text agreed about telework

There is only one mention to telework in the company agreement signed in 8th of April 2023⁸. The Clause 37 about exemption from working hours of the company agreement states that “by written agreement, workers who are in one of the following situations may be exempt from working hours: d) Telework and other cases of regular exercise of activity outside AEdP [i.e. Águas do Porto] facilities, without immediate control by a superior.”

However, the telework regime in the company is effectively defined in detail in the internal regulation (Regulamento de Teletrabalho⁹), dating from October 2023.

3.1.3 Views and discourses of telework

According to the HR director, the pandemic was the defining moment to trigger telework in the company. In the beginning of the pandemic, full time regime was the most spread form of telework. Since then, there is a “tendency to send people back to work”, according to the president of the trade union SIEAP. This trend was observable in the case of Águas de Portimão in the south of Portugal. These latter interviewees confirmed that the tendency is to send people back to presential work, which conflicts with workers who live far away from Portimão.

According to the telework regulations and the account of the trade union SIEAP, 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. There are no reports of discrimination until now.

Telework is seen by managers and workers as a benefit given by the company, despite the trend towards less time in telework. According to the president of SIEAP, workers regard this right as a benefit to improved work-life balance.

The most networkable functions are administrative, management and other non-presential functions, stated the company's representative. According to the internal regulation, the main frequency of work outside regular office/main premises should be twice

⁸ <https://bte.gep.msess.gov.pt/documentos/2023/13/03750401.pdf>

⁹ <https://drive.google.com/file/d/1SIG5Tze7N2n1P39YvcEDVfzsEVCIJ37i/view?usp=sharing>

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a week. The working hours should total 40 hours. Compensation of 0.5€ is paid per day to telework plus the meal subsidy. There is no information regarding gender.

There are differences within the company in terms of the prevalence of telework. The areas where work does not need to be presential are the ones most prone to have telework. This is mostly true in administrative functions, back offices, accounting, financial and planning departments.

As a municipal public enterprise, Águas do Porto is important to have a transparent and negotiated company agreement. The agreement should include a wide range of topics and telework was one of them in 2019. Later, the company invited other trade unions to sign the same agreements with the same contents, stated the company's representative.

With the pandemic, it was necessary to define in more detail the telework regime. The company proceeded by internalising this regime by creating an internal telework regulation.

In the post pandemic period, telework full time decreased, and the company decided to implement a 2 days per week regime, according to the company representative.

There is no information about the way telework can contribute to improving the company's performance and/or working conditions. The trade union SINTAP identified difficult issues that should be written, such are those related to health and safety, ergonomics and the availability to be at service in less than 24 hours.

3.1.4 Role played by collective bargaining

Collective bargaining conducted at Águas do Porto has superficially regulated telework through a company agreement¹⁰. The company agreement of Águas do Porto and SINTAP determines in clause 37 that to have an exemption from working hours can be given to teleworkers with a written agreement and of they are in teleworking and other cases of regular exercise of activity outside the Águas do Porto facilities, without immediate control by a hierarchical superior.

The content of the text of the company agreement is within the parameters of the national regulatory framework and does not address telework very specifically. Instead, Águas do Porto decided to internalise this issue unilaterally informing the trade unions of changes in the internal telework regulation and information and consultation with the works council coordinator.

The main drivers to foster a social dialogue process on telework in Águas do Porto was to have all trade unions signing the same Company Agreement, according to a company

¹⁰ 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.

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representative. In 2019, all trade unions from CGTP and UGT (SINTAP particularly) signed the agreement. The independent trade union SINTAP was invited to sign the same agreement in 2021. Thus, there was no real negotiation but just the acceptance of the same terms of the other unions.

The present negotiations happen with trade unions separately. There is significant competition among trade unions, according to the company representative. The SINTAP representative tried but could not agree on more. The SIEAP representative expects the 2024 round will allow more to be done in terms of telework. Since 2016, there have been three round tables to discuss the next revision of the company agreement. In these round tables, unions cannot know what the other trade unions are doing.

3.1.5 Understanding bargaining approach and factors

There were no specific negotiations about telework, as it happened in other cases analysed. The company unilaterally created the telework regulation, with information to the trade unions and information and consultation with the works council coordinator. SINTAP will try to negotiate the telework regime written in the internal telework regulations into the company agreement in 2024. However, Águas do Porto always tries to avoid collective agreements about telework. The company internalised telework regulation to avoid giving more “acquired rights” to the workers, according to the HR manager.

The agreement was firstly negotiated and signed in 2019 with other mainstream trade unions. The company agreement with SINTAP in 2021 was the same text achieved without negotiation. They focus “all their strength in pecuniary negotiations”, according to the trade unionist. In particular, they tried to increase the compensation with costs in terms of water, electricity. They also tried to have less bureaucracy. To their members, there is a lot of savings in terms of transport. Nevertheless, SINTAP accepted the company's proposal because it wanted to provide the same rights to their members. SINTAP expects to use the internal telework regulation to bring content into the 2024 revision of the company agreement.

The main contested issues were health and safety, ergonomics and being available 24 hours in any place. These issues were overcome using the labour code and evaluation of practices in companies of the sector, as most workers had jobs that required their presence.

The company agreement was reached in 2019 with the CGTP and UGT trade unions. In 2021, SINTAP was invited to sign the same agreement and agreed to give the same rights to our members. However, the text is very broad. The internal regulation of telework is the unilateral document that defines the details of telework. It leaves to workers the voluntary character if their job is suitable to telework.

The representative of the trade union SINTAP reported that there is little feedback from the workers about telework. However, there are prevention and risk assessment strategies for telework, at least in the internal telework regulations. The document establishes that there

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shall be a course about relationships between the manager and the worker; to prevent isolation the manager should have contact at least 3 times per week with the teleworker; presential meetings should occur at least once in every two months; the teleworkers shall receive periodically information from the representative collective structures; the works shall inform the employer if measures against isolation are not enough, employer shall be informed of the working conditions of the teleworker; the employer or health and safety inspections can make visits to the teleworker; the employer shall abstain from contacting teleworkers during resting hours; the employer shall abstain from using surveillance means to control teleworkers' work. Furthermore, Águas do Porto will evaluate the telework regulations once a year, in terms of: workers productivity and results, telework model used, functions that can use telework, degree of satisfaction of workers and managers, financial impacts.

The representative of SINTAP reported that the company attends to the needs of teleworkers. For example, when there is a need to travel, they inform in advance so that the worker has time to prepare for the trip. The representative of the trade union reported that there is little feedback from the workers about telework. Workers concur with the management general idea that telework is a benefit to the worker, according to the unionist. They reported that it allows them to avoid spending more on transport. It is also beneficial to those who have children or elder dependents. Teleworkers see it as a work-life balance measure that improves their job quality.

Our research found no evidence of gender discrimination. Both the HR director and trade unions agreed that the public sector discriminates much less than the private sector.

The representative of the trade union SINTAP reported that there is little feedback from the workers about telework. The representative stated that trade union action is impaired by telework due to isolation and communication difficulties. Reaching groups of isolated workers to rank and file is difficult for the trade union. A plenary via zoom, for example, does not motivate workers to participate and engage with the union. The company does not provide contacts of teleworkers due to privacy issues. The president of SINTAP stated that the best membership action is the coffee and not the press releases. The mouth-to-mouth talk is the one that creates resilient unionism. The representative mentioned that they also have several WhatsApp channels for different sectors and companies of the group, but new memberships are hard to find.

SINTAP will push more telework details during the round tables of negotiation to revise the company agreement in 2024. The trade union will use the unilateral internal regulation of telework to inscribe details in the new company agreement.

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3.2 Public sector: Company Agreement with telework of Parques de Sintra

3.2.1 Parques de Sintra

The public company Parques de Sintra - Monte da Lua, S.A., here referred to as Parques de Sintra is a firm with exclusively public capital, created in 2000, following the classification by UNESCO of the Cultural Landscape of Sintra as a World Heritage Site (1995). Its creation aimed to bring together institutions with responsibility for safeguarding and enhancing Sintra's landscape, with the Portuguese State entrusting the management of its main properties in the area to this company. It does not use the State Budget, so the recovery and maintenance of the assets it manages are ensured by revenue from ticket offices, shops, cafes and rental of spaces for events. Parques de Sintra's shareholders are: the General Directorate of Treasury and Finance (35%), the Institute for Nature and Forest Conservation (35%), Portugal Tourism (15%) and the Sintra City Council (15%). Parques de Sintra - Monte da Lua has a wide scope of activities, which includes having horses, running a forest park and palaces and maintenance of their plants and gardens.

3.2.2 The text agree about telework

According to the company agreement¹¹, Clause 38 establishes the telework regime:

- 1) Whenever working conditions allow, subject to the conclusion of an agreement implementing the teleworking regime, or in cases of legal right to teleworking, the worker may begin to carry out his activity under the teleworking regime under the conditions set out in this clause, every day or some days of the week.
- 2) Considering the activities carried out by workers at Parques de Sintra, it is understood that all workers who do not carry out activities using information and communication technologies do not meet the conditions for providing teleworking activities.
- 3) The provision of work under the teleworking regime does not exempt the worker from attending his usual place of work whenever necessary, particularly when expressly called by Parques de Sintra at least 24 hours in advance, nor from making trips that are inherent to his duties.
- 4) During teleworking, the worker's place of work will be at the address indicated in the employment contract or to the Parques de Sintra, which cannot be outside the national territory, with the worker being obliged to communicate in advance and by any changes that may occur to that address in writing. The worker is obliged to ensure that his/her home has the necessary conditions to provide teleworking, namely internet at the appropriate speed.
- 5) The worker while working remotely:

¹¹ <https://bte.gep.msess.gov.pt/documentos/2023/30/00340064.pdf>

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- a) You must ensure the same levels of service as when you are at your usual in-person workplace, as well as guarantee the execution of all face-to-face tasks that necessarily have to be carried out at Parques de Sintra's facilities;
 - b) They are obliged to comply with the working hours that would be practised in the physical workplace, with no absence being allowed outside their home during working hours, and to remain during these working hours exclusively related to their professional activity to the Parques de Sintra, only being able to carry out night or supplementary work if expressly requested as such;
 - c) For the purposes set out in the previous paragraph and in order to comply with the legal obligation to record working times and in the impossibility of adopting a means of control, Parques de Sintra will assume that the worker carries out his professional activity during his working hours, with the hours corresponding to this time being considered as the beginning and end of the working day and the rest break. If the worker works on a different day at a different time, he or she must report the fact to Parques de Sintra.
- 6) Parques de Sintra may, at any time, establish 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.
 - 7) Simultaneous face-to-face contact between all team members must also be safeguarded, at least once a month.
 - 8) To provide work via teleworking, Parques de Sintra will provide the worker with the work instruments, equipment and systems that it deems necessary for the activity to be carried out via teleworking.
 - 9) Parques de Sintra will compensate the worker for additional expenses that they are proven to incur as a direct consequence of the use of computer or telematic equipment and systems in carrying out the work, in the amount defined in the agreement signed with the worker, with the limit of the amount defined by ordinance of members of the Government. This amount will be proportional, in the case of teleworking under a hybrid regime, also defined in an agreement signed between Parques de Sintra and the worker.

3.2.3 Views and discourses of telework

The Covid19 pandemic was the main motivation to adopt telework arrangements in the Parques of Sintra. The company was able to maintain 100% teleworking. Parques de Sintra had workers laid off during the pandemic. The director of Human Resources stated that:

“We obtain a cell phone, landline or laptop computer, we implement work support platforms and digital signatures. Everything was easy thanks to covid19.”

The pandemic also contributed to a significant work reorganisation of labour processes in the company. The representative of the company stated that:

“online meetings started, improved feedback from workers, free courses how to organise teleworking, start using computer tickets to monitor orders and the execution of teleworkers’

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tasks, the company created a digital file, the communication between departments improved, the team meetings were more productive and we maintained the same level of service.”

The company’s representative stated that after the pandemic

“We switched to a hybrid regime that included 3 days at home per week. “Now we only have 1 teleworking worker and 100 hybrid workers, 239 operational (without teleworking) of the total of 340 workers.”

After the pandemic, telework arrangements contributed to improve the conditions to recruit new staff and maintain existing ones. Parques of Sintra had a serious problem with the retention of staff. “We mostly pay the minimum wage. Our turnover was 33% per year”, mentioned the company’s representative. In fact, new staff want to telework or to be in hybrid mode. “Half of our recruits give up if we don’t offer telework”, said the company representative. This is particularly true for lawyers and librarians “to whom we offer contracts without a term”, stated the interviewee. Furthermore, the interviewee referred to other improvements related to telework. To the company’s representative, telework is also used for cost-reduction of consumables, water and energy.

Presently, the staff gathers 1 day a week in the facilities of the company. During this day:

“We are all together at the company. This policy reduces spending on cleaning products, toilet paper, parking and reduces workers' diesel expenses”. We provide training at the ELearning Academy available on the intranet that we have created in the meantime. We outsource the hiring of IT technicians. And now we have health insurance, whereas before we did not!”

3.2.4 Role played by collective bargaining

It was very hard to have a social dialogue process in a company with these shareholders. According to the representative of the company:

“I, as a HR Director, prepared the work of unions and the shop steward to guarantee we have this right in the company... to make sure that telework would stay as a rule in the company. Everybody agreed to try to make sure telework would continue.”

Previously, there was no collective bargaining in the company:

“After many strikes and protests, workers manage to have one with telework. The main issue was to convince the managing board that we needed one company agreement and to have the same benefits of other workers of the public sector. I had to do a presentation to the managerial board to explain what a company agreement was and the need for one. They were very conservative but, in the end, they accepted it in 2023, with an increase to be equivalent to the public salary and other benefits that come with public functions.”

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All this process took 7 months. The process started in February and the company agreement was signed in August 2023. According to the representative of the company, it was a strange context because:

“I, as the HR manager, had to convince the board that a company agreement was needed to maintain the company running. Sometimes workers refuse to work saying that for 800€ I will not do that task. You need to pay me more.”

There are only 4 unionised workers in the company. They called the trade unions for help during collective bargaining. But the trade union STAL that signed the company agreement was never in the company. SINTAP was, nevertheless, very helpful and provided support for the workers' fight, according to one worker. “They were more careful than we wanted to be, and, in the end, we managed to conquer better benefits than those indicated by the SINTAP”, stated the worker. The workers collectively asked the managing board to have a company agreement, but they initially refused as they did not wish to have one. After workers' protests and strikes, the company accepted the idea that these are public workers and, therefore, need to have similar benefits. The worker concluded that “I think we were not ready to engage in stronger and more ideological protests. We elected one employee representative because we needed one.”

The main issue was to have a company agreement, as the board did not want to have one. After workers' protests and strikes, they accepted the idea to talk with the workers. Furthermore, the second issue was to grant the workers the same benefits of other public workers. The company suffered much from having 1/3 of its workforce rotating every year. To counteract this, the workers need to raise salaries and offer the same wages of the public service. We also needed telework and hybrid work. Gradually, the argument was accepted, and the HR director drafted the agreement and convinced the union SINTAP to sign our agreement. The company agreement just made transparent the rules of telework. “I, as the HR director, decided to have it included in the company agreement”, said the interviewee.

3.2.5 Understanding bargaining approach and factors

Telework was implemented first during Covid19 with a lot of improvisation. The representative of the company stated that “We found mobile phones, computers, set up a working platform and even accepted digital signatures. It was easy to do telework in the beginning.” To the HR representative, “we realised that many workplaces could be telework, except for the operational workers such as horse riders, forest guards, palace personnel, gardeners, etc. We even had layoffs during the pandemic.”

After the pandemic, workers wanted to have telework and it continued until today. The hybrid regime means three days in telework and two days in the company. They must report to their team leaders. On Wednesday, everybody comes to the company. Presently, the company has “one full time teleworker, 100 in hybrid regime, 220 operational workers and a total of 340 workers in the company”, according to the HR manager.

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The HR department provided a manual and skills to managers and to deal with risks of telework. The HR director stated that “We created a system of digital tickets to control the work of teleworkers and the development of tasks”. Eventually, the administration agreed with telework and other benefits if they do not have to explain things to the main shareholders (i.e. Ministry of Finances and Ministry of Environment).

The major difficulty regarding the implementation of telework was related to the lack of digital literacy of workers. For example, “some workers did not know how to work with the outlook agenda, but it was easy to teach them how to use it”, declared the HR director.

In terms of collective bargaining, the HR manager indicated that “There were no major difficulties, as all parties agreed that telework was very good to the company and the work-life balance of workers.”

There are no metrics to assess the effects of telework on working conditions. The company representative indicated that they “judge on qualitative information about contentment, satisfaction, and reduction of turnover. Presently, we have a lower turnover, and teams are stabilised.” Furthermore, there are other indicators that show improved working conditions, such as new benefits, evidence of wage improvements and payment of Christmas subsidies. The HR director declared that “Before we had a workforce where 80% earned the minimum wage. Before we lost on average one person per day. Today, wages are levelled by public levels and account for seniority.” In addition, there is no discrimination in telework nor in the company, as gender discrimination is forbidden in public services. There are annual reports on gender discrimination available on the companies’ website. However, the representative of the company explained that operational workers cannot do telework, as they are in production areas where presence is needed.

In 2019, the company had profit sharing among workers and wanted to repeat it again soon, stated the HR manager. In my opinion, the enthusiasm of workers with telework shows how beneficial it is to improve work-life balance and overall working time quality. There is no evidence that there are differences between men and women in terms of improvements in work-life balance experienced.

The HR director admitted to being aware of the prevalence of health issues (physical or psychosocial) related to the practice of telework. However, they have no reports of any health problems related to telework. At least nothing serious like burnouts. The HR manager declared that “We had some problems of anxiety, depression and one divorce during the Covid19 pandemic, but I think they were related to confinement and not to telework”. Last, the director indicated that:

“I know we are a difficult company, conservative, led by historians in the board interested in preservation of palaces and gardens. I know we are not exemplary. But if the managing board finished with the telework regime, I would leave the company. I suggested teleworking to the board members. I did a PowerPoint presentation to the board. I proposed it and it was accepted.”

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3.3 Public sector: Company Agreement with telework of Casa da Moeda

3.3.1 Casa da Moeda

The Casa da Moeda results from the merger of two of the oldest industrial establishments in the country, the National Press, created in 1768, and the Casa da Moeda, with more than 700 years of history. Among the essential goods and services it assures to the Portuguese state, the production of security documents, such as the citizen card or passport, the minting of current and collector's currency, the authentication of precious metals, the edition of the *Diário da República* and the publication of fundamental works of Portuguese language and culture.

The *Imprensa Nacional Casa da Moeda* (Casa da Moeda) is a private company under public control by Parpublica, the main company that controls public participation of the Portuguese state. The company is ruled under private law, despite being a publicly owned company. The managing board is composed of 3 members. The interviewee representing the company was the director of people development from June 2020.

3.3.2 The text agreed about telework

The telework regime is described in the company's internal regulation. Only the monthly compensation for additional telework expenses (Clause 37.-B for full time telework and Clause 37.º-C for hybrid work) was regulated in the company agreement of 2023¹², where it is stated that:

Clause 37.-B

1 - Workers who perform functions remotely, on a teleworking basis, are entitled to an amount of €40.00 to compensate for additional expenses that they incur as a direct consequence of the use or maintenance of computer or telematic equipment and systems necessary to carry out the work.

2 - The amount of compensation for expenses corresponds to the estimated average value of the increase in the worker's monthly expenses, therefore, if the effective value of such increase is lower than the amount of compensation, in a given month, the difference is considered to be attributed as an advance and will be attributed to the payment of additional expenses in future months, when in those months the value of the increase is greater than the value of said compensation.

¹² <https://bte.gep.msess.gov.pt/documentos/2023/33/02120216.pdf>

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3 - The monthly compensation for additional expenses in teleworking presupposes the effective exercise of functions, under the terms set out in internal regulations, without prejudice to compliance with the law in force.

4 - Monthly compensation for additional teleworking expenses does not form part of the worker's remuneration, and is not included in the calculation basis for additional or ancillary benefits, namely holiday remuneration, holiday allowance or Christmas allowance.⁵In compliance with the provisions In point 4 of this clause, compensation for additional teleworking expenses will not be paid in the month of November.

Clause 37.º-C - Hybrid work

1 - A hybrid regime is considered to be the performance of duties alternating between periods of remote work, on a teleworking basis, and periods of in-person work at Casa da Moeda facilities.

2 - If the worker works under a hybrid regime, the amount of the monthly sustainable mobility allowance and the monthly compensation for additional teleworking expenses will be allocated proportionally, depending on the number of days of in-person work or remote work provided for in the written agreement regulation of teleworking.

3.3.3 Views and discourses of telework

The history of telework arrangements starts meagrely before 2020. In Casa da Moeda, there was barely any telework before 2020, apart from engineers. During the pandemic, it was possible for some functions to be in telework during the pandemic. From April to May 2020, “we had to do an addendum to the contracts, asserting the work insurance was available and celebrated in the company agreement”, declared the representative of the company. The pandemic pressure was relieved in the summer of 2021 and the managing board decided that telework should continue. The managing board delegated to the director of HR the responsibility of managing telework in 2021. Later, in 2023, the company reimplemented addenda to the labour contracts, since the old ones were only valid for 3 years. Importantly, these addenda regulate the duty not to work in public spaces for security reasons.

According to the interviewee representing Casa da Moeda, telework is much appreciated by workers. Presently, Casa da Moeda has 740 workers. There are 327 workers under the telework regime. Only 50 under hybrid regime (mixed). According to the representative of Casa da Moeda, telework is more beneficial to the company only 2 days a week. Furthermore, when possible, telework is used as a tool to retain talent.

Telework regimes in Casa da Moeda can be analysed as a set of rules and procedures that determine access to telework. Specific attention was placed to the terms and conditions of telework arrangements (voluntariness and reversibility, frequency of work outside of work,

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places for work outside employers' premises, cost coverage and other incentives for teleworkers).

Telework is not used as a cost-reduction strategy. On the contrary, the managing board considers that this high level of telework hinders the company. The high level of telework prevents passing knowledge, teamwork and cultural values of the Casa da Moeda.

The main driver for telework arrangements was recruitment policy, according to the representative of the firm. As a public company, Casa da Moeda cannot pay more than the prime minister of Portugal. The only way to retain and attract talent is to offer other benefits like telework that compete with the private companies. Presently, the average medium age is 35 years. Furthermore, according to the representative of the company, telework contributes to improving a company's performance and/or working conditions in the sense that it helps to retain and attract talent.

However, many teleworkers identify the day they have to go to the company as a working day lost in terms of their productivity, according to the representative of the company. It became a problem when seen as a loss of time and a symbol of inequality. Company values and culture needed to be passed among workers and telework also needs to be an egalitarian policy. The popularity of telework among workers (not located in the production) also needed to be clarified to all workforce and equal to everybody. Thus, the same monetary compensations are paid to production workers to maintain equality. It also satisfied trade union demands, as they are more representative in production areas.

3.3.4 Role played by collective bargaining

Previous collective bargaining regulated general aspects of the telework regime since the pandemic. But only in 2023 the telework compensation was regulated through collective agreement. The main issue addressed in the 2023 negotiations were telework expenses. It was fixed at 40€ per month, 10 cents above from the value recommended by the government.

The aim of the company was to continue offering telework to workers of the company, after the Covid19 pandemic, according to the HR manager. It was also important to make sure that telework was not a right of the worker but an experiment in the company. All workers should know what to expect in their workplaces, said the HR Director.

The Casa da Moeda representative indicated that the works council and trade unions were against telework until 2022, when they realised that the popularity was overwhelming (95%) in a pool of potential teleworkers promoted within the company. The works council was controlled by one trade union. They released one aggressive press release, according to the HR manager.

The main contested issue was compensation for telework and the maintenance of wage levels. According to the HR manager, a similar compensation was provided to workers in

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production that do not have access to telework. Trade unions were satisfied with this solution as their main constituency was more significant among production workers.

The aim of the trade union SITESE (affiliated to the UGT's federation FESAPE) was to prevent the company from forcing telework without a voluntary basis and prevent inequality in the workforce. To the representative of SITESE and the HR Director transparency was needed in this process.

Presently, SITESE monitors and presents proposals for the regulation of telework sent by companies and employers' associations. However, most collective agreements do not include telework because most companies do not want to discuss the issue at the sectoral level. Employers prefer a logic of micro regulation, at the company level rather than collective bargaining. Companies prefer to internalise teleworking in their internal regulations.

Furthermore, the state prefers the regulation of the payment of costs (€1/day or €22/month). The SITESE representative stated that, in general, the public sector maintains consultation with trade unions. Public companies turn to SITESE to obtain opinions on the content of their internal regulations. For example, the trade union suggested associating a percentage of profits to pay for telework, instead of paying 1€ per day (as suggested by the state by regulation since October 2023). However, the policy in Casa da Moeda was to pay to all workers the compensation of 1€ per day.

3.3.5 Understanding bargaining approach and factors

HR managers were responsible to elaborate the addenda to the labour contracts for those workers who manifest the will to telework. These managers also participated in collective bargaining with trade unions. The line-managers were responsible to control the development of activities, maintain the security level needed and assure the well-being of the teleworkers.

Both works councils and trade unions fought to prevent telework after the pandemic. Their intent was to protect workers from the isolation of the work and maintain the culture of the company. According to the HR manager, the works council was always very close to the positions of the unions. These representatives mostly came from the production departments, which were over-represented in the collective structures.

There was no substantial reorganisation of the work process where telework was possible, according to the HR manager. The manager agreed that there has been a shift from presence to a (trustworthy) output-based system of performance management in the teleworkable workplaces of the company, as 95% of them are in a telework regime. There was in person training for line managers concerning the management of virtual teams, particularly regarding privacy and security of information in the company.

The telework risks are continuously surveyed by the doctors of labour medicine, free for workers and in-person. Furthermore, there are "free and popular psychology appointments

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available in the company to all workers to help them” deal with telework-related problems, indicated the HR manager.

There are also several in-person programmes to help workers keep fit, such as a company marathon, hikes, and bicycle tours, a sport and cultural group with running, paddle and table tennis, a popular annual party, a presential and digital yoga classes every week, according to the HR Director. There are also health and well-being workshops and a voluntary hour to spend company’s hours doing voluntary work such as campaigns for the Portuguese League Against Cancer.

The Board of Directors, the RH managers and representatives of structures of collective representation reported concerns related to the company’s culture and knowledge passing, as well as some restructuring of office spaces.

A major difficulty of Casa da Moeda was the recruitment and retention of highly skilled staff needed for security related products of the company. The representative of the firm indicated that the recruitment and retention of highly skilled engineers improved with the possibility of offering telework, as it is difficult to pay monthly values of 7000€ given the restrictions of the public payment. “Without telework, it would be impossible to have these skills in the company”, indicated the HR director. Another difficulty in the process of implementation was the inequalities telework created when compared to those workers who are not in teleworkable functions, according to interviewees of the company and SITESE. A compensation policy was implemented to those who do not telework, and tensions improved significantly.

The effects of telework are assessed in Casa da Moeda to assert decent working conditions, according to the HR Director. The average time working in the company increased to 35 years. It is also possible to maintain data engineers for longer periods and most teleworkers report satisfaction in their jobs.

The board of the company made sure that there was equal treatment to all workers. For example, a similar financial compensation of workers in the production area is paid monthly, where telework is not possible. This decision appeased trade unions and the works council.

Teleworkers benefit from improved work-life balance opportunities, according to the HR director. To the HR director, workers can manage their working time as they need and on a voluntary basis. In turn, there is an improvement of their overall working time quality and work-life balance. However, the company has no surveys based on workers’ opinion. The director based her perception on reports of workers satisfied with the new telework regime. Furthermore, there is no specific difference between men and women in terms of work-life

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balance improvements, according to the HR manager.¹³ According to the management,¹⁴ there might be differences in their personal life, but not related to the company.¹⁵

There was one study about remunerations and gender in 2021¹⁶ and the company publishes yearly data on gender inequality^[3] and joined the Global Compact Network Portugal^[4]. A Sustainability Committee has the mission^[5] to promote the integration of sustainability principles into the company's management process, aligning the Casa da Moeda with best practices in this matter.¹⁷

Casa da Moeda's Strategic Sustainability Challenge seeks to respond to the concerns and ambitions of all interested parties, in a balanced way, translating into 7 Strategic Guidelines, of which two - Innovation and Internationalisation - marked the "agenda" of change and enhanced the remaining dimensions: Customer-Centred Growth, Internal Efficiency, Employee Development, Notoriety and Recognition, and Cultural, Social and Environmental Impact. According to the company, Casa da Moeda subscribes to the global sustainability agenda, bringing together in its strategy, in an integrated way, the priorities for action in the economic, environmental, cultural and social dimensions, in alignment with global priorities translated into the Sustainable Development Goals (SDGs) of the United Nations (UN).

According to the HR manager, there were minor issues with telework related to ergonomics and one accident inside the house where a worker tumbled in the computer wires. However, the department of labour medicine never called the HR department about telework. There are free appointments of labour medicine and psychology for all workers, and they never mentioned one issue. SITESE's representative indicated that their members are isolated, and some problems are difficult to identify with the existing labour medicine psychology and with psychology appointments if workers do not use them.

The interviewee representing Casa da Moeda stated that there are difficult challenges. There are 300 workers in a hybrid regime that come twice a week to the company. There were

¹³ <https://Casa da Moeda.pt/site/Casa da Moeda-meta-nacional-igualdade-genero/>

¹⁴ <https://Casa da Moeda.pt/site/Casa da Moeda-meta-nacional-igualdade-genero/> https://arquivo.Casa da Moeda.pt/porta/arquivo/sustentabilidade/regulamento_comite_sustentabilidade_2018.pdf
https://www.Casa da Moeda.pt/porta/arquivo/Casa da Moeda/Plano_igualdade_2018_2020.pdf

¹⁵ https://arquivo.Casa da Moeda.pt/porta/arquivo/Casa da Moeda/Relatorio_remuneracoes_pagas_mulheres_homens_2021.pdf
https://Casa da Moeda.pt/site/wp-content/uploads/2023/01/Relatorio_sobre_remunera%C3%A7%C3%B5es_pagas_a_mulheres_e_homens_2022.pdf

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¹⁷ https://Casa da Moeda.pt/porta/arquivo/Casa da Moeda/Casa da Moeda_plano_igualdade.pdf
https://www.Casa da Moeda.pt/porta/arquivo/Casa da Moeda/Plano_igualdade_Genero_2021.pdf
https://arquivo.Casa da Moeda.pt/porta/arquivo/Casa da Moeda/Plano_igualdade_Genero_2022.pdf
https://arquivo.Casa da Moeda.pt/porta/arquivo/Casa da Moeda/Plano_igualdade_Genero_2023.pdf
<https://Casa da Moeda.pt/site/wp-content/uploads/2023/09/Plano-Igualdade-Casa da Moeda-2024.pdf>

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many workers adhering to the telework regime (around 50%). In a recent pool organised by the company, the 95% in teleworkable functions stated that they wanted to have telework.

Casa da Moeda has 70 to 80 teleworkers in areas related to technicians and engineers in a total of 700 workers. These are not recruitable without telework because Casa da Moeda salaries are not competitive with the private sector where they can earn 7000€ per month. Casa da Moeda faces not only competition from big consultancy groups but, more recently, international competition, as these workers can telework. These groups of workers are subject to a confidentiality clause beyond the end of their contract for security reasons. By having a telework regime, it is possible for Casa da Moeda to maintain these workers for longer periods.

Telework regime also contributes to the work-life balance of the remaining workforce. The company develops many presential activities to promote more time in the company and skills and courses must be in person. Nevertheless, many workers complain that each day they must go to the company is a working day lost.

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3.4 ICT sector: Collective Agreement with telework

3.4.1 The ICT sector

In 2022, 9.4 million individuals in the European Union (EU) worked as specialists in the field of Information and Communication Technologies (ICT), representing 4.6% of the total workforce. The percentage translates into a slight increase of 0.1 percentage points (p.p.) compared to 2021. Portugal is in line with the European average but made the opposite movement. When it comes to gender equality, the sector remains very unequal in most countries, show data published this Thursday by Eurostat. Last year, 4.5% Portuguese professionals worked in the ICT area, a percentage that fell 0.2 p.p. compared to the previous year, when the figure stood at 4.7%. Sweden was the EU country with the highest percentage of ICT specialists (8.6%), followed by Luxembourg (7.7%) and Finland (7.6%). At the opposite end of the graph, with the lowest percentages, were Greece, Romania and Poland, with 2.5%, 2.8% and 3.6%, respectively.

The percentage of women working as ICT specialists in the European Union registered a slight decline from 19.1% in 2021 to 18.9% in 2022, thus breaking the upward trend that has been observed since 2014. The Portuguese reality followed European behaviour, having registered a drop of 0.3 percentage points from 2021 to 2022. Last year, only 20.4% of ICT specialists were women. Still, the value leaves Portugal in the first half of the ranking, above the European average. The highlight, although still far from equality, goes to Bulgaria, Romania and Estonia, where women represent 28.9%, 25.2% and 24.5% of the total workforce in ICT. In the Czech Republic (10.9%), Hungary (13.6%) and Croatia (14.5%), the percentages do not even reach 15%.

There are two sectoral agreements that cover the ICT sector in Portugal. The first one signed by employers association ANIMEE is more representative of the sector.¹⁸ Annex 1 presents the text about telework. This collective labour contract was signed between ANIMEE and FETESE, SINDETELCO, SINDCES/UGT, FE, SINDEL and SITESE. The second agreement was signed with the employers association ANEME and is less representative of the sector as it is aimed more to companies with activities also in the electromechanical sector¹⁹. Both agreements were signed with SITESE. The Service Sector Workers Union SITESE is a trade union affiliated with UGT's federation FESAPE and is named *Sindicato dos Trabalhadores do Setor de Serviços*.

¹⁸ Contrato Coletivo entre a ANIMEE e a Federação dos Sindicatos da Indústria e Serviços- FETESE e outros. https://app.animee.pt/images/animee/noticias/BTE_23_2022.pdf

¹⁹ Contrato coletivo entre a FENAME - Federação Nacional do Metal e o Sindicato dos Trabalhadores e Técnicos de Serviços, Comércio, Restauração e Turismo - SITESE e outros - Alteração salarial e outras/texto consolidado https://bte.gep.msess.gov.pt/completos/2019/bte27_2019.pdf

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3.4.2 The text agreed about telework

The text in the agreement follows the lines of the Labour Code:

In the 27th clause the notion of teleworking is introduced. The text considers teleworking to be the form of organisation and/or provision of work that, using information and communication technologies, and which can be carried out on the employer's premises, on a regular basis, is carried out outside these locations.

The 28th clause elaborates on the voluntary nature of teleworking. According to the text, teleworking can be part of a worker's admission conditions, and integration into a teleworking regime is voluntary.

The 29th clause elaborates on the equal treatment of teleworking workers, stating that:

- 1- Teleworking workers have the same rights and duties as other workers, particularly with regard to professional training, promotion or career, limits on normal working hours and other working conditions, safety and health at work and repairs of damages arising from a work accident or occupational illness.
- 2- Within the scope of professional training, the employer must provide the worker, if necessary, with adequate training on the use of information and communication technologies inherent to the exercise of the respective activity.
- 3- The employer must avoid worker isolation, particularly through regular contact with the company and other workers.

The 30th clause defines the form and content of the teleworking contract:

- 1- The contract is subject to written form and must contain, among others: a) Identification, signatures and domicile or headquarters of the parties; b) Indication of the activity to be performed by the worker, with express mention of the teleworking regime, and corresponding remuneration; c) Indication of the normal working period; d) If the period foreseen for the provision of teleworking is shorter than the foreseeable duration of the employment contract, the activity to be carried out after the end of that period; e) Ownership of work instruments; f) Identification of the establishment or department of the company in which the worker is dependent, as well as who the worker must contact in connection with the provision of work.
- 2- The teleworking employee may start working under the same regime as other employees of the company, permanently or for a determined period, by means of a written agreement with the employer.
- 3- The written form is only required to prove the stipulation of the teleworking regime.

In the 31st clause, working time is defined.

- 1- If teleworking only takes place on a few days of the normal weekly working period, the parties will agree which days are allocated to it.

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- 2- In the absence of agreement, it is up to the company to set the days in question.
- 3- When working remotely, the daily working hours cannot be longer than those practised in the company.
- 4- The provision of additional work is not authorised, unless the respective execution conditions are previously and expressly agreed with the employer.
- 5- During working hours, the employee must be available for contact with customers, colleagues and/or superiors who wish to contact him.

The 32nd clause extends teleworking to the regime in the case of a worker previously linked to the employer:

- 1- Unless a different term is agreed, in the case of a worker previously linked to the employer, the initial duration of the contract for subordinate provision of teleworking cannot exceed three years.
- 2- The parties may establish a trial period lasting up to 90 days.
- 3- During the trial period, unless otherwise agreed in writing, either party may terminate the teleworking contract as long as they communicate this intention to the other party, with 15 days' notice.
- 4- Upon termination of the contract for subordinate provision of teleworking, the worker resumes providing work, under the agreed terms.

The 33rd clause defines the work instruments in subordinate provision of teleworking:

- 1- In the absence of a contractual stipulation, it is assumed that the work instruments relating to information and communication technologies used by the worker belong to the employer, who must ensure their installation and maintenance and the payment of the related expenses.
- 2- Unless otherwise agreed, the worker cannot use the work instruments made available by the employer for any use other than that inherent in carrying out their work.
- 3- The worker must observe the rules for the use and operation of the work instruments made available to him, as well as make prudent use of them. If teleworking ceases, they will be returned to the employer.
- 4- In the event of a malfunction or breakdown of the equipment in question, the employer must be immediately notified.
- 5- Among other duties, the employee is obliged to protect from third parties, namely customers, as well as not to disclose any information, data, access, passwords or other means - including "hardware" and "software", which could put the employer's interests at stake.
- 6- The worker may be held responsible, including civilly and disciplinary, for the consequences arising from the violation of the aforementioned duties.

Finally, clause 34 elaborates on the participation and collective representation of workers, stating that the teleworking worker is part of the number of workers in the company for all purposes relating to collective representation structures, and may apply these structures.

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3.4.3 Views and discourses of telework

The representative of the ICT employers association, ANIMEE, stated that its sectoral federation aims to make available telework to their associates that might need them. The leader stated that ANIMEE does not intend to explicitly promote telework, but to make it available to those who need it. Those who may wish it in their companies can sign other agreements or introduce them in their internal practices if it fits their needs.

On the other hand, according to the representative of SITESE, the views about telework have changed within the course of the pandemic due to the telework adoption in companies. Before the pandemic, telework was rather uncommon, except in the ICT sector. During the pandemic, telework was generally considered a temporary measure to prevent health problems across the economy. In the post-pandemic period, telework became common in the services sector, according to the interviewee. Frequency of telework nowadays varies between two days per week to full-time, and nearly 60% of employees in the associated workers have performed telework, according to the same source.

The interviewee from SITESE considered that there was a period of experimentation. Companies and workers realised that work was feasible during mandatory telework. Service companies began to implement other ways of measuring performance based on the achievement of objectives instead of working time. Many companies also realised that workers demanded telework to be able to recruit and maintain better in time of increased demand from clients. Nevertheless, there is still some reluctance on the part of some companies, which remain concerned about productivity and even refuse to implement hybrid regimes.

The representative of SITESE stated that they are interested in explicitly promoting telework between companies and employees “because most workers want to telework, except for most of those over 50 years old. Younger workers want to telework so they can pick up their children. Some of the older ones want to telework to support their families. For example, older workers want to pick up their grandchildren or to take care of sick relatives.”

3.4.4 Role played by collective bargaining

This section focuses on the latest sectoral-level negotiation process (2019-2023). The agreement above mentioned was oriented to include the general rules existent in the labour code, according to both representatives.

Telework is regulated in the labour code and subsequent norms approved by the government. This legislation states the minimum of rules. It specifically stated that the remaining rules should be set by collective bargaining agreements. Given that social partners did not agree on telework issues at the top level yet, existing rules can be agreed at the sectoral and/or company level, both through collective agreements and individual telework agreements.

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SITese trade unionist stated that the main topics addressed were compensation of costs, share of working time performed in a teleworking regime and provision of means for telework. SITese monitored and presented proposals for regulating work sent by companies and employers' associations. Companies also contacted SITese for opinions on the contents of their internal regulations. For example, SITese suggest associating a percentage of profits with payment for teleworking, instead of paying €1/day (as the state has suggested by regulation since October 2023). The state decision was seen as a significant disappointment by this (and other) trade unions, which expected better compensation to engage in collective bargaining. According to SITese, the state preferred to regulate the payment of costs, only in October 2023 (1 €/day or 22 €/month) and in a way that there is not much to be discussed in the collective bargaining tables.

There is a sectoral collective agreement in the ICT sector that regulates telework in accordance with the general regulation of telework in the Labour Code (see annex 1). It is more aimed at professions in the company where teleworking can be carried out. For example, Siemens has operations, customer support, accounting and programming were teleworking applies. But only some of these departments can have teleworking.

According to the SITese representative, the collective agreement does not reflect much about telework. The trade unionist indicated that companies do not want to discuss telework in the ICT sector and in many other sectors. ICT employers prefer the logic of micro regulation, at individual level and within the company, rather than collective bargaining. Companies prefer to internalise telework in their company rules.

Although there is an agreement about telework in the ICT sector²⁰ collective agreements in this sector are rather uncommon. Most remaining issues about telework were internalised into the companies' regulation and individual contracts.

The ANIMEE and the SITese interviewees agreed that telework in the ICT sector was already relevant for both parties before the pandemic. At that moment, telework remains conceived to maintain and attract new talent, for work-life balance purposes and/or specific issues in companies, according to the interviewees. According to the trade unionist, workers in a post-pandemic period strongly disapproved of presenteeism and were favourable to telework regimes. Therefore, SITese always tries to sign contracts with telework through collective bargaining in the ICT sector.

The representative of the employer's association ANIMEE, stated that its sectoral federation was always available to engage in collective bargaining at sectoral level to engage in collective bargaining. Issues like telework are already regulated in the labour code, but they remain open to more negotiations, particularly at company level. Their priority is to allow their companies to negotiate good company agreements about telework and avoid the government's intervention in every issue.

²⁰ Contrato Coletivo entre a ANIMEE e a Federação dos Sindicatos da Indústria e Serviços- FETese e outros

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The negotiation process was particularly simple because, according to the ANIMEE representative, the sectoral employer's association did not wish to negotiate more than their proposal that only reflected existing general regulations.

During the negotiations there were no processes of gathering and sharing information for the negotiation table. The employer organisation ANIMEE consulted the associated companies prior to the negotiation about telework. They also gathered opinions through informal consultations with companies related to other aspects.

On the other side of the bargaining table, trade unions knew what other unions managed to agree upon, as unionists exchanged information. However, in general the contact with teleworkers was difficult. At the beginning of covid-19, it was particularly difficult as everyone was trying to adapt to the new organisational reality and work tools. Nevertheless, in the ICT sector these two topics of discussion were not hard to discuss because workers already had experience with telework. In the post-pandemic period, the most important topics of discussion focused on teleworking times and costs. The tools for teleworking were of common interest, according to both ANIMEE and SITESE representatives.

The discussion went through different phases, particularly, pandemic period and post-pandemic period. According to the trade unionist of SITESE, the main actors, associations, companies, works councils, shop stewards and trade unions faced communication difficulties as they were more focused on the ICT sector and teleworkers sought self-regulation. SITESE developed specific strategies to maximise its contacts and awareness among teleworkers. It created more channels for trade union communication with workers, as no one knows the conditions of their teammates and there is great opacity on the part of companies that want individual level rather than collective bargaining.

3.4.5 Understanding bargaining approach and factors

The negotiation process is formally developed in several steps every year. First the presentation of ANIMEE proposal to unions. After, there were subsequent negotiations with the main responsible trade unions such as SITESE until an agreement was possible. Furthermore, the representative of ANIMEE stated that all clauses negotiated between the sector's social partners are potentially advantageous for employers and workers. In the end, the parts joined and signed the sectoral agreement.

The interviewee of ANIMEE stated that, as a rule, the national legislator reserves little space for the regulation of labour matters through collective regulation instruments. Respect for the autonomy of the social partners is reduced, which often translates into the reproduction of the labour code in Collective Labour Contracts negotiated solely with the aim of dissemination of practices useful for companies, according to the representative of ANIMEE.

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The signatories usually ask the Labour Ministry to issue an expansion of their terms to the rest of the sector in terms of employers and workers in the sector. According to the representative of ANIMEE, sometimes it is possible to introduce new topics and even make some minor improvements in the legislation (e.g. rule applied to counting working days or any day). However, generally the negotiations are not very dynamic because ANIMEE constituents prefer more decentralised negotiations at the company level.

Tools for telework were topics of common interest. The depth of telework in the collective contract was the main topic of conflict regarding telework. Negotiations took place with companies, shop stewards and unions. According to the SITESE trade unionist, the ICT employer organisation and their companies aim to regulate telework in a very general way. They argue that this sector is too diverse and is subjected to frequent changes in terms of clients, projects, challenges, size of companies and required skills. From their point of view of companies, once a regulation enters the collective agreement, it loses the flexibility and agility required to change it effectively. Conversely, trade unions want to regulate labour relations to a greater extent. But the interviewee stated that trade unions do not usually provide written information about their demands and prefer to negotiate based on the employers' proposal.

Collective bargaining is more aimed at professions in the company where telework can be carried out. For example, Siemens has operations, customer support, accounting and programming. Only some of these departments can have teleworking.

In general, the contact of SITESE with teleworkers became more difficult. At the beginning of the covid-19 pandemic it was particularly difficult as everyone was trying to adapt to the new organisational reality and work tools. In the ICT sector, contact and discussion were not so difficult because they already had experience with telework. In the post-pandemic period, the biggest topics of discussion focused on the times and costs of teleworking.

There were and still are communication difficulties, more focused on the ICT sector as teleworkers seek self-regulation. SITESE has a strategy of maximising gains from negotiation through awareness and mobilisation. The main mechanism of this strategy is to create more union communication channels with workers, as no one knows the conditions of teammates and there is great opacity on the part of companies that want individual rather than collective negotiation. SITESE's priorities are to overcome difficulties in communicating with teleworkers, as no one knows the conditions of their teammates and there is great opacity on the part of companies that want individual rather than collective negotiation.

In addition to the ICT sector agreement, telework has been regulated through individualised labour relations and at the level of the individual employment contract.

The approach to telework was developed oriented towards the interests of the employer, as ICT companies have made employment relationships individualised. Consequently, workers lost the strength of the collective and increased difficulties in communicating with the unions.

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Telework was finally regulated in terms of teleworking, working time, Health and Safety at Work, surveillance and control, and equal opportunities. The regulation was mostly through individualised employment relationships, at the level of the individual employment contract.

The representative of SITESE described the outcome of the negotiation as a win-lose agreement. The companies have made labour relations individualised. On the other hand, the workers lost the strength of the collective and the difficulties of communicating with the unions increased.

In the ICT sector, the results reflect a utilitarian perspective of negotiation, focused on money and not on social organisation. There is a preponderance of the autonomous work modality, and the way work is organised. SITESE, in turn, defends oriented results that are not oriented towards time and money but rather towards eco-employment to be able to transform social organisation in accordance with the general guidelines of UGT. On the other hand, employers have negative reactions to topics that are outside of what is stated in the labour code. Company strategies are largely defined by financial criteria. The company's regulations point to deciding on a case-by-case basis.

The state made collective bargaining difficult with introduced legislation. For example, the regulation introduced in October 2023 will harm collective bargaining that imposes 100% tax exemption of €1/day or €22/month, and 50% exemption on the remainder. The value is very low, and the system is significantly complex.

The regulation of teleworking might enable the real right to parenthood. But the lack of capacity of trade unions led to a situation in which Teleworking and parenting may be imposed. Collective bargaining had little impact in 2023, but 2024 could be different if employers do not shy away from collective bargaining (denying collective bargaining agreements).

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3.5 Electromechanical sector: Collective Agreement with telework

3.5.1 The Electromechanical sector

The National Association of Metallurgical and Electromechanical Companies (*Associação Nacional das Empresas Metalúrgicas e Eletromecânicas*, ANEME) is a sectorial employers association (NACE 25). According to ANEME (2019)²¹, the Metallurgy and Electromechanical Sector is considered as one of the main economic activity sectors, occupying a strategic position in the industrial fabric, it comprises a vast group of industrial segments that provide the whole industrial sector, either the extraction or the transforming sectors, and other important activity sectors such as farming, building industry and public works and trade and services.

The metallurgy and electromechanical activity is also recognised as fundamental in the industrial modernisation and development process, and companies are the main providers of investment assets for that sector.

The sector thus holds in macroeconomic terms a quite relevant position since it was responsible in 2017 for 7.9% of revenue, 7.7% of gross value added (GVAmP), 11.4% of production value, and 5.7% of employment created in the national economy.

The sector also holds one of the main positions in terms of the transforming industry comprising the following activity subsectors:

- Base Metallurgy Industries
- Manufacture of Metal Products
- Manufacture of Machinery and Equipment
- Manufacture of Transportation Material
- Repair and Maintenance of Machinery and Equipment
- Other Electromechanical Industries

A synthesis of the main indicators helps to characterise in economic terms the metallurgy and electromechanical industry in 2017. We can see that the sector had 22,037 companies in activity, which employed 223,218 employees. The metallurgy and electromechanical companies have registered a revenue of about 29 351 million Euros, which generated a GVAmP²² of 7,182 million Euros. It is also important to draw attention to the fact that the sector's average productivity level measured as gross added value per worker (GAV/worker)

²¹ ANIMEE (2019) 30th EDITION of the DIRECTORY Metallurgical and Electromechanical Industries. Lisboa. https://drive.google.com/file/d/18To3u1H_Z7LpPdTB5kN5nWbeCD8zPKM7/view?usp=sharing

²² Gross Value Added (GVA) at market prices

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achieved 32 thousand Euros, above the average level nationwide and in the transforming industry (23 and 30 thousand Euros, respectively).

In subsectorial terms, the sector structure is not homogenous, emphasising the larger importance of the metal products manufacture sector in terms of the number of companies, employment and gross value added, aggregating 52% of its companies, 39% of the respective employment and 33% of the GAV.

The transportation material manufacturing sector occupies the largest distinction in terms of revenue and production, with a weight of respectively 31.9% and 33.2%. It is important to emphasise the relevance of the machinery and equipment manufacturing industry, in the context of the sector, responsible for 21% of its employment, 25% of revenue and gross value added.

In the metallurgy and electromechanical sector small enterprises are predominant, and about 69% of the sector's companies have under 10 employees, and 93% of companies have under 50 employees.²³ The weight of large companies is quite small - less than 1%. The employment distribution according to the levels of qualification, presented next, makes it possible to see that 81% of the sector's workers are qualified or high-level professionals.

The metallurgy and electromechanical industry holds a relevant position in the context of the national economy and manufacturing industry. It represents about 32.6% of the companies in the manufacturing industry, it employs 31.4% of its labour force, is responsible for about 32.5% of its revenue, 32.9% of the production value and of its added value.

Considering the breakdown of the main economic indicators for the sector, according to the several regions (NUTS II), it can be concluded that over 89% of employment, revenue and gross value added from the metallurgy and electromechanical industry is distributed in the North, Center and Lisbon regions. The Alentejo and Algarve are relatively small, not only for the metallurgy and electromechanical sector, as all industries in general. However, the Autonomous Regions of Madeira and Azores are the regions with a lower number of enterprises and people in this sector.

These regional asymmetries in terms of industrial development become more visible with an analysis on a district level, which will make it possible to conclude that the sector is mainly focused in the industrialised areas of the seaside.

In relation to the trade balance for the metallurgy and electromechanical sector for 2013-2018, it can be emphasised:

- The sector is characterised by a high degree of openness to the outside world.

²³ To analyse the corporate structure and employment in the sector we make use of indicators published by the Strategic and Planning Office (GEP) and the Ministry of Employment and Social Solidarity, extracted from the staff charts of the companies, pertaining to 2017 (includes only data from Portugal Mainland) that although not coincidental with the INE's data allow for a better analysis of this theme.

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- The revenue of the sector for exports achieved, globally, 52%;
- In the period between 2010 and 2018, exports in the sector increased over 66%;
- In 2018, the imports of products, amounting to 23,586 million Euros, corresponded to 31.4% of the total national imports;
- In 2018, the exports of metallurgy and electromechanical products,¹ amounting to 17,248 million Euros, corresponded to 29.8% of the total national exports.

In geographical terms, trade relations in the sector are essentially developed in the European Union area. In 2018, the industry increased its exports by 19.9% in the UE area and a 10.3% decrease in the area outside the EU. The main target and origin countries of the metallurgy and electromechanical countries, in a European area, are Spain, France, Germany, the UK and Italy. As to the area outside the European Union, it is important to highlight the markets of US, Angola, Morocco, Brazil and China as the main destination countries of the metallurgy and electromechanical products.

3.5.2 The text agreed about telework

The sector's Collective Labour Contract was signed between ANEME and FETESE, SINDETELCO, SINDCES/UGT, FE, SINDEL and SITESE. The contract regulates telework (Clause 16 – A) in the following terms:

1. Telework is work carried out through the signing of a contract for the subordinate provision of telework, usually outside the company and using information and communication technologies.
2. The contract complies with legal provisions and must be written and contain, among others, reference to the ownership of the telework instruments, responsible for their installation and maintenance and payment of the inherent consumption and use expenses, identification of the establishment or department of the company in whose dependency the worker is, as well as who he must contact in the context of providing the work.
3. In the absence of stipulation to the contrary, ownership of telework instruments, and the responsibility for their installation and maintenance and for the payment of the inherent consumption and use expenses lie with the employer.
4. The telework worker may start working under the same regime as other employees of the company, permanently or for a determined period, by means of a written agreement with the employer.
5. The teleworker has the same rights and duties as other workers, particularly regarding insurance against work accidents and occupational diseases, meal allowance, and limits on the normal working period.
6. The contract for the subordinate provision of telework must regulate the working time regime of these workers, covering the 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.

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7. Workers with disabilities or chronic illnesses, or who are responsible for children aged up to 12 years old, or regardless of the age of those with disabilities or chronic illness, or spouses or ascendants who require special assistance due to illness or advanced age.

The representative argued that ANEME regards that negotiation results can only be win-win within the scope of a Collective Labour Contract. Last but not the least, the representative of ANEME indicated, specifically regarding telework, that Ordinance No. 292-A/2023 of September 29th²⁴ now allows the (small) increase through a collective labour regulation instrument, allowing the value of telework expenses to be exempt from taxation.

Like in previous years, the social partners that signed the Collective Labour Contract of the sector in 2023 asked for an extension of their agreement to the rest of the sector²⁵. The government issued an extension of the agreement to the electromechanical sector and workers based on the idea that there was economic and social identity between the situations that were intended to be covered by the extension and those provided for in their collective contract of 2023 based on the Staff Tables for 2021²⁶. According to this study of the Ministry of Labour, the Collective Agreement of FENAME covered, directly and indirectly, 17 953 full-time employees (TCO), excluding practitioners and apprentices and the remainder, of which 25.6% are women and 74.4% are men. The study indicates that for 10 542 TCO (58.7% of the total), the remunerations due are equal to or higher than the conventional salaries, while for 7411 TCO (41.3% of the total) the salaries due are lower than the conventional ones, of which 62.1% are men and 37.9% are women. Regarding the salary impact of the extension, the update of remuneration represents an increase of 0.7% in the wage bill for all workers and 2.3% for workers whose remuneration due will be changed. From the perspective of promoting better levels of cohesion and social equality, the study indicates that there is no reduction in the salary range.

3.5.3 Views and discourses of telework

The sectoral telework was regulated in 2023 by FENAME (CCT between FENAME and SITESE²⁷) and expanded to the remaining employers of the sector in 2023²⁸. Furthermore, there are also rules for telework agreed at company level and/or individual level. However, most details about telework were only internalised in the companies' internal regulations and in the individual contracts of workers, according to the representative of ANEME.

The representative of ANEME stated that the association does not intend to explicitly promote telework, but to clarify their companies about the applicable legal regime and, within

²⁴ <https://diariodarepublica.pt/dr/detalhe/portaria/292-a-2023-222239472>

²⁵ <https://bte.gep.msess.gov.pt/documentos/2023/22/00340072.pdf>

²⁶ <https://bte.gep.msess.gov.pt/documentos/2023/30/00100011.pdf>

²⁷ <https://bte.gep.msess.gov.pt/documentos/2023/22/00340072.pdf>

²⁸ <https://bte.gep.msess.gov.pt/documentos/2023/30/00100011.pdf>

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the scope of the federation it is part of (FENAME – National Metal Federation) to contribute with proposals for the regulation of this regime within the framework of the sector's collective contract (Collective Labour Contract between FENAME and SITESE²⁹).

The representative of ANEME reflected on the main benefits and problems associated with telework:

- First, in terms of organisation of work, the interviewee considered that telework is a benefit because the flexibility inherent to the telework regime can allow the worker to better organise their work. On the other hand, 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.
- Second, in terms of working conditions, the ANEME representative argued that 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. On the other hand, 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.
- Third, in terms of productivity, the interviewee considered that productivity could increase if telework constitutes a motivating factor for the worker; on the other hand, reducing the stress of some telework workers increases their productivity. On the other hand, productivity may reduce if the worker does not have adequate conditions (facilities, privacy, etc.) to perform work under this regime or is not disciplined.
- Fourth, in terms of talent attraction, the representative indicated that the flexibility inherent to the telework regime constitutes a differentiating factor for hiring and retaining talent. Fifth, in terms of knowledge transfer, the ANEME representative considered that some isolation inherent to telework may hinder the transfer of knowledge within organisations.
- Last, the interviewee considered also that telework benefits the reduction of expenses for workers and for the company, as well as the reduction of pollution and road and work accidents. On the other hand, the representative of ANEME considered that telework creates less identification of workers with the organisation due to isolation; greater sedentary lifestyle and consequently more risks to physical health; isolation and fewer social interactions and consequently more risks to mental health.

The Service Sector Workers Union SITESE is a trade union affiliated with UGT's federation FESAPE. SITESE acronym stands for *Sindicato dos Trabalhadores do Setor de Serviços*. According to the trade unionist, SITESE's views on telework have changed within the course of the pandemic due to the telework adoption in companies. Before the pandemic, telework was rather uncommon, except in the ICT sector. During the pandemic, telework was generally considered a temporary measure to prevent health problems across the economy. In the post-pandemic period, telework became common in the services sector, according to the

²⁹ https://bte.gep.msess.gov.pt/bte_documento.php?doc=28920

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interviewee. Frequency of telework nowadays varies between two days per week to full-time, and nearly 60% of employees in the associated workers have performed telework, according to the same source.

The interviewee from SITESE considered that there was a period of experimentation. Companies and workers realised that work was feasible during mandatory telework. Service companies began to implement other ways of measuring performance based on the achievement of objectives instead of working time. Many companies also realised that workers demanded telework to be able to recruit and maintain better in time of increased demand from clients. Nevertheless, there is still some reluctance on the part of some companies, which remain concerned about productivity and even refuse to implement hybrid regimes.

The SITESE interviewee stated that telework in the ICT sector was already relevant for both parties before the pandemic. At that moment, telework remains conceived to maintain and attract new talent, for work-life balance purposes and/or specific issues in companies, according to the interviewee. According to the trade unionist, workers in a post-pandemic period strongly disapprove presenteeism and are favourable to telework regimes. Therefore, SITESE always tries to sign contracts with telework through collective bargaining in the ICT sector.

The representative of SITESE reflected on the main benefits and problems associated with telework in terms of:

- Organisation of work: "For now, there are benefits from telework, because our workers want it. We give opinions on the internal rules of the companies. But the fuse gets shorter in terms of control and productivity."
- Working conditions: "In ICT and pharmaceuticals, there are no problems. In administrative jobs, we have many workers in hybrid teleworking. It is difficult to convince companies to pay the costs of telework, as for them it is already a benefit given to workers being able to be at home. The main disadvantage is that telework granted by the company leads in many cases to an increase in hours worked. In addition, the maintenance of the right to privacy and the right to disconnect depends on the relationship with the managers."
- Productivity: "We have no reports about telework benefits productivity. It can even be reduced, as it depends a lot on the working methods and the relationship with the managers".
- Talent attraction: "Workers want telework clauses in their contracts. Some even reject jobs if telework is not part of the workweek (hybrid regime). In the 2nd phase of the pandemic, we received many termination letters to analyse and check if they were framed within the regulatory framework of the labour code."
- Knowledge transfer: "The older workers, who have more knowledge, do not want to telework and they represent more than 50% of the workforce. Younger workers need

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knowledge and company culture. These are the most prevalent in the pharmaceutical industry and ICT.”

The representative also added that:

“Younger workers want to telework so they can pick up their children. Some of the older ones want to telework to support their families (as provided for in the labour code). For example, older workers want to pick up their grandchildren or to take care of sick relatives.”

To conclude, the representative of SITESE stated that they are interested in explicitly promoting telework between companies and employees “because most workers want to telework, with the exception of most of those over 50 years old”.

3.5.4 Role played by collective bargaining

Telework is regulated in the labour code and subsequent norms approved by the government. This legislation states the minimum of rules. It specifically stated that the remaining rules should be set by collective bargaining agreements. Given that social partners did not agree on telework issues at the top level yet, existing rules can be agreed at the sectoral and/or company level, both through collective agreements and individual telework agreements.

The sectoral telework was regulated in 2023 by FENAME (CCT between FENAME that included ANEME and the trade union SITESE³⁰) and expanded to the remaining employers of the sector in 2023³¹. Furthermore, there are also rules for telework agreed at company level and/or individual level. However, most details about telework were only internalised in the companies’ internal regulations and in the individual contracts of workers, according to the representative of ANEME.

There is an agreement about telework in the electromechanical sector³². But, company collective agreements in this sector are rather uncommon. Most remaining issues about telework were internalised into the companies’ regulation and individual contracts, according to SITESE.

3.5.5 Bargaining approaches and flexibility approach

This section focuses on the latest sectoral-level negotiation process (2019-2023). The agreement above mentioned was oriented to include the general rules existent in the labour code, according to the representative of the trade union.

³⁰ <https://bte.gep.msess.gov.pt/documentos/2023/22/00340072.pdf>

³¹ <https://bte.gep.msess.gov.pt/documentos/2023/30/00100011.pdf>

³² Contrato Coletivo entre a ANIMEE e a Federação dos Sindicatos da Indústria e Serviços- FETESE e outros

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The collective contract signed between FENAME and SITESE was a pioneer in Portugal in introducing a clause on telework, regulating this regime since 2019³³ for the entire electromechanical sector without distinguishing between activities, companies or other variables.

The Collective Contract has been revised annually following the same logic. Telework is regulated in clause 16 mostly with rules existent in the national Labour Code³⁴. It states that compensation should be paid by the company to the teleworker. In addition to reproducing the legal regime in the Collective Labour Contract, the sector's social partners regulated the right of preference in the exercise of telework functions in relation to workers with disabilities or chronic illnesses, or who are responsible for children aged up to 12 years, or regardless of age, if they have a disability or chronic illness, or spouses or ascendants who require special assistance due to illness or advanced age.

ANEME's main priority was to publicise the legal regime for telework in the sector.

The negotiation process was developed in several steps. First, ANEME presented a proposal to the trade unions. After, there were subsequent negotiations with the main responsible trade unions until an agreement was possible. In the context of the sector's negotiations for the Collective Labour Contract, FENAME - National Metal Federation, of which ANEME is part of, and the trade unions representing workers in the sector are involved: SITESE - Service Sector Workers' Union, SINDEL - National Industry Union and of Energy, FE - Federation of Engineers (representing SNEET, SERS and SEMM) and SIMA - Union of Metallurgical and Related Industries.

Furthermore, the representative of ANEME stated that all clauses negotiated between the sector's social partners are potentially advantageous for employers and workers. To the interviewee, negotiation results can only be win-win within the scope of a Collective Labour Contract. In the end, the parts joined and signed the sectoral agreement. The signatories usually ask the Labour Ministry to issue an expansion of our terms to the rest of the sector in terms of employers and workers in the sector. This process is repeated every year.

SITSE's trade unionist stated that the main topics addressed were compensation of costs, share of working time performed in a telework regime and provision of means for telework.

There is a sectoral collective agreement in the ICT sector that regulates telework in accordance with the general regulation of telework in the Labour Code. It is more aimed at professions in the company where teleworking can be carried out. For example, Siemens has operations, customer support, accounting and programming. Only some of these departments can have teleworking.

³³ <https://bte.gep.msess.gov.pt/documentos/2019/27/28052830.pdf>

³⁴ <https://bte.gep.msess.gov.pt/documentos/2023/22/00340072.pdf>

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According to the SITESE representative, the collective agreement abovementioned does not reflect much about telework. The trade unionist indicated that companies do not want to discuss telework in this sector and in many other sectors. Employers prefer the logic of micro regulation, at individual level and within the company, rather than collective bargaining. Companies prefer to internalise telework in their company rules.

According to the trade unionist of SITESE, the state preferred to regulate the payment of costs, only in October 2023 (1 €/day or 22 €/month) and in a way that there is not much to be discussed in the collective bargaining tables.

During the negotiations there were no processes of gathering and sharing information for the negotiation table. The employer organisation ANIMEE consulted the associated companies prior to the negotiation about telework. They also gathered opinions through informal consultations with companies related to other aspects. On the other side of the table, the trade unions knew what other unions managed to agree upon, as unionists exchanged information.

However, in general the contact with teleworkers was difficult. At the beginning of covid-19, it was particularly difficult as everyone was trying to adapt to the new organisational reality and work tools. Nevertheless, in the sector these two topics of discussion were not hard to discuss because workers already had experience with telework. In the post-pandemic period, the most important topics of discussion focused on teleworking times and costs. The tools for teleworking were of common interest, according to both ANEME and SITESE representatives.

Collective bargaining agreements for teleworkers was the main topic of conflict. The discussion went through different phases, particularly, pandemic period and post-pandemic period. The main actors, associations, companies, shop stewards and trade unions faced communication difficulties as they were more focused on the sector and teleworkers sought self-regulation. SITESE developed specific strategies to maximise its earnings and awareness among teleworkers. It created more channels of union communication with workers, as no one knows the conditions of their teammates and there is great opacity on the part of companies that want individual rather than collective bargaining.

3.5.6 Understanding bargaining approach and factors

Tools for telework were topics of common interest. The depth of telework in the collective contract was the main topic of conflict regarding telework. Negotiations took place with companies, shop stewards and unions. According to the SITESE trade unionist, the employer organisation ANEME and their companies wanted to regulate telework. Trade unions want to regulate labour relations to a greater extent. The unionist stated that collective bargaining is more aimed at professions in the company where telework can be carried out. For example, Siemens has operations, customer support, accounting and programming. Only some of these departments can have telework.

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The representative of ANEME stated that, as a rule, the national legislator reserves little space for the regulation of labour matters through collective regulation instruments. Respect for the autonomy of the social partners is reduced, which often translates into the reproduction of the legal regime in Collective Labour Contracts negotiated solely with the aim of greater dissemination in the sector, according to the representative of ANEME. Second, the representative argued that ANEME regards that negotiation results can only be win-win within the scope of a Collective Labour Contract. Last but not the least, the representative of ANEME indicated, specifically regarding telework, that Ordinance No. 292-A/2023 of September 29th³⁵ now allows the (small) increase through a collective labour regulation instrument, allowing the value of telework expenses to be exempt from taxation.

In general, the contact of SITESE is more difficult with teleworkers. At the beginning of the covid-19 pandemic it was particularly difficult, as everyone was trying to adapt to the new organisational reality and work tools. In the electrotechnical sector, contact and discussion were not so difficult because they already had experience with telework. In the post-pandemic period, the biggest topics of discussion focused on the times and costs of teleworking.

There were and still are communication difficulties. SITESE has a strategy of maximising gains from negotiation through awareness and mobilisation. The main mechanism of this strategy is to create more union communication channels with workers, as no one knows the conditions of teammates and there is great opacity on the part of companies that want individual rather than collective negotiation. SITESE's priorities are to overcome difficulties in communicating with teleworkers, as no one knows the conditions of their teammates and there is great opacity on the part of companies that want individual rather than collective negotiation.

To SITESE, this electromechanical sector agreement is not representative of telework arrangements in the country. The interviewee reported that telework has been mainly regulated through individualised labour relations and at the level of the individual employment contract. The approach to telework was developed oriented towards the interests of the employer, as companies have made employment relationships individualised, added the trade unionist. Consequently, workers lost the strength of the collective and increased difficulties in communicating with the unions, reported the unionist.

The representative of SITESE described the outcome of the negotiation as a win-lose agreement. The companies have made labour relations individualised. Telework was finally regulated in terms of teleworking, working time, Health and Safety at Work, surveillance and control, and equal opportunities. On the other hand, the workers lost the strength of the collective and the difficulties of communicating with the unions increased.

In this sector, the results reflect a utilitarian perspective of negotiation, focused on money and not on social organisation. There is a preponderance of the autonomous work modality, and the way work is organised. SITESE, in turn, defends oriented results that are not oriented

³⁵ <https://diariodarepublica.pt/dr/detalhe/portaria/292-a-2023-222239472>

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towards time and money but rather towards eco-employment to be able to transform social organisation in accordance with the general guidelines of UGT. On the other hand, employers have negative reactions to topics that are outside of what is stated in the labour code. Company strategies are largely defined by financial criteria. The company's regulations point to deciding on a case-by-case basis.

The state made collective bargaining difficult with introduced legislation. For example, the regulation introduced in October 2023 will harm collective bargaining that imposes 100% tax exemption of €1/day or €22/month, and 50% exemption on the remainder. The value is very low, and the system is significantly complex.

The regulation of teleworking might enable the real right to parenthood. But the lack of capacity of trade unions led to a situation in which Teleworking and parenting may be imposed. Collective bargaining had little impact in 2023, but 2024 could be different if employers do not shy away from collective bargaining (denying collective bargaining agreements).

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4 Conclusions

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 sectoral or company agreements, they tend to reproduce what is written in the labour code.

Several social actors and institutional representatives interviewed (i.e. ACT, CRL, DGERT) also agreed that most companies are integrating telework regulation in their internal rules and in addenda to individual labour contracts, instead of signing collective agreements at company and/or sectoral level. The integration in internal rules appears to be the norm in Portugal “due to the long wait for governmental regulation”, according to the representative of UGT.

The social partners had and have 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 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.

During the Troika period in Portugal (2011-2014)³⁶, collective negotiation practices and agreements were significantly undermined (Paz 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

³⁶ 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.

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and Boavida 2019³⁷) 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.

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 decision³⁸ 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.

³⁷ Moniz, A. and Nuno Boavida. 2019. Digital work, virtual work and telework: DeepView Project conclusions on Portugal, IET Working Papers Series, WPS01/2020, ISSN 1646-8929 https://research.unl.pt/ws/portalfiles/portal/18295140/WPSeries_03_2019NBoavidaAMoniz.pdf

³⁸ <https://diariodarepublica.pt/dr/detalhe/portaria/292-a-2023-222239472>

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