«Partner
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PESSIS 3 "Promoting employers' social services organisations in social dialogue"

«Country-case Study: PORTUGAL

Carla Valadas

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Centre for Social Studies
Associate Laboratory
University of Coimbra

Social Dialogue in the Social Services. The Portuguese case

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Introduction

The purpose of the project PESSIS 3 – Social Dialogue in Social Services (Promoting Employers' Social Services Organizations in Social Dialogue) is to "redress the lack of quantitative and qualitative information on labour and social dialogue in social services from the perspective of employers".

The main <u>dimensions and topics of research</u> are:
-   the size of the social services sector;
-   the extent of collective agreements;
-   the number of employers involved in social dialogue;
-   key labour issues that the sector has to deal with;
-   future prospects of social dialogue in the social services sector.

The two <u>central concepts</u> used are: *social services* and *social dialogue*. Within the project, the key groups and services included in the social services are the following:

. long-term care for older people;

. care and rehabilitation for people with disabilities;

. child care.

The conceptualization of social services could also include:

. services for homeless people, people without employment and other support services for disadvantaged groups.

Social dialogue is defined as "a dialogue between management and labour".

The <u>Portuguese case study</u> allows us to:
a) identify and characterize who are the main employers within the sector, their size, number of employees, services delivered;
b) understand how the social dialogue between employers and employees works;
c) identify the key labour issues that affect employees within the sector and the ones that are included in collective agreements;
d) distinguish the employers involved in social dialogue and how their involvement occurs;

e) identify collective agreements, its contents and the number of employers and employees covered.

In terms of the <u>main obstacles</u> we had to face to conduct the research we highlight the following:

- Dispersion of information and existence of multiple, very distinctive organisations.
- The complexity in terms of organization and functioning of social services' organisations and trade union structures.
- The mismatch between the time of research and the process of gathering data (e.g. non published quantitative data, scheduling and conducting interviews).
- The complexity of the industrial relations system and the legal framework, somehow aggravated and/or subject to noticeable changes introduced by the *Memorandum of Understanding on Specific Economic Policy Conditionality*[1].

For the <u>collection of statistical data</u> related with the size of the social services' sector, we used the following <u>sources of information</u>:

1) Satellite Account of the Social Economy (SASE)[2] coordinated by the National Institute of Statistics (INE) and CASES;

2) Statistical data from the Social Security Institute (Instituto de Segurança Social, I.P.) and other publications;

3) "Carta Social", a document that includes extensive information on all the social services and equipments in the domain of social action available in the Portuguese continental territory that are managed by the Ministry of Labour and Social Security (MTSSS). It gives us detailed and up to date information on the social solidarity Institutions that are members of the Network of Social Services and Equipments (*Rede de Serviços e Equipamentos Sociais*). The information is updated on the basis of a dynamic (online) process that results from the participation of the organizations

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[1] In May 2011, a Memorandum of Understanding on Specific Conditionality was signed between the Portuguese Government, the European Union, the International Monetary Fund and the Central European Bank, defining a bulk of measures to be evaluated and implemented strictly.

[2] The pilot project Satellite Account of Social Economy (SASE) was launched in 2011 as the result of an agreement established between the Portuguese National Statistics (INE) and the António Sérgio Cooperative for the Social Economy (CASES) (http://www.cases.pt/atividades/contasatelitees). It aims to gather updated information on the economic dimension and the main characteristics of the social economy. It follows the model that CIRIEC International developed for the European Commission. Last data available is from 2010 (INE & CASES, 2013). More recent data is to be published by the end of 2016.

on this Network and the collaboration of the services of the Portuguese Social Security Institute (ISS-I.P.), Santa Casa da Misericórdia de Lisboa and Casa Pia de Lisboa;

4) "Quem Somos nas Misericórdias", a document published each year by the Union of Portuguese Charities/Misericórdias (UMP) with updated information namely on the number of organisations by district, the number of people to whom services are delivered on a daily basis and the number of employees.

5) Reports and/or documents originated from third sector organizations (sometimes in collaboration with other institutions) such as CASES, Caritas, Banco Alimentar Contra a Fome, EAPN;

In terms of the information on collective agreements, number of employers, workers and sectors covered we used the following sources:

6) Instruments of collective regulation of work (*Instrumentos de Regulamentação Coletiva de Trabalho*, IRCT) published in the Labour Ministry's official Bulletin (Boletim do Trabalho e Emprego).

7) The Bulletin of Public Employment Statistics (BOEP) – This "is a publication through which the DGAEP (Directorate General for Administration and Public Employment) discloses data, indicators and statistical analyses on public employment, within the framework of labour market statistics. In the new series of the BOEP, the information made available complements the summary information quarterly disseminated on the SIEP (Synthesis of Public Employment Statistics)".

The information on key labour issues was gathered through semi-structured interviews with members of trade unions, employer organisations, experts and members of government departments. The interviews were mostly conducted by telephone, registered and analysed using categories of analysis.

We also conducted a review of recent, relevant literature based in academic research on the Portuguese system of social security, the third sector and/or the social economy, social dialogue and collective agreements.

In what concerns the future prospects of social dialogue in the social services' sector and its implementation at the EU level, we gathered information based on document analysis on European social dialogue and, for instance, on the recent developments regarding sectoral

social dialogue committees[3]. We also analysed research published by the EurWORK: the European Observatory of Working Life on the Portuguese case.

It is important to highlight the fact that the quantitative data that was available for the preparation of this report had many shortcomings, from the point of view of the requirements stipulated in the respective specifications.

1. The social services sector

1.1.   The concept of "social services"

The concept of "social services" can be conceived as referring to the services provided by governmental, civil society, public or private organisations provided for the benefit of the community. The services can be provided by different type of organisations in project or long term consortium, and in partnership between private or public-private partnerships.

One of our interviewees makes the following association of ideas, in the case of Portugal: "*third sector, not for profit, voluntary, non governmental though in partnership with the government and public utility*" (Interview 4). Another interviewee emphasizes the idea that "*social services are all those services that are at the service of citizens, people that are in a more fragile social condition for whatever reason*" (Interview 7).

In Portugal, there is a national **social security system**[4] that aims to provide benefits for health care, sickness, retirement, disability, death and old age, maternity, paternity and adoption. It applies to all individuals working in Portugal, either as employees or self-employed. There is a minimum universal system applicable to inactive population and, in most cases, to all individuals living in Portugal.

The system has three components: the general regime, financed by employees and employers contributions and managed as pay-as-you-go; the solidarity subsystem, means tested covering all citizens (and legal residents under specific circumstances) living below a certain level of income with benefits in cash and financed through general taxation and a a social action system "consisting mainly of family and social services with casual benefits in kind or in cash, directed

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[3] These were established by the EC in 1998 (Commission decision of 20 May 1998 – 98/500/EC).
[4] The creation of an integrated system of social security was consolidated in 1984, with the Law 28/84, 14th August 1984.

to population in risk or situation of poverty and social exclusion and to groups such as children, young people, people with disabilities and old aged" (Ferreira, 2003: 4). The direct provision of social and family services is mainly provided by non profit organizations such as the Private Institutions of Social Solidarity (IPSS).

1.2. The main actors within the social services sector

In Portugal social services are delivered by three major groups of institutions, the public sector, the private sector and the cooperative and social sector (also known as the "third sector")[5]. The role of the state as a welfare provider consolidated only after the country's transition to a democratic regime in April 1974.

Within the **public sector**, social services are provided at the central, regional and local levels by different organisations such as governmental departments, public sector agencies, municipal authorities. At the local level, regional and sub-regional social security bodies administer contributory and non contributory regimes of social security. "The state has a regulating role in relation to social intervention, through financing, promoting social and health services" (Paoletti & Carvalho, 2012: 402). There is a high level of institutional integration and state centralization. The orientations are developed at the central level, through the Social Security framework Law (*Lei de Bases da Segurança Social*), and delivered to the regional level where local services are provided namely by private and/or not for profit organisations. Social security institutions are under the direct authority of the Minister of Labour, Solidarity and Social Security[6] and social partners' participation in the system is limited to an advisory role (Ferreira, 2003: 3).

Central and regional institutions are connected, namely, with private institutions of social solidarity (IPSS) (Decree-Law n.º 119/83), that are non governmental organizations and not

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[5] Article 82º of the Constitution of the Portuguese Republic (CRP) recognises the existence of three sectors of ownership of the means of production: the public sector – that comprises the means of production that rightly belong to and are managed by the state or other public entities; the private sector – that comprises the means of production that rightly belong to or are managed by private individuals or private groups and the cooperative and social sector. The later comprises: a) Means of production that cooperatives possess and manage in accordance with cooperative principles, without prejudice to the specific provisions that are laid down by law for cooperatives in which the public sector holds a stake and are justified by the special nature thereof; b) Community means of production possessed and managed by local communities; c) Means of production operated by worker collectives; d) Means of production possessed and managed by not-for-profit legal persons whose primary objective is social solidarity, particularly entities of a mutualistic nature.

[6] This is the current name of the Ministry within the XXI Constitutional Government, after several changes in the designation along the years.

for profit organizations. They are also connected to the local administrative government, that is, the municipalities. All these organizations and institutions are members of a network called Social Network (*Rede Social*)[7] (Decree-Law n.º 115/2006). It aims to identify and address the needs of the population (e.g. providing adequate services) and to develop synergy among public and private institutions, contributing at the local level to the fight against poverty and social exclusion.

There is also a group of **private providers** of social services that operate with the aim of profit. Within the last few years (particularly since the beginning of the new millennium) their number has substantially increased. They may have the form of family businesses, private companies, etc.. As market-oriented organisations, they are, according to the law, excluded of being considered part of the social economy (EC, 2014). Their size can be rather distinct. In 2014 they accounted to 30.5% of the total organizations managing social equipments[8], while 69,5% were not for profit organisations. Many private institutions were born after the 90s.
Between 2000 and 2014, the number of for-profit social services increased 85% (from less than 1000 to approximately 1700), as opposed to 29% for non-profit services (from 3000 to 3800 approximately)[9]. Nonetheless, 79,2% of the total equipments were still managed by non profit organisations (GEP-MSESS, 2014: 7).

The other relevant sector in the delivery of social services is the so-called "third sector". **Third sector organisations** are defined by a certain number of common features: "they are formal organisations, with various degrees of institutionalisation; private, thus possessing a minimum degree of independence from the state; non profit; self-governed and volunteer involving (meaning that they depend to a rather large extent on volunteer work)" (CEV, 2008). In practice the concept is used to refer to widely differing kinds of organization such as charities/Misericórdias, nongovernmental organizations (NGOs), cooperatives, local development initiatives.
We observe that this is not a consensual definition[10] and that its meaning and usage can vary

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[7] For further information see: "Rede Social". Available at: http://www.seg-social.pt/a-rede-social. Consulted on the 4th of April 2016.
[8] "Social equipment" is defined by the Carta Social as "every physical structure where differentiated social services are delivered or where services that provide support to specific needs are installed".
[9] Within the time of the research, absolute numbers were not made available.
[10] In the words of Ferreira "the idea of a "sector" does not go without contestation given the highly hybrid character of these organisations and the way they express the influences and relate to the different modes of coordination of state, market and community, and other organisations in the public sphere (Evers, 1995; 2004)" (Ferreira, 2006: 1).

widely. The other commonly used concept is "social economy"[11]. The concept of social economy encompasses a great diversity of organisations in Portugal as we will show below. Mapping and characterizing their intervention in various domains is becoming more and more relevant. Within the last few years, the number of studies increased, as well as the data collection "business". One of the projects that started in 2008 and is still being implemented by a team of Portuguese researchers aims to carry out a comprehensive map of social innovation and entrepreneurship initiatives, both in the profit and non-profit sector. The outcome is a Map of Social Innovation and Entrepreneurship (*Mapa de Inovação e Empreendedorismo Social*, MIES) published in 2012, that identifies initiatives of social entrepreneurship in the North, Centre and Alentejo regions of Portugal[12].

1.2.1.　Public Social Services

The administration of the social security system is administrated by the state, through the Direção-Geral da Segurança Social (DGSS). DGSS was created in 1977 and aims to define, coordinate and support the guidelines of the social security system.
Another relevant entity is the Instituto de Segurança Social, I.P. (ISS-I.P.), a public entity under the supervision of the Ministry of Labour, Solidarity and Social Security (MTSSS).

Since the instauration of a democratic regime in 1974, the role of the state as the main provider of services was established, within a decentralised system based on democratically elected local municipal executives, assemblies with local legislative powers, and neighbourhood councils at sub-municipal levels. The CPR of 1976 recognised the universal provision of health care and education. However, Portugal remains a highly centralised country and in practice the municipalities have relatively limited powers[13]. In Portugal the family and the church are relevant providers of services within the care field. In recent years, the expansion of social

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[11] The concept was born in the XIX century when cooperatives and mutual societies tried to soften the risks and effects derived from the development of capitalism (Garrido, 2016). Other, commonly used, concepts are: third sector, non-profit sector/organisations, social and/or solidarity economy. Presently, Portugal is one of the EU countries whereas the concept of "social economy" enjoys greatest recognition by public authorities and in the academic and scientific world (CIRIEC, 2012).
[12] The interactive report of the project is available at https://issuu.com/ipav/docs/livromies.
[13] Within the last few years some of the services previously provided by the central administration were delegated or shared with the municipalities (Hespanha & Portugal, 2015: 1121).

public services has taken place by extending the role of private sector initiatives and their management to the private social solidarity institutions (IPSS)[14].

Since the economic downturn in Europe (2008) and the subsequent crisis and, mostly since the *Memorandum of Understanding on Specific Economic Policy Conditionality* (3th May 2011) there was a residualization in public social protection (Hespanha & Portugal, 2015) with the following effects:

- Change from direct state delivery to indirect delivery via public/private partnerships and outsourcing (privatization of services);
- Spending cuts in social sectors (e.g. reducing social benefits and staff; cutting services);
- Transfer of responsibility from public to private entities;
- Expansion of the third sector in areas where there is no institutional provision, such as everyday support services, homecare services or childcare.

1.2.2. Social Economy organisations in the delivery of social services

What is the social economy?

In June 2013, a Social Economy Law[15] (Law n.º 30/2013, of 8th of May) was enacted after a unanimous vote by the Portuguese parliament general, setting the general, fundamental legal framework on the issue.
According to article 2nd the social economy refers to the set of socio-economic activities that are delivered by the organisations established as "entities of the social economy".

BOX 1 – Entities of Social Economy

a.   Cooperatives[16];
b.   Mutual Associations;
c.   Charities/Misericórdias;
d.   Foundations;

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[14] The role of IPSS was already considered in the CPR of 1976, indicating that their existence and intervention should be regulated and surveyed by the Portuguese government (Article 63º).

[15] The law was enacted after a unanimous vote by the Portuguese parliament.

[16] Portugal was the second country in the world to have a Cooperative Law on July 2, 1867. Its first article stipulated that "cooperatives are associations of an unlimited number of members, and indeterminate and variable capital, instituted with the purpose of mutually assist members in developing their industry, their credit and their domestic economy. Two decades later (1888) cooperatives were integrated, in an autonomous way, in the Commercial Code, that would remain in place for nearly a hundred years, until 1981" (EC, 2014: 2).

e.   Private Institutions of Social Solidarity[17] (not included in the previous categories);
f.   Associations with altruistic aims that act in the areas of culture, sport, recreation or local development;
g.   Entities in the communitarian and self-managing subsectors, integrated in the terms of the Constitution of the Portuguese Republic and active in the social and cooperative sector;
h.   Other entities with a legal personality and that respect the principles of the social economy. (Article 4th Law n.º 30/2013, of 8th of May)

These organisations operate under different legal forms[18], with different degrees of market orientation and financial viability and different social aims. They can organise themselves into associations, federations or confederations, that may represent and support their interests (article 7th).

Article 5th of Law nº. 30/2013 "excludes more market-oriented organisations of being considered part of the Social Economy Sector, regardless of their social object and even when restricting the payment of dividends or the range of salaries. This shows that public policy for the social economy is entirely focused on the third sector or social organisations, but not enterprises as such" (EC, 2014: 5). The same article says, namely, that their main focus are individuals and social aims and that they are driven by values such as solidarity, equality, non-discrimination, social justice, social and individual shared responsibility and subsidiarity.

Some authors distinguish between "social economy" and "solidarity economy" (Hespanha & Santos, 2012). In the first group we find organizations that aim to deliver services to their members or to the community in general, that are independently managed, under democratic control and where profit is a secondary goal in itself. These organizations have been growing in number and today their role is widely recognized by the state. They can assume different forms such as Cooperatives, Mutual Associations and Private Institutions of Social Solidarity. Apart from these more formal organizations, there is also a large number of spontaneous, innovative initiatives that aim to contribute to the community common interest. They can be included in the group called "solidarity economy".

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[17] These are Private Institutions of Solidarity (IPSS), whose status allows fiscal advantages and access to public funds. This is a concept that has similarities with the "idea" of social enterprise being developed in the European Union, although the status of IPSS is limited to the Social Economy organisations, i.e. vetoed to market-oriented enterprises. The IPSS can be Associations of social solidarity; Associations of voluntary social action; Associations of mutual aid; Charitites/Misericórdias; Foundations of social solidarity; Social and Parochial Centres and Institutes of Religious Organisation (EC, 2014: 5).

[18] This means that "they are all associations regulated by the Civil Code, having nonetheless, like in the case of cooperatives, further special laws to observe" (Leite, s.d.).

Social economy as a growing, political, economic and socially relevant sector?

In Portugal, the weakness and the gaps in social protection provided by the state help, in a certain way, to explain the **active role** played by other organisations and/or forms of collaboration emanated from the civil society (Ferreira, 2003; Garrido, 2016; Hespanha et al, 2000; Santos, 1987). From the 80's onwards, the welfare state (financial and ideological) crisis encouraged the transference from the public to the private sphere of intervention the responsibility of intervening in the domain of social protection (Hespanha et al, 2000: 137). The Decree-Law 119/83 enlarges the fields of intervention of non-profit organizations (IPSS), from the strict domain of social action[19] to the domains of health, education, professional training and housing. It also exempts all catholic organizations (e.g. Centros Paroquiais, Caritas) of a public act, being automatically recognised as IPSS[20].

The Social Security Law n.º 28/84 formally recognised the establishment of Cooperation Agreements" (*Acordos de Cooperação*) that define the sources and amounts of financial participation from the state. Recently, a Cooperation Agreement was signed between third sector organisations and the state for the period 2015-2016.

Specific arrangements between the state and social economy organisations

The instruments, designed at the national level, to regulate the relationship between the state and social service non-profit organisations[21] can assume the form of: agreement (management agreement and cooperation agreement), protocols and conventions (Article 10th, Decree-Law n.º 120/2015).

The so-called "**cooperation agreements**" were enacted since 1992 and consist of contractual agreements for the provision of services, "which created a stable source of governmental funding and, at the same time, worked as another strong source of institutional isomorphism" (Di Maggio&Powell, 1991 *cit in* Ferreira, 2006: 9). They were framed by a national level

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[19] The system of social protection is divided, since the 80s, into the contributory and solidarity systems. There is a social action system consisting mainly of family and social services with casual benefits in kind or in cash, directed to population in risk or situation of poverty and social exclusion and to groups such as children, young people, people with disabilities and old aged. Contrary to the former regimes, rights are not judicially demandable. Benefits are personalized and its attribution depends on the discretionary decision of welfare workers (public and private). The direct provision of social and family services is mainly by non-profit organizations, the Private Institutions of Social Solidarity (IPSS) (Ferreira, 2003: 3).

[20] One of our interviewees emphasized that "*Charities/Misericórdias are not IPSS, they are entities with the juridical configuration of an IPSS*" (Interview 4).

[21] This relationship was somehow formally recognised by the Decree-Law n.º 120/2015.

protocol signed periodically between the Ministry of Social Affairs and the three peak associations representing the sector (Ferreira, 2006: 10).

In the years 2011-2012 and 2013-2014, partnerships in the social and public sectors (Social-Public Partnership, SPP) were consolidated through Biannual Protocols, leading to several cooperation agreements between the Government, the Confederation of National Institutions of Solidarity (CNIS), the Portuguese Union of Charities/Misericórdias (UMP) and the Union of Portuguese Mutual Associations. A total amount of public funding of 2,5 million euros was agreed over two years. "A protocol that provides 1,2 million euros to be transferred annually to these institutions (more than 1.3 per cent in 2010), and to ensure many of the responses in Portugal in the area of child care centres, kindergartens, nursing homes and social soup kitchens" (Santos, 2013).

The last one was signed in December 2014 for the period 2015-2016 by the Ministries of Solidarity, Employment and Social Security (MSESS)[22], Health (MS), Science and Education (MEC) and the Portuguese Union of Charities (UMP), the Portuguese Confederation of Solidarity Institutions (CNIS) and the Portuguese Union of Mutual Associations[23]. The three strategic domains of intervention are: 1) social security and employment; 2) health; and 3) education[24].

The protocol of cooperation is a legislative instrument that settles the relationship between the government and SE organisations as well as social policy guidelines. It aims to guarantee a certain stability and accountability between these relevant actors (Almeida, 2011; Governo de Portugal, 2015).

In a recent interview to a Portuguese newspaper, the President of the European Anti-Poverty Network in Portugal (EAPN) considered that one of the obstacles regarding the cooperation (e.g. cooperation agreements) between the state and the IPSS is that they limit the organisations' scope of intervention. "There is no mobility nor innovation in the social services delivered to fight poverty in Portugal. The kind of services provided are very standardized". Moreover, the financial dependency from the state is generally associated with very strict

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[22] Former Ministry of Labour and Social Security (MTSS) and again, since November 2015 (XXI Constitutional Government) Ministry of Labour, Solidarity and Social Security (MTSSS).

[23] "Compromisso de Cooperação para o Sector Social e Solidário". Available at http://www.seg-social.pt/documents/10152/4fd04477-2532-4dca-9204-b1eb94092f68. Consulted on the 25th of April 2016.

[24] See "Compromisso de Cooperação para o Sector Social e Solidário. Protocolo para o Biénio 2015-2016". Available at: http://www.seg-social.pt/documents/10152/453857/Protocolo+de+Cooperação+2015-2016. Consulted on the 29th of April 2016.

mechanisms of control, namely, by the Social Security Institute (ISS-I.P.) and this role is performed in a rather "fixed and bureaucratic" way[25].

The size and characteristics of the social economy

In 2010, the social economy sector in Portugal boosted over 50 000 organisations, employing over 200 000 people. In terms of relative size of the sector, in 2010, the Social Economy Gross Value Added (GVA) represented 2,8% of total national GVA.

Table 1 – Main variables by groups of Social Economy Entities[26] - 2010

Table 1 about here

Source: INE, SASE

Of the 55 383 units considered under Social Economy in 2010, Associations and other Social Economy organizations represented 94,0%, accounting for 54,1% of GVA and 64,9% of employment (paid FTE). Cooperatives were the second group of the Social Economy entities with higher relative weight in terms of number of units (representing only 4,1%), GVA and compensation of employees.

Mutual Societies were the entities that had the highest GVA per employment (paid FTE) and the highest medium wage.

As shown in table 1, the SE organisations workforce of 226 935 paid employees represent 5,5% of paid employment (Full time equivalent - FTE). Associations and others SE organisations accounted for 64,9% of paid employment, Charities/Misericórdias 14,3%, Cooperatives 14,0%, Foundations 4,7% and Mutual Societies 2,0%.

Table 2 - Social economy entities by social economy groups and activities - 2010

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[25] See "Controlo abusivo do Estado impede inovação no combate à pobreza". *Jornal Público*, 9th of May 2016.
[26] The definition of "social economy" used in the SASE is the one included in the Report *The Social Economy in the European Union - 2012.*

Table 2 about here

Source: INE, SASE

Nearly half (48,4%) of the Social Economy organizations had activities in the field of culture, sports and recreation. Cults and congregation and social action are also denotative corresponding to 15,8% and 14,0%, respectively.

Table 3 – Social Economy employment and compensation of employees classified by type of activity – 2010

Table 3 about here

Source: INE, SASE

SASE shows that, in Portugal, roughly half (47,6 per cent) the employment in SSE is concentrated in organizations that provide social assistance, which is also the sub-sector with a larger proportion in terms of production of resources (32,7 per cent of all resources produced by SE organisations are from social assistance).

Table 4 – Resources of SE entities by SE groups – 2010

Table 4 about here

Source: INE, SASE

In terms of revenue sources, 62,8% came from outputs. 23,8% were generated by current transfers and other subsidies on production (23,8%).
It is estimated that expenditures amounted for 14 748,6 millions of euros in 2010, mainly consisting on intermediate consumption (31.4%), compensation of employees (26.8%) and social transfers (24.3%) (INE&CASES, 2013: 82).

Volunteer work is a fundamental resource of the social economy organisations. Data on volunteering (2012) and the satellite account (2010) are distinct, thus comparability is limited. It is estimated that 483000 individuals were engaged in volunteer work in social economy organisations, corresponding to approximately 90% of formal volunteer work (INE & CASES, 2013: 65).

1.3. Target groups and social services delivered. A brief characterization

The entities responsible for the distribution of social services[27] to the three groups privileged in terms of analysis within the project are the following:

1. For profit entities[28]
2. Not for profit entities (e.g. IPSS and other not for profit organizations)
3. Official entities, with an activity in social action
4. Enterprise social services
5. Santa Casa da Misericórdia de Lisboa

In 2014, a total of 5 500 entities owned social services in Continental Portugal. From these, 70% were not for profit entities, with the following distribution: IPSS (62,41%); equated to IPSS (3,2%); Private organisations not for profit (2,92%); Official entities (0,93%); SCML (0,02%) and Enterprise Social Services (0,04%).

In terms of territorial distribution, social services exist in each one of the Portuguese 308 municipalities. In 202 municipalities there are at least 10.
Even so, the activities delivered are mostly concentrated where the population density is higher (Littoral north and Lisbon area).

In terms of target groups[29], in 2014:
. the activities delivered to the elderly corresponded to 54%;

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[27] For this characterization we used the information gathered in the *Carta Social* (GEP-MTSSS, 2014). The last available report dates from 2014. It does not provide total numbers. Though we require this information on due time (formal request sent to the Director of GEP-MTSSS) during the duration of the project, it was not made available.

[28] For profit entities gather private entities for profit.

[29] The weight of other groups can not be inferred, since we did not have access to total numbers (only percentages).

. the activities delivered to children and youth corresponded to 32,9%.

<u>Between 2000 and 2014:</u>

. The activities for children, youth and adults disabled increased 68% (corresponding to approximately more 350 new activities). Home care services and Centres of Occupational Activities (Centros de Actividades Ocupacionais, CAO) registered the highest increase.

. The activities for the elderly increased 49% (corresponding to approximately more 2500 new activities). Day care (33%), Residential Unit(s) for Older People (59%), and Home services (68%) registered the highest increase.

. The activities for children and youth increased 19% (corresponding to more then 700 new activities); in 2014 they accounted to 4569. Day care centres increased from 1619 (in 2000) to 2633 (in 2014) and most of them (74%) belong to non profit entities.

These are the three target groups with the highest increase in terms of public funding[30] within the considered period of time (2000-2014): disabled people (130%), elderly (97%) and children and youth (37%). In 2014, the activities for the elderly and for children and youth represented 83% of total expenditure. Though it had the highest increase, the expenditure with the disabled people corresponded to only 12,3% of the total. For this group, the amount paid by the government per client is the highest, in comparison with all the other groups.

2. Collective agreements and other arrangements

Among the regulations[31] that govern labour activities in Portugal, the most important are collective instruments such as **collective agreements**. These can be defined as agreements made between trade unions and employer associations, with the purpose of regulating employment within the sectors in question. Collective agreements are published in the Labour Ministry's official Bulletin (BTE) and are legally binding[32].

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[30] The Portuguese government funds the services and activities delivered by the organisations belonging to RSES as established in the Cooperation Agreements. Apart from this, the other sources of funding come from clients' payments and organisations' own resources.

[31] The primary legal source of legal law in Portugal is the Labour Code, which was amended, namely, in 2009 (Law nº. 7/2009, of 12th February); in 2012 (Law n.º 23/2012, of 25th June), when some changes were made to the law in force (Law nº. 99/2003, of 27th August) and in 2014 (Law 27/2014, of 8th May) when it was subject to two relevant amendments: one regarding dismissals and another regarding collective agreements.

[32] "Negotiations at industry level, between employers' associations and the unions, have in the past been the most important element in Portugal's collective bargaining arrangements. Company level agreements cover many fewer

Table 5 - Levels of Collective Bargaining

	National level (intersectoral)	Sectoral level	Company level
Principal or dominant level		*	
Important but not dominant level			*

Source: Naumann, 2013: 6.

The law provides for **company agreements** (Acordos de Empresa, AE), **sector and multi-employer agreements** (Acordos Colectivos de Trabalho, ACT) and **sector and multi-employer contracts** (Contratos Colectivos de Trabalho, CCT). The later can be signed at the national, regional and local level. Collective agreements can be extended through **extension ordinances** (Portarias de Extensão, PE).

Within the social services sector, the most recent and relevant, parallel instruments that regulate work relationships are the following:

- a Company Collective Agreement (ACT) is about to be signed between the UMP and members of the two trade unions, CGTP and UGT (to be expected in 2016)[33];
- a global revision of the Collective Working Contract (*Contrato Coletivo de Trabalho - CCT*) signed between the CNIS and the National Federation of Trade Unions of Employees in Public and Social Services (FNSTFPS)[34] was published in 2015;
- a global revision of the Collective Working Contract (*Contrato Coletivo de Trabalho - CCT*) signed between the CNIS and the National Federation of Education (FNE) and others[35], was published in 2012.

Table 6 – Collective agreements and worker's coverage, 2010-2016

Table 6 about here

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employers. Portugal has traditionally had a high level of collective bargaining coverage – partially through the extension of agreements by the government" ("Collective bargaining". Available at: http://www.worker-participation.eu/National-Industrial-Relations/Countries/Portugal/Collective-Bargaining. Consulted on the 13th of April 2016). As we will highlight below, this high level is under threat.

[33] In October 2016, a Company Agreement (*Acordo de Empresa – AE*) was signed between the Santa Casa da Misericórdia de Abrantes, the FNSTFPS and others, signed by almost 200 Charities/Misericórdias. See BTE no. 38, 15/10/2016.

[34] For further information see "Contrato coletivo entre a Confederação Nacional das Instituições de Solidariedade - CNIS e a Federação Nacional dos Sindicatos dos Trabalhadores em Funções Públicas e Sociais - Revisão global". *Boletim do Trabalho e Emprego,* no. 31, 22/8/2015.

[35] Published in the Boletim de Trabalho e Emprego (BTE) nº. 6, 15/2/2012.

Source: DGERT&BTE, 1ª série

2.1 Collective agreements' central contents

The central contents of the collective agreements of the social services sector are related to pay **scales**, **working time arrangements** and **careers**[36].

Apart from the specific functional requirements of the organisations of the social sector, a very salient aspect is related with **working time arrangements** since "*these are organisations that usually work 24 hours a day, 365 days a year and the instruments that regulate this particular issue are very relevant*" (Interview 4).

Other issues covered less frequently include: non-discrimination and equality, part-time work, (re)adjustments in working time and the occasional loaning of labour to other employers.

All these instruments, aimed at regulating working relationships, follow a kind of checklist which is included in the Labour Code itself. These means that there are some issues that have, necessarily, to be regulated. There are other, specific issues that can be brought to the negotiation process by some of the partners. For instance, stablishing a certain time for training was an issue raised for the first time in 2001 by the UMP. "*It did not exist until then. Even for the Public Employment Service (IEFP) it was assumed as an example of innovation. Today even the Labour Code includes this, which was not the case at that time*" (Interview 4).

Social dialogue and collective agreements belong to cyclical procedures[37]. According to one of our interviewees they guarantee "social peace" and they aim to seek the best working conditions for workers (Interview 4). The applicability of these collective agreements reaches all employers' organisations and their employees, unionised or not through the so-called Extension Ordinances[38].

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[36] See for further information or contextualisation "Collective Bargaining". Available at: http://www.worker-participation.eu/National-Industrial-Relations/Countries/Portugal/Collective-Bargaining. Consulted on the 22nd April 2016.

[37] Usually, there is, on an annual basis, a revision of salaries and meal allowances (Interview 1).

[38] Even so, some specificities can be observed. For example, FENPROF, FESAHT and SEP opt to exclude themselves from the Extension Ordinance of the CCT signed between the CNIS and the FNSTFPS, considering that it offers less favourable working conditions than other collective agreements specific to their own sub-sectors of activity (See Portaria nº 87/2016, of 14th of April).

2.2.   Different "models" of agreement

In Portugal, the different organisations of the social economy sign different "models of agreement". In the case of the Charities/Misericórdias, there is no Collective Working Contract (CCT), but instead the UMP signs with the social partners a Company Agreement (AE) that is then shared with their various organisations/members. They can choose to subscribe it or not. In the case of the Charities/Misericórdias that are CNIS' affiliates and are not covered by any other collective agreement, and if the CNIS' CCT has already been published, they become covered by it.

 "The first ACT was signed in 2001, by 107 organisations[39]. In the following years (2002, 2003) more organisations decided to sign it as well. It was revised in January 2010[40], when a new clause was established to regulate the working time (40 hours a week) and new salary scales were established. In 2015, a Company Agreement (AE) was signed that is now about to be signed by the Charities/Misericórdias who intend to do so. The process has been long because there was this upgrading more accelerated of the Guaranteed Monthly Minimum Payment[41]. There was also a change in the salary scales for the Technical and Pedagogical Coordination" (Interview 4).

Throughout the years, the UMP has generally opposed the publication of extension ordinances[42] (PE), with the exception of one published in 2010, *"when it was agreed that the organisations already had time to adjust and to define their management strategy"* (Interview 4).

In the case of the last ACT it *"applies to all the workers, all the professional categories, it is vertical, it is expected to regulate the relationship between the Charities/Misericórdias and*

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[39] Published in the Boletim de Trabalho e Emprego n.º 47, 22/12/2001.

[40] Published in the Boletim de Trabalho e Emprego n.º 1, 8/1/2010.

[41] "The National Minimum Wage (Salário Mínimo Nacional, SMN) was introduced right after the democratic revolution in 1974, resulting in an immediate considerable wage increase for many workers. Later SMN was renamed Guaranteed Monthly Minimum Payment (Remuneração Mínima Mensal Garantida, RMMG). In 2012 the RMMG was €485. It is set by governmental decree. In 2006, a tripartite agreement was signed by all members of the CPCS that established a plan of the increase of the minimum wage. The aim was to reach a RMMG of €500 in 2011, but due to the dramatic crisis the Ministry of Labour decided to make the conclusion of the process depend on an evaluation of the economic situation during the year 2011. In 2012, the new government did not increase the RMMG. The minimum wage is equal for all workers, independently of age or any other criteria" (Naumann, 2013: 9). In 2015, the new elected government decided to increase the RMMG from 1 January 2016 to €530 (Decrew-Law n.º 254-A/2015).

[42] This is a legal instrument that allows the applicability of the IRCT to all the employers' organisations and employees of the industrial sector (Interview 1).

their employees. Until this moment it is not possible to determine how many organisations will sign the new ACT that has been negotiated the unions' confederations (CGTP and UGT). Several of them have shown interest. Several of them are worried because of the increase in the national Guaranteed Monthly Minimum Payment for the following years. As the UMP leaves the decision to the organisations it does not really question them, nor their intensions" (Interview 4).

The reasons indicated for this kind of procedure are the following: "*though each Charity/Misericórdia belongs to the UMP it should not be overwhelmed by the negotiation/agreement made by the UMP. Another element to consider is that, within the collective bargaining processes, particularly in the social field, the fact that an organisation decides to subscribe a document by itself makes it more involved and responsible for what is being signed (…) this is ought to be the text that will regulate labour relations. This has been the kind of understanding in this matter*" (Interview 4).

The fact that "*the UMP only negotiates models of social agreements and not collective agreements <u>had to be matured by unions themselves.</u> For unions it is more easy to negotiate a single document that applies to all Charities/Misericórdias. Also because this is not the same with the CNIS, who negotiates for all its associates. For unions it is easier to negotiate a document that will apply to all the organisations. The model we, UMP, choose to follow is much more complex*" (Interview 4).

A member of the CGTP recognises the difficulty of having to negotiate under a model where a single interlocutor does not seem to exist: "*If we have to reproduce the AE with the various Charities/Misericórdias it represents hard work. The other possibility we have is to negotiate with the employer association that, in this case, is the UMP, even if it is not a classical employers' organisation*" (Interview 5). Nevertheless, we do have examples of good practices with some Charities/Misericórdias that, at a very small scale, are involved in social dialogue processes aimed to improve the working conditions of their employees (Interview 5).

In the case of CNIS "*there is a CCT which is revised on an annual basis and that applies to all the IPSS that are members of the CNIS. It has been easier*" (Interview 5). Even so, apart from

the CCT there can be differences in terms of the professional groups considered[43]. For instance, regarding technical professions, the CCT signed by the CNIS gives a very specific orientation to issues such as working time arrangements (Interview 5). Through extension ordinances, all the employees that fulfil the same role/function within the sector are covered by the collective agreement, being unionised or not.

One of our interviewees points out some of its limitations: "*It is a CCT that does not – though it was improved in its last version - sufficiently prizes the work undertaken in social intervention. This has to do with the wide scope of organisations belonging to the CNIS, determining that only minimum standards are reached (…) the highest working categories, the ones that require higher levels of qualification, in particular, have not been sufficiently valued. Today things are changing but at a very slow pace. One of the problems of pay scales, for example, do not value employees' qualifications and the specific kind of tasks and duties they have to perform*" (Interview 7).

Another aspect to consider is the fact that pay scales established within the CNIS' CCT are less generous that the ones for public employees or for Private and Cooperative Education.

CERCIS[44] are involved in a specific arrangement, as well. As they were, at the beginning, schools of special education, the first CCT was the one that regulated the Cooperative and Private Schools. Then as other services started to be delivered and many other categories of workers need to be included, many organisations re-oriented themselves to subscribe the CCT signed by the CNIS, "*because it is considered as the one that is closer to the organisations within this domain of intervention, which see this CCT as a more reliable mirror of what are the professional interests and tasks they deliver*" (Interview 7). Even so, some of these organisations subscribed Company Agreements (AE) more beneficial in terms, namely, of pay scales.

The cooperative sector participates in several, different platforms: "*with the government, there are agreements established for the different domains of intervention. Each sector has its own agreements that are celebrated with the government*" (Interview 7).

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[43] For instance, there can be specific groups of employees (e.g. teachers, psychologists, nurses) covered by the Law for Public Administration (Regime do Contrato de Trabalho em Funções Públicas) if they are transferred to a given service/organisation through a cooperation agreement.

[44] These organisations were born on the 1970s to deliver services to intellectual disabled people. They are gathered in FenaCerci. For any additional information consult "Fenacerci | O Movimento CERCI - O aparecimento das primeiras CERCIS". Available at: http://www.fenacerci.pt/web/fenacerci/movimento.html. Consulted on the 13th of May 2016.

It is however a relevant example of how social dialogue is complex within this sector of activity. Members of CERCIS can be, at the same time, "workers and employers". This "double positioning" poses some difficulties within negotiating arrangements.

2.3 Key labour issues (at what level?)

Portugal has been one of the EU countries where the effects of the 2008 economic and financial crisis were particularly intense in terms of the functioning and organization of the labour market. Previous forms of precarious working conditions proliferated (e.g. underemployment, part-time work, temporary work, illegal work in the informal economy), along with the increase in structural unemployment.

These very adverse circumstances have an impact within the social services sector, namely in what concerns the non increase of the minimum wage, wage decreases in the private sector and considerable wage cuts in public administration, increase on the statutory weekly working time to 40 hours. Moreover, there was, in this period of massive unemployment, an increase in the number of employment initiatives[45] that reinforce precarious working conditions (e.g. in terms of salary, career prospective, stable working conditions). Labour market and labour law reforms introduced within the Memorandum of Understanding were oriented towards the flexibilisation of labour market practices, lowering of labour costs and the setting of new working time arrangements (Naumann, 2011; Valente & Marques, 2014).

Job (in)security

Considering that the social services organisations work for the people - children, old people, people with disabilities - it is very important that a stable working relationship exists. From the point of view of some organisations, such as the UMP "*there is this intention of hiring*

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[45] As a substitute of previous employment initiative called "Programas Ocupacionais (POC), two "occupational initiatives" were launched in 2009. These are "Contratos Emprego Inserção" and "Contratos Emprego Inserção +". They aim to re-establish the relationship of unemployed people with the labour market. With this purpose a kind of financial support is given by the state to organisations of the public and the private sector (SE organisations).

permanent employees. In our view, the rotation of workers is not adequate to the needs of our target population" (Interview 4).

Nonetheless, issues related with the duration of contracts can be difficult to quantify and, we tend to think, to assume priority in the social dialogue if we consider that precarious workers (e.g. workers with very short contracts, beneficiaries of active labour market initiatives) or workers without a formal work contract are not unionised nor represented in an associative kind of way. Also because they become more isolated themselves (Interview 5).

BOX 2 - Key labour issues within the social sector services (unions' perspective)

- Limits of the functional working contents - there should be (more) clear and effectively implemented differentiation of tasks, with well established limits.
- Issues related with the organisation of working time (e.g. scales) – this is considered a very sensitive issue (along with time leave);
- "Salary bonus" (at the end of a 5 years' period, employees with a positive evaluation have a salary raise)[46].
These aspects are not necessarily new but they are central within the negotiation processes.

Training and lifelong learning

Two of the aspects highlighted by some interviewees and pointed out by some researchers regard the lack of (adequate and more) training opportunities and the specific needs of women workers[47].

In the first case, we should differentiate training opportunities for managers and team leaders from workers' own training. Within the first group, one of our interviewees suggests that different tasks should be attributed to voluntary team leaders, on the one hand, and technical managers, on the other. In several SE organisations in Portugal, there is still a lack of preparation from their leaders. A minimum level of knowledge, preparation and training should be established and made compulsory (Interview 6).

Workers should have a career prospective, with better salaries and incentives. They should also be given more diversified experiences, sharing good practices and opportunities to learn from

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[46] In Portugal, this is called "Diuturnidades", and it can be integrated into the issue "salaries and performance evaluation". Whenever an employee has a favourable evaluation for his/her work, after a given period of time and independently from his/her career trajectory, he/she receives (depending on the previous time of service) this supplementary remuneration.
[47] "Training and lifelong learning are topics systematically introduced by trade union organisations into the negotiations. The same applies to gender equality. Both trade union confederations have been working systematically on these issues" (Naumann, 2013: 7).

others. For a large number of organisations lifelong learning is still not a central issue (Interviews 1 and 6). Eventually, this is an issue that is more and more recognised as central, both for the state and the SE organisations, although, in practice, it still lacks effective implementation (Interviews 6 and 7). The obstacles are, often, related with the lack of financial conditions and also with questions of internal organisation.

The point of view shared by one of our interviews is that "*issues such as the conciliation between family life and work, mobility, careers are a kind of taboo*" (Interview 6). Nevertheless, the member of the UMP interviewed highlights that the UMP has its own Training Centre for its Charities/Misericórdias. "*It has been a concern for several years, the training and professional preparation of our employees. If we consider that a large number of them are women, whose training continues to be less solid, it is very important to give them an adequate preparation and knowledge to fulfil their duties. This includes a variety of subjects, from technical skills to very basic aspects, such us updating information on a patient's health condition and other aspects such as teams' administration, psycho-sociological risks, inter-relationship with family members in delicate situations, etc.*" (Interview 4). As it is recognised by one of our interviewees "*these people have a very difficult work, both physically and emotionally. Often they perform many more duties and have more responsibilities then the ones formally attributed to them. Their physical and mental condition is often pushed into its limits*" (Interview 5).

There is also a concern with team leaders' and administrators' own training and preparation. "*As members of the CASES, every year some of them are given training opportunities*" (Interview 4).

Behind the common idea that caring responsibilities continue to be more attributed mostly to women, some organisations (e.g. UMP) recently and gradually have been trying to hire more men, along with women, to fulfil some of the tasks.

Salaries

One of the issues that employers, on their side, seem to highlight in the negotiation processes are related with salaries[48]. For many organisations the recent increase in the national minimum

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[48] "Portugal has a national minimum wage, which is normally increased each year in January. In the past it generally went up in line with expected inflation, but under an agreement in the tripartite CPCS in 2006, it was agreed that it would go up more rapidly in the period 2007 to 2011. In January 2011, however, in the light of

wage challenges their financial sustainability (Interviews 4 and 6). On the other hand, members of the CGTP, for example, emphasise the idea that "salaries are very low, the majority of workers are in the lowest categories and most of them earn the RMMG. The large majority are women, working in crucial support activities (homecare assistants, kindergarten assistants)" (Interview 5).

Another relevant issue to consider is the need for "more flexible working time arrangements with drastically lower costs of overtime work". This is "one of the most prominent employer demands" (Naumann, 2013: 7). This is a sector where the organisations face and increasing demand for services and the number of (private) employees to fulfil all the necessary tasks continues to be very low (Interview 5).

3. Social dialogue in the social services sector

Social dialogue "refers to the discussions, consultations, negotiations and joint actions that take place between the social partners, namely employers and trade unions, on a wide range of social and work-related issues" (EC, 2015: 3).

In the words of one of our interviewees "*it represents the possibility for employers and trade unions, in a bipartite manner or tripartite, if we include the government, to seat down and try to improve working conditions, to contribute to the dignity of workers, to create social justice in the domain of work. It depends also on the work regulations, norms, conditions established by the legislator for this dialogue to be pursued. When there is a promotion of collective agreements, when there is the promotion of free association/unionization, social dialogue is enhanced*" (Interview 4).

In Portugal, it was formally instituted since the instauration of a democratic regime in 1974. The comprehensive framework of collective agreements – the product of negotiations or social dialogue[49] - was also created after the democratic revolution in 1974–1975 and its legal and formal institutionalization was included in the Constitution of the Portuguese Republic (CRP).

Portugal's financial crisis, it was only increased by 2.1%, as compared to increases of 5.6% or 5.7% in the three previous years and in 2012 it was not increased at all" ("Collective Bargaining". Available at: http://www.worker-participation.eu/National-Industrial-Relations/Countries/Portugal/Collective-Bargaining. Consulted on the 3rd of April 2016). In January 2016, the national minimum wage registered an increase to 530 euros (Decree-Law 254-A/2015, 31th December).

[49] The concept of "social concertation" can be understood as referring to "Negotiations between governments, labour and business representatives" (Afonso, 2013). However, the delimitation between concepts, along with precise definitions is not easy to establish. See, regarding the Portuguese case, Leite (1999).

Article 92º of the CRP attributes two types of responsibilities - one consultative and the other one pertaining to social dialogue - to the Social and Economic Council (Conselho Económico e Social - CES). CES is conceived as "the space for dialogue between the Government, Social Partners and remaining representatives of an organised civil society par excellence"[50].

Article 10 of the Law n.º 30/2013 highlights the role of government in enhancing dialogue between public agencies and representatives of the SE sector at national and EU levels, thereby promoting mutual understanding and dissemination of good practices.

3.1. Bodies for consultation and social dialogue

In Portugal, social economy organisations are represented in the CES and other bodies having the competency to define strategies and public policies in support of the social economy (Law n. 30/2013, article 7).

BOX 3 - The Social and Economic Council (CES)

Mission	Composition
CES is a **constitutional body for social consultation and dialogue**. "Its main goals are to promote the participation of economic and social agents in decision-making procedures of the organs of sovereignty, within the scope of socioeconomic issues". It is the central organization whereas dialogue between the Government, Social Partners and the remaining representatives of an "organised civil society" is to be promoted. **CES' consultative role** is based on "the participation of the most representative organisations in the Portuguese society and economic tissue and is carried out by the drafting of opinions, requested either by the Government or the Parliament, or issued upon its own initiative. Within the scope of this responsibility, the CES expresses an opinion on the drafts of the programmes and policies for social and economic development, Portugal's positioning within the European institutions with regard to these policies, the use of European funds at national level and the regional development policy". Within its **role in the domain of social dialogue**, it aims to foster social dialogue and negotiation between the Government and the Social Partners – trade unions and employer associations. This is practiced based on tripartite negotiations with representatives of these bodies, during which legislation projects are appraised with regard to social and labour matters, for which social concertation agreements are then entered into"[51].	Plenary (66 full members): . President (elected by the Parliament) . 4 Vice-Presidents . Members belonging to 6 different groups: - Government - Employers - Workers - Representatives of regional and local government - Various interests - Individuals of renowned merit

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[50] "Mission and goals". Available at: http://www.ces.pt/42. Consulted on the 11th of March 2016.

[51] See "Mission and goals". Available at: http://www.ces.pt/42. Consulted on the 25th of April 2016.

BOX 4 - The Permanent Commission for the Social and Solidarity Sector (CPSS)

Mission	Composition

This is the national entity responsible for **strategic dialogue**, in the domain of cooperation (Decree-Law n.º 120/2015). It is formally part of the CES.
 	
It has the responsibility of **emanating opinions and presenting proposals and recommendations** namely on the following issues.
    a) Principles and goals in which the cooperation between the state and the organisations should be based;
    b) Supervision of the implementation of the initiatives developed within the cooperation compromise;
    c) Evaluation of the operationalization of cooperation instruments (e.g. cooperation agreement; management agreement; protocol, convention).
 	
CPSS meets every month and every time that it is called by its President (a member of the government) or by half of its members. The CPSS has to be consulted when the discussion of legislative initiatives relevant in the domain of cooperation occurs (Decree-Law n.º 120/2015, Article 16º)
	- Member of the Portuguese government responsible for the social security sector;
	- Member of the Portuguese government responsible for the health sector;
	- Member of the Portuguese government responsible for the education sector;
	- Member of the National Confederation of Social Solidarity Organisations (CNIS);
	- Member of the Portuguese Union of Charities/Misericórdias (UMP);
	- Member of the Portuguese Union of Mutual Associations.

Apart from these two entities, CNES and CASES are two relevant interfaces in the relationship with the government, at a global, national level. In Portugal these are the two public entities where the organisations of social economy are represented, attesting their central role. CASES is a permanent entity where the social economy organisations are represented. CNES has the possibility, within circumstantial timing, to dialogue directly with the government (in this case the Minister with competences in this area), acting as a sort of interface. We can say that, what exists in Portugal at this (national) level, is not very common, does not exist in many places (Interview 10).

BOX 5 - The National Council for Social Economy (CNES)

Mission	Composition

CNES was approved by the Resolution of the Council of Ministers n.º 55/2010. It is a **consultative body** with competencies such as: - advising the government (on legal initiatives); - caring out research and publishing studies; - evaluation and supervision of political proposals linked to the growth of the social economy sector.	- Prime-Minister (who can delegate into the member of the Government responsible for social economy); - Member of the government responsible for the Social Economy; - Delegate of Government of Açores; - Delegate of Government of Madeira; - Delegate of ANMP; - Delegate of ANF; - Delegate of each one of the following organisations ANIMAR; CONFRAGRI; ConfeCOOP; CNIS; UMP; Union of Mutual Associations. - Delegate of CPCCRD; - 5 distinguished personalities in the SE sector (to be named by the member of the government responsible for SE); - President of CASES.

BOX 6 - Cooperative António Sérgio for the Social Economy (CASES)

Mission	Composition

Decree-law n.º 282/2009 authorized the establishment of CASES, the successor organization to INSCOOP (Instituto António Sérgio para o Sector Cooperativo).
 	
Its goal is to "is to promote the strengthening of the social economy sector, deepening the cooperation between the State and the member organisations" (EC, 2014: 2).
 	
Among its main competencies we highlight the following:
    . to support the establishment and development of social economy organisations;
    . to promote and disseminate the principles and values of the social economy sector;
    . to act in a supervisory function.
 	
It is a forum of dialogue, where different actors cooperate in order to make the the social economy an aggregated, prized sector within the country[52].
 	
It aims to develop the potentialities of the social economy through 4 strategic areas of intervention:
1. Integrate the social economy in the political agenda, contributing to its legal and institutional recognition.
2. Strengthen the alliance between the social economy and the State, through revitalizing models of cooperation between the state, the civil society organisations and the private sector.
3. Develop a set of initiatives aimed at creating opportunities to modernize de sector.
4. Promote and develop social entrepreneurship and citizens' entrepreneurial initiative, with the contributing to sustainable development.
	Members of the following organisations:
	- ANIMAR;
	- CNIS;
	- CONFRAGRI;
	- CONFECOOP;
	- UMP;
	- Union of Mutual Associations.

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[52] See "CASES". Available at: http://www.cases.pt/sobre-nos/quem-somos. Consulted on the 2nd of April 2016.

3.2. Main social dialogue organizations

The negotiating parties in Portugal are the unions and the employers, either individually or grouped in employers' associations, along with the government.

3.2.1. Trade Unions Confederations

The two trade union confederations are the General Confederation of Portuguese Workers – National Inter-Union (CGTP-IN) and the General Union of Workers (UGT). They were born on the 70's of the 20th century and they represent contrasting ideological and political ideas and forces. CGTP-in is the largest union confederation and is closer to a communist political project. It had a central role fighting the dictatorship. Today, CGTP is still the most representative union's confederation, counting for about two-thirds of the organised workforce. As opposed to the more "contestation unionism" performed by CGTP, UGT adopts a more "negotiating unionism" (Costa, 2004).

"Since the 1990s both confederations have been losing members. Today CGTP, UGT and unaffiliated unions together may have between 700,000 and 800,000 members. Overall average density is probably below 20%, reaching considerably higher levels in public services and in some larger companies. Density is low in manufacturing and private services with precarious work relations and/or a high rate of small and medium enterprises (SMEs)" (Naumann, 2013: 4).

They are both involved in the negotiations with the organisations of the social economy. The social dialogue occurs separately. Sometimes, the final version of an agreement is promoted by one the confederations but is also signed by the other (Interview 4)[53]. They both have access to the CPCS[54].

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[53] For the UMP there is only one agreement to be signed with all unions, being them affiliated to CGTP or UGT (Interview 4).
[54] Since 2008, "the Union of Independent Trade Unions (USI) has tried to challenge CGTP's and UGT's duopoly in the representation of labour interests, but its representativeness is very low and it is not represented at the CPCS" (Naumann, 2013: 5).

Members of CGTP interviewed highlight that "*being non profit organisations, with a social bias, they ought to have a rather distinctive approach and attention (from us)*" (Interview 5).

Two of CGTP's affiliates that, "in the course of the above-mentioned trend of membership losses in the private sector, have gained a very strong position inside the confederation" (Naumann, 2013: 5) represent workers of the social and public services sector. These are the National Federation of Public and Social Service Unions (FNSTFPS), and the Union of Workers at Local Authorities (STAL).

According to Naumann "CGTP's occupational unions in public services have revealed themselves as particularly dynamic organisations. This applies in the first place to the member unions of the National Teachers' Federation (FENPROP) and to the Union of Portuguese Nurses (SEP)" (Naumann, 2013: 5).

BOX 7 - CGTP's affiliates

In the negotiation processes within the social services sector, the unions affiliated to the CGTP-IN are the following:
- the National Federation of Workers in Public and Social Services (FNSTFPS) [55];
- the National Union of Workers at Local Authorities (STAL)[56];
- the Union of the Portuguese Nurses (SEP);
- the Union of Health Technicians of Diagnosis and Therapy (SCTS);
- the National Federation of Union of Workers in Commerce, Offices and Services (FESCEP);
- the National Teachers' Federation (FENPROF).

Apart from these, there are other smaller unions involved in social dialogue within this sector:
. the National Federation of Unions of Agriculture, Food, Drinks, Hotels and Tourism (FESAHT);
. the Union of the Portuguese Psychologists (SNP).

UGT's largest member unions are located in the banking sector, in public services and in large companies in public utilities (Naumann, 2013: 5).

BOX 8 - UGT affiliates

Among the unions representing the social services, we highlight the following:

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[55] The Federation includes three Trade Unions represented at the regional level: North (Sindicato dos Trabalhadores em Funções Públicas e Sociais do Norte), Centre (Sindicato dos Trabalhadores em Funções Públicas e Sociais do Centro) and South and Ilands (Sindicato dos Trabalhadores em Funções Públicas e Sociais do Sul e Regiões Autónomas, STFPSSRA). According to data shared by the STFPC referring to 5 districts of the central region of Portugal, the current number of associates working is this sector is 1629 (60 men and 1569 women) and the large majority work as "Ajudante de Acção Direta" (298), "Ajudante de Acção Educativa" (261) and "Auxiliares de Serviços Gerais" (257).
[56] It has 56 mil unionised workers, and it is grounded in Lisbon. See www.stal.pt.

. the National Federation of Education (FNE);
. the Union of Public Services' Workers (SINTAP);
. the Union of the State Technical Staff (STE).

One of difficulties in the prosecution of social dialogue in the social services' sector is related with the fact that there is a wide range of organisations, representing the interests of many different (professional) groups (e.g. nurses, teachers, public employees, workers of the social sector). This idea is highlighted by one of our interviewees: "the representation and associative representation of workers in the social services is diluted. It is divided by classes and/or unions *and we should note that the majority of workers does not even belong to any union nor professional order. There is no unique representation structure. The absence of representation means that the power to claim better working conditions, etc. and to negotiate is also absent or at least is more fragile*" (Interview 6). We could expect that people that work in this sector would have a more developed civic and social conscientiousness and the capacity/will to cooperate and associate, which seems not to be the case (Interview 6).

Inside the same organisation, there can be different situations that attest some of the **complexity** of **social dialogue** is implemented in Portugal:

1) Within the same entity/organisation/enterprise, there can be workers that belong to different unions and therefore can be covered by different collective agreements.

2) There can be workers belonging to the same professional group (e.g. teachers) and working within the same organisation whose working relationship can be regulated by different career status. This complexity is difficult to manage, namely by employers.

3.2.2. Employers' organisations within the social services

Apart from the government, employers' organisations within the social services are regrouped in the following structures:

1. The Portuguese Union of Charities/Misericórdias (UMP)
2. The National Confederation of Solidarity Institutions (CNIS)
3. The Portuguese Union of Mutual Associations

BOX 9 – The Portuguese Union of Charities/Misericórdias (UMP)

It was established in 1976 and coordinates almost 400 Charities/Misericórdias throughout the national territory, with a total of approximately direct 500 employees.

It is represented in various national organisations such as: CES, CNES, CPSS, CASES.
It also integrates international organisations such as:
- the European Union of Charities;
- the International Confederation of Charities/Misericórdias (Confederação Internacional das Misericórdias)[57].

The UMP itself administrates several services for the disable population (3 support Centres in Fátima, Viseu and Borba) and the elderly (Nursing Home Dr. Virgílio Lopes and an Academy for Culture and Cooperation). The intervention within the disable population emerged in a time when there were almost no services available for this population (Interview 4). These services are conceived as "pilots" and can be used as places for training from other Charities/Misericórdias that aim to develop these kind of services as well.

In the domain of health, it is responsible for the the School of Nursing St. Francis of Mercy, the Long-term Care Unity Bento XVI and a laboratory of clinical analysis.
The involvement of the UMP[58] in social dialogue has evolved over the years. The openness to collective bargaining is now wider than it used to exist twenty years ago. Things have improved substantially. Today it is possible to recognised that social dialogue is necessary along with the definition of specific rules for the social services sector (Interview 4).
Our interviewee explains how, sometimes, the UMP works as a kind of "*mediator between the trade unions who seat with us at the negotiating tables and the issues they bring and the Charities/Misericórdias. In several occasions there was no conflict thanks to our mediating role*" (Interview 4). Moreover, the UMP has been called, in several occasions, to contact official entities such as the Autority for Working Conditions (Autoridade para as Condições do Trabalho, ACT)[59]; the Commission for Equality in Labour and Employment (Comissão para a Igualdade no Trabalho e no Emprego, CITE); the Tax Authority (Autoridade Tributária, AT) to clarify some doubts and/or to solve specific problems (UMP, 2015: 41).

When and where conflicts are expectable, the UMP for instance turns to the DGERT. Social dialogue is made of progress and retreats and sometimes there are phases of the negotiation processes where public authorities have to be (previously) involved (Interview 4).

Charities/Misericórdias are associations constituted under the legal canonic order, that aim to meet social needs and the practice acts of religious catolic/workship[60].

In the case of the Portuguese Union of Charities (UMP), it does not have the role nor is registered as an "employer" (Interview 4). Nonetheless, along with the CNIS[61] and the Union of Mutual Associations, UMP is one of the three entities that "play a very important role in policymaking at the national level, participating in a wide range of consultative and even in

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[57] Among other countries world wide, Brazil is one of the countries with the larger number of charities. For any additional information, consult "A União". Available at: http://www.ump.pt/a-uniao. Consulted on the 22th of April 2016.

[58] Without compromising the autonomy of the Charities/Misericórdias, the UMP's goal is to stablish guidelines, coordinate, enhance and represent the Portuguese Charities/Misericórdias, representing and supporting their interests, organising services of common use, developing the Christian basis of their common origin.

[59] "ACT has the mission to enforce the labour law. The ACT inspectors may visit companies in the course of their usual work and also on demand from workers' representatives. Unions maintain that the ACT does not have the necessary means to carry out its mission in a satisfactory manner. Legal disputes on work related issues are taken to the labour courts" (Naumann, 2013: 9).

[60] See "Identidade das Misericórdias". Available at: http://www.cases.pt/misericordias/identidadedasmisericordias. Consulted on the 27th of April 2016.

[61] CNIS is the largest one and includes a wide variety of organisational forms, traditions, philosophies. It is normally headed by a priest.

policy development bodies, including the Economic and Social Council (since 1991) the national consultative body of the social security system, together with the government and social partners" (Ferreira, 2006: 10).

The negotiation processes are rather distinctive and the kind of collective agreement differs according to the employers' organisation in question (Interview 5).

BOX 10 - The National Confederation of Solidarity Institutions (CNIS)

CNIS[62] is the confederation of Portuguese IPSS. It aims to promote and enhance the IPSS's intervention and their identity.

IPSS are "non-profit institutions, created by private initiative, with the purpose of giving organized expression to the moral duty of solidarity and justice between individuals and they are not administered by the State or a local government body to proceed among others, their goals, through the provision of goods and services" (Marques&Maciel, 2012).

Portugal also has a legal status for IPSS, which closely resembles the EU definition of social enterprises (EC, 2014: 15).

The IPSS can have an **associative** or **foundational** nature. Those of associative nature are: Associations of social solidarity; Associations of voluntary social action; Associations of mutual aid and Charities/Misericórdias. Those of foundational nature are: Foundations of social solidarity; Social and Parochial Centres and Institutes of Religious Organization (EC, 2014: 15).
According to data from the Social Security social security there are 5298 IPSS and assimilated institutions (cooperatives and people's houses) registered in Portugal.

BOX 11 - The Portuguese Union of Mutual Associations

The Portuguese Union of Mutual Associations was established in 1984.
It gathers all the Portuguese mutual associations.
Its goal is to promote and represent its associates among public, private and social entities and establishing the strategic guidelines and orientation of the Mutual Movement.

According to Articleº 11º of the Decree-Law n.º 72/90, the UMP is a "mutual of superior level", which main goal (article 3º) is to:
a) Promote the preservation, development, culture and practice of mutual solidarity;
b) Guarantee the organization and representation of the Mutual Movement.
It is estimated to have 1 million associates and 2,5 million beneficiaries.

4. Future prospects of social dialogue in the social services sector

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[62] Decree-Law n.º 172-A/2014 - Estatuto das Instituições Particulares de Solidariedade Social (replaces the Decree-Law n.º 119/83).

Since the beginning of the 2008 crisis, "there has been a steady decline in the number of collective agreements concluded", both of multi-employer agreements and company agreements (in this case at a slower pace) (Lima, 2014: 1). This is due to different reasons such as the economic crisis; new Labour Code rules; mandatory wages freeze and employer associations reluctance to make agreements. An additional reason are political measures on the extension of collective agreements[63]. In 2012, a revision of the procedures (Resolution No. 90/2012) introduced stricter criteria that contributed to undermine the coverage of workers and also employers' interest in concluding agreements, in line with the *Memorandum of Understanding* requirements (ILO, 2013; Valente & Marques, 2014). "The resolution defined stricter criteria for extending collective agreements to non-unionised workers and to companies not affiliated to employer associations" (Lima, 2014: 1). This was negatively perceived by both employers and trade unions confederations due to its implications:

- "most employer associations have no way of getting an accurate assessment of their representativeness (due to lack of updated official statistics on the number of workers in companies in the sector/domain they represent) to comply with the requirements of the resolution;
- this prevents the possibility of extension ordinances and consequently reduces dramatically the number of workers covered by collective agreements;
- it also hinders the possibility of concluding sectoral agreements because employers fear unfair competition as they know that many companies will disaffiliate themselves from associations if extension ordinances are not concluded" (Lima, 2014: 3).

A change in the former system of industrial relations seemed to be underway (Valente & Marques, 2014), that we can expect affected the social services sector as well. In the words of Maria da Paz Lima:

"The present situation, where around 1.6 million workers have been excluded from collective agreements, has certainly a heavy impact on their employment conditions, in particular in relation to wage decline, contributing to the decline in internal demand and inequality. It represents a major rupture of the industrial relations system in Portugal, where low trade union density has been compensated for by the extension of collective agreements, thus preventing the segmentation of the labour market and social dumping. The role of sectoral and multi-employer agreements is crucial, taking into account the predominance of micro and small companies" (Lima, 2014: 4).

The new Portuguese Government that took office in November 2015 established in its programme the aim of **rebuilding the social dialogue at all levels**, from social concertation to

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[63] "Until 2010 this was a common practice, but in 2011 the new government stopped issuing extension decrees" (Naumann, 2013: 7).

collective bargaining at the sectorial and company levels. It is still too early to understand what will be the new direction.

In any case, the ongoing deterioration of the labour market will influence the (re)configuration of industrial relations and trigger major challenges for social dialogue in the near future. Persisting and structural unemployment, along with an increase in flexibilisation and deregulation combined with an ageing population and an increasing number of people at risk of poverty and social exclusion pose major challenges to the social security system and to the functioning of social services in a broader sense.

Another aspect of social dialogue to consider is related with the recognition of the SE as a specific interlocutor. In Portugal, the SE has become a major institution of civil society, and a powerful economic and social actor. Nonetheless, as several of our interviewees seem to recognize, the SE has specific characteristics that do not align with the classic employer/employee dichotomy.

Apart from the instruments that regulate labour relations, there seem to be some forms of dialogue, interaction between the SE organisations both at the national and also local/regional level. "*If we organise a Congress, a working seminar we invite the other organisations of the social sector to participate. We do not turn the back to each other. In some areas, I would say that our paths are paralleled. Even if they are not always intersecting each other, there is a mutual understanding. It is far from being an antagonistic kind of understanding*" (Interview 4).

A specific example of how social dialogue is fruitful at the **local level** is the functioning of Social Action Local Councils (Conselhos Locais de Ação Social, CLAS). Different organisations (e.g. municipalities, civil society organisations) gathered together to discuss the existing problems and their solutions. "*This is, in my view, a practical way to consolidate social dialogue. Sometimes when we transpose this to the national or even to the supra-national levels things become more difficult*" (Interview 7).

Forms of dialogue and participation (that, in some cases, already exist) should be integrated into more stabilized, regular and inter-organisational forums of discussion within an integrated approach to complex problems, such as the ones that are privilege in this report, that is various forms of disability, and multi-needs associated, namely, with ageing and childhood. Moreover, experiences and (good) practices at the local-regional level should be discussed and inter-changed at the European level as well.

5. The case for EU level Social dialogue in the social services sector

EU social dialogue in the social services sector has to deal with very contrasting social and cultural settings, distinct traditions and with different rhythms regarding the intervention of various actors (e.g. governmental entities, civil society organisations) in domains such as social care, health, ageing, disability.

There are also very contrasting situations in terms of the intensity and the specificities of the problems themselves. This is related namely with specific models of social and economic organisation (e.g. from more familialist southern European societies to more liberal oriented societies with salient implications in terms of "systems of care"), and also with divergent welfare policies.

Combined with this multiplicity of problems and actors we can also consider the existence of different models of trade unionism and various forms of implementing social dialogue.

At the level of the EU, the Portuguese organisations from the third sector are represented in the European Economic and Social Council (EESC), a consultative body of the EU, on a rotating basis. This means that a 4 years' mandate is attributed to each one of the following organisation: CNIS64, UMP or Families' Confederation. Thus, there is an ongoing process of recognition of the social economy as a distinct sector and actor, along with the State/public sector and market forces/the "traditional" private sector. These organisations' active role in the delivery of social services, namely in the provision of social and health services, is prevalent.

At the European level, their recognition as relevant stakeholders in the ongoing debate on the quality of social services should also be enhanced, so that they can influence the configuration of European social policy and help shaping guidelines in terms of public policies to be pursued in the EU member states.

In order to do so, namely the internal atomisation of the sector and its structural resistances to form groups needs to be improved. "The marked variety of origins, cultures, backgrounds and problems that the companies and organisations in the SE have to deal with tends to give greater importance to the view of the sector of economic activity, and consequently fragmentation,

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[64] For the period 2015-2019, CNIS has been attributed this representative role, through its President, Padre Lino Maia.

than to the collective view of this social reality in its entirety, so limiting its capacity to undertake and develop development strategies for the sector as a whole on the national and European levels" (Ávila & Campos, 2007: 110). There is also a risk of aiming to become traditional for-profit companies.

Apart from the obstacles related with the (self)recognition of social economy organisations as relevant partner in social dialogue at the EU level, there are also other constraints to consider, namely:

- the existence of a broad range of organizations and the fact that they are covered by diverse legal frameworks;
- inexistence of common definitions of social services and fields of activity within the sector;
- different models of articulation between public and private organisations (e.g. different relationships between governments and SE organisations; different financial mechanisms, different approaches in terms of monitoring and evaluation);
- different political dimension of the SE organisations;
- different models of industrial relations.

Some of the interviewees within the project underlined limitations to a further involvement in supra-national negotiation processes in social services matters:

CGTP is represented in the European Trade Unions Confederation (ETUC) and participates in its initiatives and negotiating processes. However, there seems to be some limits to the debate occurring at this supra-national level. Usually, as one of our interviews highlights "*the issues brought to the discussions seem very distant and general. The social sector is, in my view, one of the domains where the discussion and analysis is weak*" (Interview 5). Differently from other sectors where discussion and more collaborative positioning seems to exist, such as transports, industry, commerce, the social services sector represents a variety of situations inside each EU member state, for instance in terms of the role of the state and the private organisations (Interview 5).

Along with this we should consider the absence of inter sectoral dialogue and the reluctance of employers to negotiate crucial labour issues at the European level.

The UMP is represented in the International Confederation of Charities/Misericórdias and in the European Union of Charities/Misericórdias (União Europeia de Misericórdias). "This representation is not necessarily linked to the domain of labour issues. These entities exist at a

global level. There are Charities/Misericórdias in many countries, such as Brazil, Italy, Spain… in many places" (Interview 4).

"*Labour issues are embedded in the legal framework of a given country. The specificities, the needs are necessarily different. I do not know for example if there is any particular framework for the social sector in Italy that applies to the Charities/Misericórdias. In our case we do have these instruments of collective regulation of labour relations. For instance, in the case of the Azores, they have URMA, the Union of Charities/Misericórdias of Azores and they have specific regulations for their 23 organisations*" (Interview 4).

Another of our interviewees is very critical of the Portuguese representation and participation in supra-national instances. In her opinion "*it seems to be scarce or even inexistent. There is total lethargy regarding this kind of issue*" (Interview 6).

6. Conclusions and recommendations

In Portugal, **Social Economy organisations** play an important role in the delivery of social services. This has been a tendency for a long period and it was intensified within the last few years in line with the transfer of competences and responsibilities from the government to private and civil society organisations. One of the ideas to highlight from the Portuguese experience is that this is a very heterogeneous sector, without a common voice. As an economic sector it is a cluster in construction and consolidation without an autonomous identity or public visibility. It is punctuated with organisations that have different sizes, aims, orientations and projects, whose functioning can assume very contrasting forms. This **constellation of organisations**[65] is regulated by the Labour Code and, in complement, by various collective agreements (ACT, AE, CCT) and specific organisation regulations.

This creates additional difficulties for the social dialogue between employers and employees in the social services. Moreover, the diversity of organisations (some of them of very small scale) is one the elements of a very complex system of labour relations, the other two being the regulatory/legislative framework and also the cultural framework.

Apart from this, the role played by these organisations is central. Today its formal, self-recognised statute represents new rules, responsibilities and obligations in terms of the services they deliver and the regulation of working relationships in which they are involved.

The **government**, through its governmental organisations (e.g. DGSS; DGERT; ISS, I.P), continues to play a very important role, namely, in: 1) guaranteeing the sources of financial income and/or determining the mechanisms to access (alternative) sources of finding; 2) setting the legislative framework; 3) in authorizing the functioning and creation of (new) organisations; and 4) in determining the general guidelines of the inter-relationship between private and public organisations. Thus, it also needs some specific consideration.

Below, we identify some possible strategies that could: a) highlight and enhance the role played by SE organisations; b) facilitate their interaction with other private and public organisations,

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[65] The metaphor of a "universe of galaxies and constellations of stars and galaxies" is used by Portuguese authors (Garrido, 2016; Namorado, 2006, 2004) to refer to the wide diversity of organisations, with different doctrinal and judicial configurations.

both at the national and international level; and c) simplify the process of gathering and sharing information and relevant statistical data. We were inspired by the ideas shared by some key informers (e.g. interviewees, discussions with experts) and other that emerged from a circumscribed review of documents and literature.

In the case of Portugal, it is clear that the delivery of social services has to be **planed and re-reoriented more efficiently,** incorporating, simultaneously, the needs and specificities of small (and very small) scale-territories and, at the same time, the challenges and opportunities emanated from supra-national or intra-national experiences and forms of collaboration. Thus processes of **multi-level governance** should be envisaged in pursue of criteria such as credibility, sustainability, transparency, accountability. This could profit from the exchange of practices and experiences at the UE level.

These various levels of intervention should be integrated into the functioning of social services' employers as well as trade unions' representatives. In this regard, the obstacles to a closer inter-relationship between national organisations and supra-national entities (such as ETUC or UNICE) need to be overcome, namely, putting into practice some of the following strategies:

- more open disposition to negotiate new labour issues and/or to revise conservative, rigid traditional positions;
- strengthening of internal organisation recognising the importance of stablishing regular forms of communication with EU partners;
- replacing a "culture of conflict" by a "culture of cooperation".

BOX 12 – Recommendations& Strategies & Resources for implementation

Gathering and sharing of updated data	Considering the sector's dimension within the country and so that the Portuguese case can be compared with other countries, it is of crucial importance to carry on the **collection of updated data**. A relevant instrument for this is the Satellite Account of the Portuguese Social Economy (SASE). However, data is not provided on an annual base nor does it cover the entire sector. Updated, official, information should be gathered on a more regular basis/annually(?) and made available on a shorter schedule. For the moment, the last SASE available dates are from 2010. In order to **gather relevant data**, it would be relevant to manage an updated and unique platform (made available in Portuguese and, if possible, in English) with updated information namely on: research and publication; national and international events; diversified national and international sources of information and data[66]. Statistical data should be collected from organizations with homogeneous methodologies and the row data made available to public use. Through these type of strategy, it would be easier, namely for researchers (from Portugal and from other countries) to conduct more precise

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[66] In line with this kind of initiative, a common and unique platform for the management and announcement of funds and opportunities (national and international) for SE organisations was launched on the 16th of May 2016 (https://www.geofundos.org).

	and well advised studies in this field, surpassing the problem of fragmented and (historically) divided information and data. Moreover, it would contribute to a more "transparent" and open vision of the role played by SE organisations. The report of statistics could be organised through the management of a data base anchored in 2/3 different bases, desirably, European, national and local/regional[67]. This would simplify the direct access to accurate data (e.g. number of organisations in all the different sectors, number of workers, labour productivity, added value) and its adequate interpretation (through a "metadata" resource). Data derived from the PSIRU project on existing social services, number of workers and organisations, etc. in EU countries could, in this case, be made available.
Building integrated approaches and forms of interaction	The **development of synergies** between organisations should be expanded. In the case of Portugal, one of the issues to consider is related with the existence of salient territorial differences. Related with this, organisations differ according to local, regional resources among other differentiating aspects such as: size, model of organisation, social innovation capacity building, legal status. Strategies of cooperation, sharing of knowledge, experiences, and resources (both human, physical and financial) should be envisaged. **Optimisation of resources/financial forms of cooperation**, **sharing practices** and **learning from others** (of what we can replicate and what we cannot), could be implemented and discussed in a more formal and organised way, eventually making use of existing platforms and/or networks. Until now, the prevailing image is that "*SE organisations usually prefer to return to the government instead of engaging in strategies of mutual help and cooperation within their own sector*" (Interview 6). Fragmented, non cooperative action is not beneficial for the delivery of social services that aim to promote and improve the well-being of citizens. In this regard, it can be of crucial importance to build strategies with the various surrounding "communities". This includes, other SE organisations but also private organisations, interested in initiatives of social responsibility, the beneficiaries of the services they provide, the relevant governmental organisations within the services delivered (Mendes, 2011). Considering the European dimension, other forms of cooperation should also be envisaged and/or (re)adapted to include not only the "conventional actors" (e.g. trade unions, employers organisations, governments, private companies) but also other collective actors (e.g. social movements, civil society networks and organizations) (Laville, 2010). This could also be reinforced by the expansion of the possibilities of conciliation in the social domain in aspects related with working conditions, hygiene and safety, life long training and salaries and other relevant issues (e.g. gender imbalances, conciliation of family and working life). Eventually, the creation of alternative dispute resolution mechanisms could be implemented.
Motivated and efficient teams (and team leaders)	To promote efficiency and to deliver high quality services, it is necessary to have **motivated, efficiently engaged teams**. To achieve this, there are some relevant aspects that need to be improved: 1) long-term carrier perspectives and social recognition; , through common career statutes and/or collective agreements; 2) increase the satisfaction and the working conditions of employees (e.g. higher salaries, work incentives); 3) implementation in every organisation of a human resources policy; 4) consolidation of regular and transparent evaluation procedures (for both staff and management teams); 5) exchange of good practices, both nationally and internationally and *benchmarking*;

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[67] A working group was recently stablished under the initiative of CNES to create a Permanent Data Base of the SE organisations (*Base de dados permanente das entidades de economia social*) ("Grupo de Trabalho para a Criação da "Base de dados permanente das entidades da economia social" Relatório de Atividades". Available at: http://www.cases.pt/0_content/noticias/20150529_Relatorio_GT_BDPEES.pdf. Consulted on the 15th of May 2016).

	6) support for training and innovation, adopting new tools and methods (e.g. e-learning), if possible, at a supra-national level as well. The implementation of this kind of strategies, should be accompanied by a **long term vision** of the life and trajectory of the organisation and a profound, open knowledge of the social and economic environment where it is (to be) located.
Monitoring and accountability	The monitoring of activities and the exercise of social and economic mechanisms of control and supervision from public authorities (e.g. the ISS-I.P. in the case of Portugal) should be oriented towards a more **pedagogical**, **long-term and integrated strategy**. The possibility to learn from less successful examples and to exchange (good and bad) practices should be valued and implemented on a more regular basis. Forms of monitoring (e.g. auditing) and regular evaluation procedures are already in force. There are even processes of certification and quality control mechanisms already in place. These could be expanded and reinforced.
Diversifying sources of funding	Another crucial aspect for the survival of many SE organisations in Portugal is related with the financial dependency from the government or public funding. The delineation of **long-term strategic plans** and a more **strategic vision** and strategies to enhance **autonomous and more diversified sources of funding** (from the government but also from the EU) would be necessary. Recognising the need for diversifying the sources of funding and for pursuing efficient and successful strategies in this regard, some organisations recognise the importance of conducting exploratory diagnosis of their social and economic/financial situation and promoting and diversifying training initiatives[68]. In this way, an increase in credibility and guarantee of (long-term) sustainability would be foreseeable.
Partnership	People and organisations should **work in a cooperative way** along all the phases of the process, from the initial identification of a certain social (complex?) problem to the results reached by the initiatives and strategies pursued. This demands for a paradigmatic cultural change in Portugal, within a **medium-long term timetable**. In face of a very challenging, economic and social demanding context, the opportunity to build new forms of inter-relationship is upraised and is becoming more and more pressing (e.g. in the delivery of some social services).
Education and training	Considering that **training and innovation** is critical, both at a social and organisational level, it would be of crucial importance to **improve and share accurate knowledge**, namely, on (sociology/economy of) organisations; management theories, tools and methods; improving staff satisfaction; (multi-level) models of governance; conflict resolution; auditing, both with professionals (so that they can re-adapt their skills) and with undergraduate and postgraduate students. This can be achieved by including these kind of subjects in courses that already exist within different areas of study (e.g. social work, management, economics, sociology, psychology) and/or by thinking of new strategies and issues within a continuing education trajectory. A better preparation of people working in social services, in terms of skills and scientific knowledge, should also be **rewarded** and used for the benefit of the individual(s) but also valued inputs for the organization(s). The possibility of creating **new forms of collaboration**, for instance, between Universities (e.g. from other countries), of **sharing/exchanging work experiences**, **granting awards**, etc. could help build new bridges that go beyond national contexts.

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[68] This is the case, namely, of the UMP (UMP, 2015: 40).

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APPENDIX 1. Legislation

- Constitution of the Portuguese Republic (e.g. articles 80, 82, 85)
- Labour Code (articles 314 to 316)
- Decree-Law nº 119/83, 25th of February – approves the statute of the private institutions of social solidarity (IPSS)
- Decree-Law n.º 28/84, 14th of August - recognises the rules of Cooperation Agreements (*Acordos de Cooperação*) with IPSS
- Decree-Law n.º 72/90, 3rd of March – Code of Mutual Associations
- Law n.º 4/2007, 16th of January – framework/basic law of the system of social security
- Decree-Law n.º 282/2009, 7th of October – establishes the institutionalization of the CASES, the successor organization to INSCOOP (Instituto António Sérgio para o Sector Cooperativo)
- Resolution of the Council of Ministers n.º 16/2010 - Approval of the Programme for the Development of Social Economy (PADES); launch of the national programme of Microcrédito;
- Resolution of the Council of Ministers n.º 55/2010 - establishment of the National Council for the Social Economy (CNES);
- Law n.º 30/2013, 8th of May – framework/basic law of the social economy.
- Decree-Law n.º 172-A/2014, 14th of November - reformulates the definition of the private institutions of social solidarity (IPSS)
- Decree-Law n.º 120/2015, 30th of June – aims to widen and to reinforce a public-social partnership with the organisations of the social and solidarity sector, within different areas of state intervention, namely, social security, health and education in order to enhance the development of new models of social response.
- Decree-Law n.º 254-A/2015, 31th December - Increase of the RMMG to €530 from 1 January 2016.

APPENDIX 2. List of Acronyms

ACT – Acordo Colectivo de Trabalho [Collective Working Agreement]

AE – Acordo de Empresa [Company Agreement]

ANIMAR – Associação Portuguesa para o Desenvolvimento Local [Portuguese Association for Local Development]

ANMP – Associação Nacional de Municípios Portugueses [National Association of Portuguese Municipalities]

ANP – Associação Nacional de Freguesias [National Association of Parishes]

BTE – Boletim de Trabalho e Emprego

CASES – Cooperativa António Sérgio para a Economia Social [António Sérgio Cooperative for the Social Economy]

CCT – Contrato Coletivo de Trabalho [Collective Working Contract]

CES – Conselho Económico e Social [Social and Economic Council]

CGTP–IN – Confederação Geral de Trabalhadores Portugueses-Intersindical Nacional [General Confederation of Portuguese Workers]

CLAS – Conselhos Locais de Ação Social [Social Action Local Councils]

CNES – Conselho Nacional para a Economia Social [National Council for Social Economy]

CNIS – Confederação Nacional das Instituições de Solidariedade [National Confederation of Social Solidarity Associations]

CONFECOOP – Confederação Cooperativa Portuguesa [Cooperative Portuguese Confederation]

CONFRAGRI - Confederação Nacional das Cooperativas Agricolas de Portugal, C.R.L [National Confederation of Agriculture Cooperatives of Portugal]

CPCS – Comissão Permanente de Concertação Social [Social Concertation Standing Committee]

CPSS – Comissão Permanente do Sector Social e Solidário [Permanent Commission for the Social and Solidarity Sector]

CRP – Constituição da República Portuguesa [Constitution of the Portuguese Republic]

EAPN – European Anti-Poverty Network Portugal

EESC – European Economic and Social Council

FENACERCI - Federação Nacional de Cooperativas de Solidariedade Social [National Federation of Cooperatives of Social Solidarity]

FENPROF – Federação Nacional dos Professores [National Federation of Teachers]

FEPCES – Federação Portuguesa dos Sindicatos de Comércio, Escritórios e Serviços [National Federation of Unions of Trade, Offices and Services]

FESAHT — Federação dos Sindicatos da Agricultura, Alimentação, Bebidas, Hotelaria e Turismo de Portugal [National Federation of Unions of Agriculture, Food, Drinks, Hotels and Tourism]

FESCEP - Federação Portuguesa dos Sindicatos dos Trabalhadores do Comércio, Escritórios e Serviços [National Federation of Union of Workers in Commerce, Offices and Services];

FNE - Federação Nacional da Educação [National Federation of Education];

FNSTFPS – Federação Nacional dos Sindicatos de Trabalhadores em Funções Públicas e Sociais [National Federation of Unions of Workers in Public and Social Functions]

GVA –Gross Value Added

IPSS – Instituições Particulares de Solidariedade Social [Private Institutions of Social Solidarity]

IRCT – Instrumento de Regulação Coletiva de Trabalho [Instrument of Colective Regulation of Work]

ISS-I.P. - Instituto de Segurança Social, I.P. [Institute of Social Solidarity]

MTSSS – Ministério do Trabalho, Solidariedade e Segurança Social [Ministry of Labour, Solidarity and Social Security]

PE – Portaria de Extensão [Extension ordinance]

RMMG - Retribuição Mínima Mensal Garantida [Guaranteed Minimum Monthly Income]

SASE – Conta Satélite para a Economia Social [Satellite Account of Social Economy]

SCTS - Sindicato dos Técnicos Superiores de Saúde nos domínios do Diagnóstico e Terapêutica [Union of Health Technicians of Diagnosis and Therapy]

SE – Social Economy

SEP - Sindicato dos Enfermeiros Portugueses [Union of the Portuguese Nurses]

SINTAP - Sindicato dos Trabalhadores da Admnistração Pública [Union of Public Services' Workers];

SNAS – Sindicato Nacional dos Assistentes Sociais [Union of the Portuguese Social Workers]

SNP – Sindicato Nacional dos Psicólogos [Union of the Portuguese Psychologists]

STAL - Sindicato Nacional dos Trabalhadores da Administração Local e Regional, Empresas Públicas, Concessionárias e Afins [Union of Workers at Local Authorities]

STE - Sindicato dos Técnicos do Estado [Union of the State Technical Staff]

STSS - Sindicato dos Técnicos Superiores de Saúde das Áreas de Diagnóstico e Terapêutica

UGT – União Geral de Trabalhadores [General Workers' Union]

UMP – União Portuguesa das Misericórdias [Portuguese Union of Charities]

APPENDIX 3. List of interviews and other informants in the project

List of interviewees

1. Adviser to the Direction of the STFPS. Coimbra, 22/03/2016
2. Technician in the ISS-I.P. and expert on social policy. 06/05/2016 (telephone interview)
3. Expert in labour market issues. Faculty of Economics. Coimbra, 03/05/2016
4. Responsible for the Juridical Department of the UMP. Lisbon, 28/04/2016
5. Union leader CGTP. Lisbon, 28/04/2016
6. Director of a Portuguese Foundation-Portuguese Mutual Association. 04/05/2016 (telephone interview)
7. Vice-Presidente FENACERCI. Coimbra, 10/05/2016 (telephone interview)
8. Coordinator of the Oporto Trade Unions (USP) CGTP (telephone interview)
9. Expert on Law. Faculty of Law. University of Coimbra. Coimbra, 20/05/2016
10. Expert on Social Economy. University of Coimbra. Coimbra, 25/05/2016
11. Coordinator of the Union of Social Workers (SNAS). Coimbra, 19/05/2016 (telephone interview)
12. Expert on Social Economy. Oporto Catholic University. Porto, 13/06/2016.

Other informants in the project:

. Technician in the GEP-MTSSS. Email 29/04/2016

. Director of GEP-MTSSS, Emails April and May 2016.

. Director DGERT. Email May 2016.

. Portuguese Expert on Collective Agreements. Emails May 2016

. Portuguese Expert on trade unionism and sociology of labour. Email 16/05/2016