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EUROPEAN SOCIAL CHARTER

20th National Report on the implementation of the European
Social Charter

submitted by

THE GOVERNMENT OF PORTUGAL

Articles 2, 3, 4, 5, 6, and 20

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EUROPEAN SOCIAL CHARTER

20º Implementation REPORT

Portugal

2025

Thematic Group 1

Labour Rights

Articles 2.º, 3.º, 4.º, 5.º, 6.º e 20.º

Status as of December 2025

Following the reform of the reporting procedure adopted by the Committee of Ministers in 2022, the present 20th Report was prepared by the Directorate-General for Coordination and Planning (DGCP) of the Ministry of Labour, Solidarity and Social Security (MTSSS), with contributions from the relevant departments and bodies of the Ministry, namely: the Authority for Working Conditions (ACT), the Directorate-General for Employment and Labour Relations (DGERT) and the Commission for Equality in Labour and Employment (CITE), as well as contributions from services of the Ministry of Finance (Directorate-General for Administration and Public Employment) and of the Ministry of Internal Administration (General Secretariat).

In accordance with Article C of the Revised European Social Charter, which refers to Article 23 of the European Social Charter (ESC), a copy of this Report was sent, for information purposes and through the Economic and Social Committee, to the social partners that are members of the international organisations of employers and trade unions invited to be represented at meetings of the European Social Charter Governmental Committee, namely ETUC, Business Europe and the International Organisation of Employers.

Article 2 – The right to just conditions of work

Explanatory remark:

A question on working time has been included as previous conclusions suggested that there are certain occupations in States Parties where weekly working hours can exceed 60 hours. States Parties responses would allow the Committee to have a more comprehensive overview of the situation.

The question pertaining to seafarers has been included as the previous conclusions suggested that the ECSR would re-examine its case law in relation to this category of employees.

Moreover, there has been an outstanding issue regarding on-call periods, with many States Parties not in conformity with the Charter on this point.

Questions:

Article 2§1 Reasonable daily and weekly working hours

a) Please provide information on occupations, if any, where weekly working hours can exceed 60 hours or more, by law, collective agreements or other means, including:

- information on the exact number of weekly hours that persons in these occupations can work;***
- information on any safeguards which exist in order to protect the health and safety of the worker, where workers work more than 60 hours.***

The Portuguese legislation is in line with Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003, concerning certain aspects of the organisation of working time, which has been transposed into the Portuguese legal order.

Accordingly, regarding employees under individual employment contracts—whose private employment relationship is governed by the Labour Code (Código do Trabalho – CT), Law No. 7/2009 of 12 February, as amended¹,—this legal instrument only allows the weekly limit of 40 working hours (Article 203(1)) to be exceeded in the following situations (Article 210):

- where certain working time organisation schemes are adopted, with a limit of 60 hours per week, not counting overtime due to force majeure (adaptability arrangements through collective regulation, group adaptability, working time accounts through collective regulation, and group working time accounts – Articles 204 and 206 to 208-B);
- where provided for in a collective labour regulation instrument in relation to:
 - a) an employee of a non-profit entity or one closely linked to the public interest,

¹ <https://diariodarepublica.pt/dr/legislacao-consolidada/lei/2009-34546475>

where compliance with normal working time limits is impracticable;
b) an employee whose work is markedly intermittent or consists merely of on-call presence.

Even in these cases, the average weekly working time, including overtime, must not exceed 48 hours over a reference period laid down in a collective labour regulation instrument not exceeding 12 months or, in the absence of such provision, over a reference period of 4 months, or 6 months in the cases referred to in Article 207(2) (Article 211 of the CT).

There is specific legislation that allows working time to exceed 60 hours per week, namely for seafarers working under a contract on board a ship. In this regard, Law No. 146/2015 of 9 September, which is in line with the Agreement between the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the organisation of working time of seafarers (implemented by Council Directive 1999/63/EC of 21 June 1999), should be considered—see the answer to point (b).

Distinguishing between public and private sector professions where this exceptional situation of exceeding 60 weekly hours may occur, these correspond, respectively, to medical careers and to the road transport and maritime sectors, the latter of which will be addressed below in its dedicated section.

With regard to “information on any safeguards in place to protect workers’ health and safety where they work more than 60 hours”, in the private sector, in addition to provisions in specific legislation relating to health surveillance², assessment of specific risks, and protection in the case of night work³, the Legal Framework for the Promotion of Safety and Health at Work, approved by Law No. 102/2009, as amended⁴, also applies. In this respect as well, Portuguese legislation is in line with Directive 2003/88/EC.

With respect to employees under individual contracts governed by the Labour Code, Article 197(1) provides that working time means any period during which the employee is carrying out their activity or remains obliged to perform it, i.e. is available for work even if it is not actually performed. Article 197(2) further provides that the following interruptions and breaks are considered working time:

a) interruptions recognised as such in a collective regulation instrument, an internal company regulation, or company practice;

² The issuance of the medical certificate is contingent upon the performance of an appropriate medical examination to assess and certify the seafarer’s physical and mental fitness to perform the specific activity, as well as the impact of that activity and of the conditions under which it is carried out on the seafarer’s health (cf. paragraph 4 of Article 10 and Article 11 (medical examinations) of Decree-Law No. 166/2019 of 31 October).

³ By way of example, reference should be made to paragraph 9 of Article 21 of Law No. 146/2015 of 9 September

⁴ <https://diariodarepublica.pt/dr/legislacao-consolidada/lei/2009-56365341>

- b) occasional interruptions of the daily working period to meet the employee's urgent personal needs or resulting from employer consent;
- c) interruptions for technical reasons, such as cleaning, maintenance or adjustment of equipment, changes in production programmes, loading or unloading of goods, shortage of raw materials or energy, climatic factors affecting the company's activity, or economic reasons, namely a fall in orders;
- d) meal breaks during which the employee must remain at or near the usual workplace in order to be called upon if needed;
- e) breaks imposed by occupational safety and health rules.

The working time the employee undertakes to perform, measured in hours per day and per week, is referred to as the normal working period (Article 198). Rest time is any period that is not working time (Article 199).

Under road transport rules, drivers may, as a rule, drive 9 hours per day and, twice a week, up to a maximum of 10 hours (Article 6(1) of Regulation (EU) No 561/2006 of 15 March).

Weekly driving time must not exceed 56 hours and must not result in the weekly working time limit being exceeded (Article 6(2)).

In addition, total accumulated driving time must not exceed 90 hours over two consecutive weeks (Article 6(3)).

Drivers must take a compulsory break of 45 minutes after 4.5 hours of driving, which may be replaced by a break of at least 15 minutes followed by one of at least 30 minutes within that period (Article 7).

Daily and weekly rest periods are governed by Article 8 of the Regulation.

The weekly working time of mobile workers⁵, including overtime, must not exceed 60 hours and must not exceed an average of 48 hours over a 4-month period. By collective regulation, this reference period may be extended to 6 months (Article 6(1) and (2) of Decree-Law No. 237/2007 of 19 June⁶).

Moreover, where working time includes, wholly or partly, the period between midnight and 5 a.m., it must not exceed 10 hours per day (Article 6(5) of Decree-Law No. 237/2007 of 19 June).

In the case of multi-manning, availability time is not considered working time (Article 5 of Decree-Law No. 237/2007 of 19 June). Accordingly, a driver may perform 56 hours of

⁵ A worker, including a trainee and an apprentice, who is part of the travelling staff in the service of an employer engaged in road transport activities covered by the Regulation or by the European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) (subparagraph (d) of paragraph 2 of Decree-Law No. 237/2007 of 19 June, which transposed Directive 2002/15/EC of 11 March into the national legal order).

⁶ <https://diariodarepublica.pt/dr/detalhe/decreto-lei/237-2007-639280>

driving and be available next to another driver inside the vehicle for an additional 56 hours. This may result in a situation where the driver is inside the vehicle for up to 112 hours in a week. However, drivers in multi-manning must take a new daily rest period of at least 9 hours within 30 hours following the end of a daily or weekly rest period (Article 8(5) of the Regulation).

As regards the public sector, there are no situations in the Portuguese Public Administration in which weekly working time exceeds 60 hours.

The organisation and duration of working time in the Portuguese Public Administration are governed by the General Labour Law in Public Functions (LTFP)⁷, with the Labour Code applying subsidiarily and with necessary adaptations. Under Article 105(1)(b) of the LTFP (as amended by Law No. 18/2016 of 20 June), the maximum weekly working time is 35 hours—without prejudice to shorter regimes provided for in special legislation or specific working time schemes. Article 105(3) provides that reductions in maximum working time limits may be established by collective regulation instruments, without resulting in any reduction in remuneration or deterioration of working conditions.

In the case of the medical career, under Decree-Law No. 103/2023 of 7 November⁸ (which established the legal framework for full-time dedication in the National Health Service and the organisation of family health units), weekly working time may exceed 35 hours but may not exceed 48 hours on average, including overtime, over a 6-month reference period⁹. These matters are also regulated by collective agreements¹⁰, which define on-site presence, emergency, and on-call regimes.

Given the specific needs of essential public services such as healthcare, the 35-hour weekly limit may be exceeded. The medical career includes several working time regimes established in special legislation. The current standard regime is 8 hours per day and 40 hours per week, under Article 20(1) of Decree-Law No. 177/2009 of 4 August (as amended by Decree-Law No. 266-D/2012 of 31 December).

The organisation and duration of working time have also been subject to agreements with medical unions, reflected in the collective agreements concluded with them¹¹.

The only collective agreement in 2024 allowing the possibility referred to is published in the Boletim do Trabalho e Emprego (BTE) No. 23, between AARibatejo and SETAAB, which states: “1. The normal working period may be defined on an average basis, in which case the daily limit established in clause 22 may be increased by up to 4 hours,

⁷ <https://diariodarepublica.pt/dr/legislacao-consolidada/lei/2014-57466875>

⁸ <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-lei/2023-223906326>

⁹ This regime is also reflected in the collective agreements in force; see, by way of example, Clause 42 of Collective Agreement (ACT) No. 57/2025, published in the BTE No. 23 of 22 June 2025.

¹⁰ See Collective Agreement No. 2/2009 of 13 October (Clause 44).

<https://diariodarepublica.pt/dr/legislacao-consolidada/acordo-colectivo-trabalho/2009-206105515>

¹¹ See previous note.

provided that weekly working time does not exceed 60 hours, excluding overtime due to force majeure.”

In 2025, the same wording applies to the following agreements:

- BTE No. 17 between APAVT and SIMAMEVIP;
- BTE No. 24 between FNOP and SETAAB;
- BTE No. 16 between AARibatejo and SETAAB.

b) Please provide information on the weekly working hours of seafarers.

Law No. 146/2015 of 9 September¹², as currently in force, regulates the activity of seafarers on board ships flying the Portuguese flag. Under Article 2(e), a “seafarer” is defined as “any person employed or engaged or working in any capacity on board a ship to which this law applies.”

With regard to “information on the weekly working hours of seafarers,” this matter is set out in Article 10 of the Law, which provides that:

- The normal working period may not exceed 8 hours per day and 48 hours per week (Article 9(1));
- The activity of seafarers is also subject, alternatively, either to maximum working time limits or minimum rest periods (this option is determined by collective agreement, by the employment contract, or, in their absence, by the shipowner):

Working time limits (including overtime):

- a) 14 hours in any 24-hour period;
- b) 72 hours in any 7-day period.

Minimum rest periods:

- a) 10 hours in any 24-hour period;
- b) 77 hours in any 7-day period.

The 10 hours of rest may not be divided into more than two periods, one of which must be at least 6 hours in duration.

The interval between two rest periods, whether consecutive or separated, may not exceed 14 hours.

¹² <https://diariodarepublica.pt/dr/legislacao-consolidada/lei/2015-75170465>

The provisions set out above may be derogated from by collective agreements that, in particular, provide for more frequent or longer leave periods, compensatory rest for watchkeeping seafarers, or for seafarers on board ships engaged in short voyages.

In port, uninterrupted work on board for the safety of the vessel and the maintenance and regularity of services is organised in watch systems. This should not be less than four hours per day in a port of call or eight hours per day in the home port; in the latter case, the seafarer is entitled to a rest period equal to twice the number of hours worked (Article 13(1) and (2)).

As regards periods spent on board without performing any duties, there are no specific provisions in national labour legislation for seafarers (unlike, for example, in the road transport sector regarding “availability time”). Even Decree-Law No. 166/2019 of 31 October¹³ only distinguishes “working hours.” Regarding “information on how inactive periods is treated in terms of working or rest time,” Article 10 of Law No. 146/2015¹⁴ merely further specifies rest periods, as previously described.

It should also be noted that, for the year 2023, no infringements were recorded in these areas.

Finally, it should be highlighted that, since 12 May 2017, the provisions of the ILO Maritime Labour Convention (MLC) have entered into force for the Portuguese Republic and form part of domestic law within the Portuguese legal system. Accordingly, new issues in the field of occupational safety and health specific to seafarers reflect current concerns, such as the effects of noise and vibration on workers and other workplace risks, while leaving each State party with broad discretion in shaping its national legislation and determining the level of protection, both in port operations and on board. The Convention also includes provisions on flag State inspection, including recourse to recognised organisations under ILO Convention No. 178 on labour inspection for seafarers.

Portugal is therefore bound to comply with MLC standards governing minimum age, medical certification, training and qualifications for work on board merchant ships, working conditions such as employment contracts, remuneration, recruitment and placement services, working and rest hours, annual leave, repatriation, safe manning levels, accommodation, recreational facilities, food and catering, health protection and medical care both at sea and ashore, accident prevention, welfare, social security protection, on-board complaint procedures, and the payment of wages.

At national level, in order to comply with mandatory MLC provisions governing the work of seafarers on ships flying the Portuguese flag, as well as the responsibilities of the Portuguese State as a flag or port State, Law No. 146/2015 of 9 September, as currently in force, establishes the legal framework for the promotion and prevention of occupational safety and health, in accordance with the Labour Code regarding

¹³ <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-lei/2019-167924001>

¹⁴ <https://diariodarepublica.pt/dr/legislacao-consolidada/lei/2015-75170465>

prevention, as well as the protection of minors in relation to work that, by its nature or the conditions under which it is carried out, may be harmful to their physical, psychological, or moral development (Article 76(2)).

c) Please provide information on how inactive on-call periods are treated in terms of work or rest time.

Portuguese legislation addresses, in a horizontal and general manner, periods during which workers remain present, inactive but available to perform their duties, and bound to the provision of work, considering such periods as working time (Article 197 of the Labour Code).

As previously mentioned, particularly regarding seafarers, there is no specific provision in national labour legislation concerning periods spent on board without performing any duties but remaining available (unlike, for example, in the road transport sector regarding “availability time”). Decree-Law No. 166/2019 of 31 October only distinguishes “working hours”, and Article 10 of Law No. 146/2015 of 9 September further specifies rest periods, as already described.

In the public employment context, it should be noted that, pursuant to Article 102 of the General Labour Law in Public Functions (LTFP) and Article 197 of the Labour Code—applicable by virtue of Article 4(1)(j) and Article 101 of the LTFP—working time is defined as any period during which the worker is carrying out their activity or remains bound to perform it. This includes short breaks, interruptions for technical reasons, and on-call or standby arrangements. Accordingly, situations in which the worker remains physically present at the workplace and available, even without performing actual work, are classified as working time (see, *inter alia*, the judgment of the Lisbon Court of Appeal)¹⁵.

¹⁵ The Judgment of the Lisbon Court of Appeal of 28 September 2022 (Case No. 26709/20.4T8LSB.L1-4), concerning the Collective Agreement concluded between the Coimbra Hospital and University Centre, EPE, and others, and the National Federation of Doctors (FNAM) and another, published in BTE No. 41 of 8 November 2009, as subsequently amended and rectified (applicable in the State-owned enterprise sector), held that there is no “distinction as to the nature of working time when emergency services are performed either through the on-site exercise of duties or under an on-call regime, except with regard to the remuneration of work under the on-call regime, which is paid at a 50% reduction. II – Therefore, the hours worked by the claimant under the on-call regime are counted in full towards the 144 hours from which overtime is deemed to exist”, available at <https://diariodarepublica.pt/dr/detalhe/acordao/26709-2022-209587175>.

Article 3 – The right to safe and healthy working conditions

Explanatory remark:

The proposed questions which focus on health and safety raise issues identified in the most recent conclusions, notably on Article 3 (right to health and safety at the workplace), or focus on new issues such as risks to health and safety caused by climate change (e.g. having to work in extreme heat or cold). Other proposed questions on Article 3 focus on new issues that were covered by the Committee's Statement of interpretation on Article 3§2 of the Charter in Conclusions 2021, notably the right to digital disconnect.

Furthermore, the questions on Article 3 cover self-employed and vulnerable categories of workers, such as domestic workers, as there were previously many nonconformities on the ground that self-employed and domestic workers were not adequately protected by occupational health and safety regulations. An emphasis has been placed on supervision, as supervision is crucial if the effective implementation of the right to safe and healthy working conditions is to be guaranteed, especially for vulnerable categories of workers (such as domestic workers, digital platform workers, posted workers and workers employed through subcontracting). Workers are more often exposed to environmental-related risks such as climate change and pollution.

Questions:

Article 3§1 Health and safety and the working environment

Please provide information on the content and implementation of national policies on psychosocial or new and emerging risks, including:

- *in the gig or platform economy;*
- *as regards telework;*
- *in jobs requiring intense attention or high performance;*
- *in jobs related to stress or traumatic situations at work;*
- *in jobs affected by climate change risks.*

Article 59 of the Constitution of the Portuguese Republic (CRP)¹⁶ enshrines the right of all workers, without distinction as to age, sex, race, citizenship, territory of origin, religion

¹⁶ <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-aprovacao-constituicao/1976-34520775>

or political or ideological beliefs, namely, to work under conditions of hygiene, safety and health (subparagraph (c) of paragraph 1).

Portuguese legislation is aligned with European Union directives on occupational safety and health, namely Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, which has been transposed into the Portuguese legal order.

The Basic Health Law, approved by Law No. 95/2019 of 4 September (as amended)¹⁷, provides in paragraph 1 of Basis 14, on occupational health, that all workers have the right to benefit from measures enabling them to protect their health in the context of their professional life, and in paragraph 2 that particular account must be taken of psychosocial risks affecting especially vulnerable workers, such as pregnant, postpartum and breastfeeding workers, young workers, and those employed under fixed-term or temporary contracts.

With regard to workers under an individual employment contract, whose private employment relationship is governed by the Labour Code, this legal instrument provides, in paragraphs 1 and 2 of Article 281, for the worker's right to perform work under conditions of safety and health and for the employer's duty to ensure such conditions in all aspects related to work.

Relevant to the issue at hand, the employer's duties provided for in the Labour Code include:

- To respect and treat the worker with civility and integrity, refraining from any acts that may affect the worker's dignity or that are discriminatory, harmful, intimidating, hostile or humiliating, namely harassment (subparagraph (a) of paragraph 1 of Article 127);
- To provide good working conditions, from both a physical and moral standpoint (subparagraph (c) of paragraph 1 of Article 127);
- To prevent occupational risks and diseases, taking into account the protection of the worker's safety and health (subparagraph (g) of paragraph 1 of Article 127);
- To adopt codes of good conduct for the prevention of and action against harassment at work, whenever the undertaking has seven or more workers (subparagraph (k) of paragraph 1 of Article 127);
- To initiate disciplinary proceedings whenever it becomes aware of alleged situations of harassment at work (subparagraph (l) of paragraph 1 of Article 127);
- To observe the general principle of adapting work in the organisation of activities, namely with a view to mitigating monotonous or paced work depending on the

¹⁷ <https://files.dre.pt/1s/2019/09/16900/0005500066.pdf>

type of activity, and the requirements relating to safety and health, in particular as regards breaks during working time (paragraph 2 of Article 127);

- Not to exert pressure on the worker to act in a way that adversely affects their working conditions or those of their colleagues (subparagraph (c) of paragraph 1 of Article 129);
- To inform workers about aspects relevant to the protection of their safety and health and that of third parties (paragraph 1 of Article 282).
- To ensure appropriate training enabling workers to prevent risks associated with their respective activities (paragraph 3 of Article 282).

It should be added that harassment is expressly prohibited under Article 29 of the Labour Code.

The Legal Framework for the Promotion of Occupational Safety and Health (RJPSST) is established by Law No. 102/2009 of 10 September, which also implements the provisions of Article 284 of the Labour Code (which refers the regulation of prevention to specific legislation).

Without prejudice to the provisions set out in special regimes, the RJPSST applies to all sectors of activity, in the private or cooperative and social sectors, to employees and their employers, and to self-employed workers (subparagraphs (a) to (c) of paragraph 1 of Article 3).

Similarly to Article 281 of the Labour Code, cited above, paragraph 1 of Article 5 of the RJPSST, on general principles, establishes the worker's right to perform work under conditions that respect their safety and health; paragraph 2 of the same Article 5 further provides that economic development must promote the humanisation of work under conditions of safety and health.

That Article 5 also provides that the prevention of occupational risks must be based on a proper and continuous risk assessment, and that one of the measures for such prevention is the promotion and monitoring of workers' health (subparagraph (d) of paragraph 3).

The employer's duty to ensure that the worker is provided with safety and health conditions in all aspects of their work (paragraph 1 of Article 15 of the RJPSST) must be fulfilled on a continuous and permanent basis, in accordance with paragraph 2 of Article 15, taking into account the general principles of prevention set out therein, including:

- Avoiding risks (subparagraph (a) of paragraph 2);

- Planning prevention as a coherent system integrating technical progress, work organisation, working conditions, social relations and the influence of environmental factors (subparagraph (b) of paragraph 2);
- Ensuring, in the workplace, that exposure to psychosocial risk factors does not constitute a risk to the worker's safety and health (subparagraph (f) of paragraph 2);
- Adapting work to the individual, particularly as regards the design of workplaces, the choice of work equipment and working and production methods, with a view, namely, to mitigating monotonous and repetitive work and reducing psychosocial risks (subparagraph (f) of paragraph 2);
- Adapting to the state of technical progress, as well as to new forms of work organisation (subparagraph (h) of paragraph 2).

Furthermore, pursuant to Article 73 of the RJPSST, it is the employer's duty to organise the occupational safety and health service, whose objectives include:

- Ensuring working conditions that safeguard the physical and mental safety and health of workers (subparagraph (a) of Article 73-A).
- To develop the technical conditions that ensure the implementation of the preventive measures set out in Article 15 (subparagraph (b) of Article 73-A).

Furthermore, as provided for in paragraph 1 of Article 108 of the RJPSST, the employer must promote the carrying out of appropriate health examinations to assess and certify the worker's physical and mental fitness to perform the activity, as well as the impact of that activity and of the conditions under which it is carried out on the worker's health.

Pursuant to Article 73-B of the RJPSST, the occupational safety and health service must also take the necessary measures to prevent occupational risks and promote workers' safety and health, with its main activities including:

- Planning prevention, integrating, at all levels and across all company activities, risk assessment and the corresponding preventive measures (subparagraph (a) of paragraph 1);
- Carrying out risk assessments and preparing the respective reports (subparagraph (b) of paragraph 1);
- Drawing up the occupational risk prevention plan (subparagraph (c) of paragraph 1);
- Cooperating in the design of workplaces, working methods and work organisation (subparagraph (e) of paragraph 1);
- Monitoring the working conditions of workers in more vulnerable situations (subparagraph (j) of paragraph 1).

Article 48 of the RJPST also provides for the prohibition or restriction of activities by workers involving exposure to chemical, physical and biological agents or other psychosocial factors that may cause hereditary genetic effects, adverse non-hereditary effects on offspring, or harm male or female reproductive functions and capacities, which may entail risks to genetic heritage, as referred to in the RJPST or in specific legislation, in accordance with the provisions set out therein.

With specific regard to digital platform situations, pursuant to paragraph 9 of Article 12-A (“presumption of an employment contract in the context of a digital platform”) of the Labour Code, where an employment contract exists, the provisions of that legal instrument applicable to the nature of the activity performed, as well as other legal rules governing the employment contract, shall apply. This includes rules on occupational safety and health.

With regard to the teleworking regime, paragraph 1 of Article 169 of the Labour Code provides that a teleworker has the same rights and duties as other workers of the company, including as regards the protection of safety and health at work.

Article 170-A of the Labour Code lays down specific rules on safety and health for workers under this regime, including the employer’s duty to:

- a) Organise, in a specific and appropriate manner and with due respect for the worker’s privacy, the means necessary to fulfil its responsibilities in the field of occupational safety and health (paragraph 2);
- b) Promote the carrying out of occupational health examinations prior to the implementation of telework and, subsequently, annual examinations to assess the worker’s physical and mental fitness to perform the activity, as well as the impact of that activity and of the conditions under which it is carried out on their health, together with any preventive measures deemed appropriate (paragraph 3).

Concerning jobs requiring intense attention or high performance, and jobs associated with stress or traumatic situations at work, the provisions of the Labour Code and the RJPST referred to above apply.

Regarding occupations affected by the risks of climate change, Ordinance No. 987/93 of 6 October¹⁸ establishes the minimum safety and health requirements in the workplace and provides for:

¹⁸ <https://diariodarepublica.pt/dr/detalhe/portaria/987-1993-644973>

a) Under point 7, that:

- The temperature and humidity of workplaces must be appropriate to the human body, taking into account the working methods and the physical constraints imposed on workers (paragraph 1);
- The temperature and humidity of staff rest rooms, as well as sanitary facilities, canteens and first aid rooms, must be appropriate to the specific purpose of those areas (paragraph 2);
- Windows, skylights and glazed walls must not allow excessive exposure to sunlight, having regard to the type of work and the nature of the workplace (paragraph 3);
- Where necessary, shielding must be installed to protect workers against intense heat radiation from piping, radiators, heating systems or any other harmful heat sources (paragraph 4).

b) Under point 9, workstations must be located in places with thermal insulation compatible with the type of activity carried out and the physical effort required of workers.

Ordinance No. 101/96 of 3 April¹⁹ lays down the minimum safety and health requirements at workplaces and workstations on temporary or mobile construction sites and provides that:

a) Under point 9, workers must be protected against atmospheric influences that may endanger their safety and health;

b) Under point 14, the temperature and humidity of workplaces and other areas where workers remain must be appropriate to the human body, the working methods and the physical demands placed on workers;

c) Law No. 102/2009 of 10 September provides for the protection of pregnant, postpartum or breastfeeding workers, restricting or prohibiting their exposure to certain physical agents, namely extreme cold or heat temperatures;

d) The same legal instrument makes the performance of activities by minors aged 16 or over, involving exposure to extreme temperatures (below 0°C or above 42°C), subject to the outcome of occupational health examinations and to an appropriate risk assessment, the results of which must be communicated to the Authority for Working Conditions (ACT).

e) The General Regulation on Occupational Health and Safety in Commercial Establishments, Offices and Services, approved by Decree-Law No. 243/86 of 20 August²⁰, sets the recommended temperature range for these workplaces: the

¹⁹ <https://diariodarepublica.pt/dr/detalhe/portaria/101-1996-558993>

²⁰ <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-lei/1986-213345474>

temperature should vary between 18°C and 22°C, except under certain climatic conditions, where it may reach 25°C.

f) The General Regulation on Occupational Safety and Hygiene in Industrial Establishments, approved by Ordinance No. 53/71 of 3 February²¹, establishes the duty to ensure the protection of workers from exposure to extreme temperatures.

g) Decree-Law No. 347/93 of 1 October²², which transposed Council Directive 89/654/EEC of 30 November on minimum safety and health requirements for the workplace, provides, in Article 4, that the technical rules for its implementation are to be laid down by ordinance of the Minister for Employment and Social Security.

h) In this regard, Ordinance No. 987/93 of 6 October²³ lays down the minimum safety and health requirements in workplaces, including minimum requirements concerning the temperature and humidity of workplaces.

It is also relevant to refer to Decree-Law No. 162/90 of 22 May²⁴, which approves the General Regulation on Occupational Safety and Hygiene in Mines and Quarries; Ordinance No. 702/80 of 22 September²⁵, which approves the General Regulation on Occupational Safety and Hygiene in Industrial Establishments; and Ordinance No. 101/96 of 3 April²⁶, which lays down the minimum safety and health requirements for workplaces and workstations on temporary or mobile construction sites.

In Public Administration, responsibility for the application of occupational safety and health rules lies, first and foremost, with each public employer entity, which must ensure that workers are provided with safety and health conditions in all aspects related to work, through their respective Occupational Safety and Health (OSH) services and under the direction of the head of the body, as established in Law No. 102/2009 of 10 September (Article 5(1)).

This obligation was reinforced by Law No. 79/2019 of 2 September²⁷, which adapted the legal framework for the promotion of occupational safety and health to Public Administration, strengthening the responsibility of public employer entities and introducing Articles 16-A to 16-G into the General Law on Public Employment (as set out in Article 3 of Law No. 79/2019 of 2 September). Compliance with occupational safety and health rules is monitored by the Authority for Working Conditions (ACT). Accordingly,

²¹ <https://diariodarepublica.pt/dr/legislacao-consolidada/portaria/1971-893269717>

²² <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-lei/1993-886137913>

²³ <https://diariodarepublica.pt/dr/detalhe/portaria/987-1993-644973>

²⁴ <https://diariodarepublica.pt/dr/detalhe/decreto-lei/162-1990-571472>

²⁵ <https://files.dre.pt/1s/1980/09/21900/28492856.pdf>

²⁶ <https://diariodarepublica.pt/dr/detalhe/portaria/101-1996-558993>

²⁷ <https://diariodarepublica.pt/dr/detalhe/lei/79-2019-124346830>

also in the case of telework, public entities are responsible for ensuring compliance with occupational safety and health rules, since teleworkers have the same rights as on-site workers, pursuant to Article 169 of the Labour Code, as currently in force.

Article 3§2 of the Revised Charter (Article 3§1 of 1961 Charter) Health and safety regulations

a) Please provide information on:

- **the measures taken to ensure that employers put in place arrangements to limit or discourage work outside normal working hours (including the right to disconnect);**
- **how the right not to be penalised or discriminated against for refusing to undertake work outside normal working hours is ensured.**

Article 59 of the Constitution of the Portuguese Republic enshrines the right of all workers, without distinction as to age, sex, race, citizenship, territory of origin, religion, or political or ideological convictions, in particular, to rest and leisure, to a maximum limit on working hours, to weekly rest and to periodic paid holidays (Article 59(1)(d)).

The rest periods provided for in Portuguese legislation are in line with Directive 2003/88/EC, as previously mentioned.

As regards workers under individual employment contracts, whose employment relationship is governed by the Labour Code, the right to rest and to disconnect is ensured by several provisions:

- Limitation of working time, as a rule, to 8 hours per day and 40 hours per week, without prejudice to the exceptions provided for in the Labour Code (flexible working arrangements, working time accounts, and compressed working schedules) and in collective labour regulation instruments, which allow those limits to be exceeded (Articles 203 to 211);
- Classification as a serious administrative offence of the scheduling of working time in breach of the provisions of the Labour Code (see the aforementioned articles);
- Establishment of a rest break during the daily working period and classification as a serious administrative offence in case of breach (Article 213);
- Establishment of a minimum daily rest period between the end of one working period and the beginning of the next, and classification as a serious administrative offence in case of breach (Article 214);
- Establishment of at least one rest day per week and classification as a serious administrative offence in case of breach (Article 232(1) and (5)); a supplementary weekly rest period, whether continuous or discontinuous, may be provided for by collective labour regulation instrument or employment contract, in all or some weeks of the year (Article 232(4));

- Definition of “normal working period” as the working time the employee undertakes to provide, measured in hours per day and per week (Article 198), and of “rest period” as any time that is not working time (Article 199);
- Obligation on the employer to refrain from contacting the employee during the rest period, except in cases of force majeure, and classification as a serious administrative offence in case of breach (Article 199-A(1) and (3));
- Provision that any less favourable treatment of the employee, notably with regard to working conditions and career progression, on the grounds of exercising the right to a rest period, constitutes a discriminatory act for the purposes of Article 25, which provides for a very serious administrative offence (Article 199-A(2));
- Provision that the duty to refrain from contact, established in Article 199-A(1), constitutes a specific obligation in cases of telework, the breach of which is classified as a serious administrative offence (Article 169-B(1)(b) and (5));
- Identification of the employer as responsible for labour administrative offences, even where they are committed by its employees in the course of their duties, without prejudice to liability assigned by law to other parties (Article 551).

It should also be noted that the Authority for Working Conditions is responsible for promoting, monitoring and supervising compliance with labour law provisions within private employment relationships, including those relating to occupational safety and health (Article 3(1) and (2)(a) of Decree-Law No. 326-B/2007 of 28 September)²⁸.

It is also expressly provided, under Article 171(1) of the Labour Code, that the Authority for Working Conditions shall monitor compliance with the rules governing the telework regime, including legislation on occupational safety and health, and contribute to the prevention of occupational risks inherent in this form of work.

Technical Note No. 13 of the Authority for Working Conditions²⁹ provides a clear interpretation by stating that “the so-called ‘right to disconnect’ is implicit in the duty set out in Article 199-A of the Labour Code.” As regards the implementation of provisions that limit and discourage work outside normal working hours, it further states that “it is for the employer to organise working time effectively, to guarantee workers’ fundamental rights to rest, work-life balance and health. To this end, the employer should adopt measures to prevent work-related communications outside working hours, between colleagues, and between workers and clients or suppliers. This matter may be addressed in internal regulations and codes of good conduct, without prejudice to its treatment within the framework of collective bargaining.”

²⁸ https://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=1155&tabela=leis
<https://diariodarepublica.pt/dr/detalhe/decreto-regulamentar/2-2026-1049254413>

amended by

²⁹ https://portal.act.gov.pt/AnexosPDF/Notas%20t%C3%A9cnicas/Nota%20t%C3%A9cnica_013_Deber%20de%20absten%C3%A7%C3%A3o%20de%20contacto.pdf

It further states, regarding the right not to be penalised or discriminated against for refusing to perform work outside normal working hours, that “(...) any less favourable treatment of an employee, notably as regards working conditions and career progression, on the grounds of exercising the right to a rest period, constitutes discriminatory conduct. Moreover, repeated and serious breaches of the duty to refrain from contact may amount to moral harassment.”

b) Please provide information on:

- ***the measures taken to ensure that self-employed workers, teleworkers and domestic workers are protected by occupational health and safety regulations;***
- ***whether temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection under health and safety regulations as workers on contracts with indefinite duration.***

In addition to Portuguese legislation being in line with Directive 89/391/EEC, as already mentioned, it also complies with the following Directives transposed into the Portuguese legal order:

- Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed-duration employment relationship or a temporary employment relationship;
- Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP.

As regards self-employed workers and workers under individual employment contracts, whose private employment relationship is governed by the Labour Code and who are identified in the question, the following should be noted:

1) Self-employed worker

a) Article 3(1)(c) of the Occupational Safety and Health Legal Framework (RJPSST) provides for the application of this regime to self-employed workers, defined under Article 4(b) thereof as a natural person who carries out an activity on their own account;

b) Pursuant to Article 15(13) of the RJPSST, concerning the general obligations of the employer, the self-employed worker is treated, for its application and with the necessary adaptations, as an employer.

2) Economically dependent self-employed worker

a) Articles 10 and 10-B of the Labour Code provide for the application of occupational safety and health rules to situations where work is carried out for another person without legal subordination, whenever the service provider is considered to be economically dependent on the beneficiary of the activity;

b) Economic dependence is deemed to exist where the service provider is a natural person who provides an activity directly and without the involvement of third parties to the same beneficiary, and derives the proceeds of their activity from that beneficiary, in accordance with Article 140 of the Code of Contributory Regimes of the Social Security System (Article 10(2) of the Labour Code);

c) The principles set out in the RJPST also apply, where compatible with their specific nature, to the situations provided for in Article 10 of the Labour Code (Article 3(3) of the RJPST);

d) Under Article 4(a) of the RJPST, these economically dependent self-employed workers fall within the definition of “worker”.

3) Teleworker

a) Article 169(1) of the Labour Code provides that a teleworker has the same rights and duties as other employees of the company, including concerning the protection of occupational safety and health;

b) Article 170-A of the Labour Code lays down specific provisions on safety and health for workers under this arrangement.

4) Domestic worker

a) The domestic service contract is governed by Decree-Law No. 235/92 of 24 October, as amended³⁰;

b) Article 26 of that legal instrument provides that the employer must take the necessary measures to ensure that workplaces, tools, products and work processes do not pose risks to the worker’s safety and health, namely in relation to the situations referred to therein;

c) Otherwise, the provisions of the Labour Code apply, pursuant to its Article 9 and Article 37-A of Decree-Law No. 235/92 of 24 October;

d) The principles laid down in the Occupational Safety and Health Legal Framework (RJPST) also apply, where compatible with their specific nature, to domestic work (Article 3(3) of the RJPST).

5) Temporary agency worker

a) During the assignment, the temporary agency worker is subject to the regime applicable to the user undertaking, in particular as regards occupational safety and health (Article 185(2) of the Labour Code);

b) Article 186 of the Labour Code contains specific provisions on safety and health for temporary agency workers, and provides, from the outset in paragraph 1, for the right of

³⁰ <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-lei/1992-106547158>

such workers to the same level of protection as that afforded to the user undertaking's other workers in matters of occupational safety and health;

c) The RJPST provides, in Article 16 concerning situations of simultaneous or successive activities in the same workplace, that the user undertaking must ensure the safety and health of the temporary agency worker.

6) Interim worker

This category does not exist in the Portuguese legal system.

7) Fixed-term worker

a) As provided for in Article 146(1) of the Labour Code, concerning equal treatment in fixed-term contracts, a fixed-term worker has the same rights and is subject to the same duties as a comparable permanent worker, unless objective reasons justify different treatment;

b) Accordingly, the provisions of the Labour Code relating to occupational safety and health apply to fixed-term workers;

c) The provisions of the RJPST also apply, pursuant to Article 3(1)(b) and Article 4(a) thereof.

Article 3§3 of Revised Charter (Article 3§2 of 1961 Charter) Enforcement of health and safety health regulations

Please provide information on measures taken to ensure the supervision of implementation of health and safety regulations concerning vulnerable categories of workers such as:

- ***domestic workers;***
- ***digital platform workers;***
- ***teleworkers;***
- ***posted workers;***
- ***workers employed through subcontracting;***
- ***the self employed;***
- ***workers exposed to environmental-related risks such as climate change and pollution.***

In Portugal, the Authority for Working Conditions is the public body responsible for monitoring compliance with labour legislation and occupational safety and health (OSH); promoting the prevention of occupational risks; and imposing administrative sanctions.

Its remit covers all sectors of activity, both public and private, and all forms of work, in accordance with its organic law and the Legal Framework for the Promotion of Occupational Safety and Health (Law No. 102/2009).

Domestic workers

Domestic work is governed by a specific regime (Domestic Service Contract Regime, Decree-Law No. 235/92 of 24 October, as amended), but OSH legislation applies subsidiarily, where compatible. Domestic employers have duties relating to risk prevention, information and the adaptation of working conditions. The Authority for Working Conditions has supervisory powers, although these are limited by the right to the inviolability of the home, requiring the consent of the holder or a judicial warrant for on-site inspection.

Platform workers

Law No. 13/2023 strengthened the Labour Code as regards the presumption of an employment contract in the context of platform work, clarifying their subjection to OSH rules, effective monitoring by the Authority for Working Conditions, and the liability of the platform as an employer where legal subordination is established. The Authority for Working Conditions oversees both physical and psychosocial risks, including those associated with algorithmic management, extended working hours and performance pressure.

Teleworkers

Telework is expressly regulated in the Labour Code (Articles 165 to 171). The employer is responsible for the assessment and prevention of risks (ergonomic and psychosocial), for providing appropriate equipment, and for ensuring information and training in occupational safety and health (OSH). Monitoring by the Authority for Working Conditions is provided for in Article 171 and focuses on internal policies, risk assessment documentation, and compliance with the right to disconnect. Inspection of the home is subject to the worker's consent.

Posted workers

National legislation (Labour Code, Law No. 29/2017³¹ and Decree-Law No. 101-E/2020³² provides for the application of the principle of the hard core of working conditions of the host State, including in relation to OSH. The Authority for Working Conditions is the

³¹ <https://diariodarepublica.pt/dr/legislacao-consolidada/lei/2017-150546996>

³² <https://diariodarepublica.pt/dr/detalhe/decreto-lei/101-e-2020-150570705>

competent national authority to monitor posting undertakings, to cooperate with authorities of other Member States, and to impose administrative fines.

Workers employed through subcontracting

Article 16 of Law No. 102/2009 establishes the duty of coordination and cooperation in OSH between all undertakings present at the same workplace, the responsibility of the contracting entity for risk prevention, and joint and several liability in cases of non-compliance. The Authority for Working Conditions monitors subcontracting chains, particularly in high-risk sectors.

Self-employed workers

Law No. 102/2009 provides for the application of preventive principles also to self-employed workers when they carry out activities at third-party workplaces and are integrated into another entity's productive organisation. Specific obligations are laid down regarding the use of safe work equipment, as well as coordination in occupational safety and health when they work alongside employees. Monitoring is carried out by the Authority for Working Conditions where there is a collective risk or shared use of facilities.

Workers exposed to environmental risks (climate change and pollution)

General OSH legislation, supplemented by guidelines from the Authority for Working Conditions, requires that temperature, ventilation and environmental exposure be compatible with human health, and that risks associated with thermal stress, extreme heat, radiation and pollution be assessed. Occupational health services must adapt medical surveillance to these emerging risks. The Authority for Working Conditions issues specific technical guidance and intensifies awareness-raising and inspection activities during periods of extreme heat.

In the public sector, Law No. 83/2021 of 6 December³³ was instrumental in reforming the telework regime, establishing the requirement for a written agreement setting out the place of work, working hours, work equipment and the arrangements for alternating between remote and on-site work, as well as the employer's duty to refrain from contact outside the employee's working hours.

In the context of work performed within Public Administration, the telework regime is specifically provided for in Article 68 of the General Law on Employment in Public Functions (LTFP), which expressly refers to the regime set out in Articles 165 to 171 of the Labour Code. In turn, Article 169 of the Labour Code expressly provides that "a teleworker has the same rights and duties as other employees of the company with the same category or performing identical functions, namely as regards (...) the protection of occupational safety and health", which includes compliance with working time limits laid down in the contract and in the law, in respect of the right to disconnect and the duty

³³ <https://diariodarepublica.pt/dr/detalhe/lei/83-2021-175397114>

to refrain from contact, introduced by the aforementioned law and now enshrined in Article 199-A of the Labour Code.

Law No. 79/2019 of 2 September, which adapted the occupational safety and health regime set out in the Labour Code to the Public Administration, strengthens, in its Article 3, the responsibility of public employers for the assessment and prevention of occupational risks, including psychosocial risks, another dimension of the right to disconnect in terms of its potential consequences. That law also introduced Article 16-A into the LTFP, applying to public sector employees the same rules as those in force in the private sector with regard to guarantees of occupational safety and health.

Finally, under Article 4(3) of the LTFP, the Authority for Working Conditions is responsible for promoting policies for the prevention of occupational risks, improving working conditions and monitoring compliance with legislation on occupational safety and health within Public Administration.

Thus, the aforementioned legislation, in conjunction with Article 169 of the Labour Code, establishes in this area the principle of full equivalence between teleworkers and on-site workers, guaranteeing them equal rights in matters of occupational safety and health, including access to health surveillance, appropriate training and information on risks. Responsibility for verifying the conditions of the remote workplace, as well as for conducting medical examinations, lies with the employer, subject to specific rules regarding consent and prior notification. In this regard, it is also important to mention Article 16-B of the LTFP, which defines as a “worker” for the purposes of protection in occupational safety and health matters “[even if] not holding a public employment relationship, is integrated into the working environment of the public employer, namely trainees whose traineeship regime is not incompatible with the present framework, grant holders and service providers.”

In conclusion, the Portuguese legal system ensures, in accordance with the constitutional principles of equality and non-discrimination, the uniform application of occupational safety and health rules to all workers. Accordingly, and in response to the question, it may be concluded that there is full equivalence, and that the nature of the contractual relationship cannot justify any difference in treatment as regards the duty to ensure that all workers, irrespective of the type of relationship, have access to the same conditions of safety, hygiene and health at work, including risk assessment, training, collective and individual protection and health surveillance.

In accordance with the Legal Framework for the Promotion of Occupational Safety and Health, the Authority for Working Conditions is the body entrusted with inspection powers to monitor compliance with legislation on occupational safety and health and to impose the corresponding sanctions for non-compliance, without prejudice to the specific competences of other entities.

The Authority for Working Conditions also has powers to conduct investigations in cases of fatal occupational accidents or those revealing particularly serious situations. In cases of occupational disease or other harm to health occurring during or in connection with

work, the competent authorities to initiate an investigation are the health authorities and the Social Security Institute, I.P.

In 2026, Council of Ministers Resolution No. 75-A/2026³⁴ approved the National Strategy for Occupational Safety and Health 2026–2027, which sets out priorities and actions in alignment with the European Union Strategic Framework on Health and Safety at Work 2021–2027, taking into account the needs identified for Portugal.

The Strategy aims to achieve safe and healthy working environments that ensure the health and well-being of workers, thereby contributing to the progress of enterprises, organisations and society. To this end, it identifies a set of priority areas for intervention aimed at strengthening prevention, protection and the promotion of safety, health (both physical and mental) and well-being at work.

³⁴ <https://diariodarepublica.pt/dr/detalhe/resolucao-conselho-ministros/75-a-2026-1095309095>

Article 4 – The right to fair remuneration

Explanatory remark:

The ECSR considers that the inclusion of questions on gender equality are necessary in order to ensure the ECSR's approach to this issue as outlined in the UWE decisions on equal pay is applied across States Parties especially as regards measures taken to ensure pay transparency, to reduce the gender pay gap and to increase the representation of women in decision-making positions.

Questions:

Article 4§3 Right of men and women to equal pay for work of equal value

a) Please indicate whether the notion of equal work and work of equal value is defined in domestic law or case law.

Article 59(1)(a) of the Constitution of the Portuguese Republic enshrines the right of all workers, without distinction as to age, sex, race, citizenship, territory of origin, religion, or political or ideological convictions, to remuneration for work according to its quantity, nature and quality, observing the principle that equal pay must be provided for equal work, so as to ensure a decent standard of living.

This provision is reflected in Article 24(1) of the Labour Code, under which a worker or job applicant is entitled to equal opportunities and equal treatment in relation to access to employment, vocational training, promotion or career development and working conditions, and the State must promote equal access to such rights, without any of the determining factors involving discrimination based on sex.

At the top of the hierarchy of legal sources, Law No. 60/2018 of 21 August³⁵ further develops and implements measures and tools to promote pay equality between women and men for equal work or work of equal value.

As regards private employment relationships governed by the Labour Code, this instrument defines, in Article 23, the concepts of equal work and work of equal value:

- “Equal work” means work where the functions performed for the same employer are identical or objectively similar in nature, quality and quantity (Article 23(1)(c));
- “Work of equal value” means work where the functions performed for the same employer are equivalent, taking into account, in particular, the qualifications or

³⁵ <https://diariodarepublica.pt/dr/detalhe/lei/60-2018-116130014>

experience required, the responsibilities assigned, the physical and mental effort involved and the conditions under which the work is performed (Article 23(1)(d)).

These concepts are relevant for determining the level of remuneration, as set out in Article 270 of the Labour Code, which establishes the applicable criteria: “In determining remuneration, account shall be taken of the quantity, nature and quality of the work, observing the principle that, for equal work or work of equal value, equal pay shall be granted.”

In the public sector, equal pay for equal work or work of equal value is also enshrined for any form of variable remuneration (in particular, piece-rate pay), which must be established on the basis of the same unit of measurement and calculated according to working time (Article 31(1) and (2) of the Labour Code).

“Equal work” is understood as work in which the functions performed for the same employer are identical or objectively similar in nature, quality and quantity, and “work of equal value” as work in which the functions performed for the same employer are equivalent, taking into account, in particular, the qualifications or experience required, the responsibilities assigned, the physical and mental effort involved and the conditions under which the work is performed, as provided for in Article 23(1)(c) and (d) of the Labour Code.

The right to equality set out in Article 24(2) of the Labour Code covers selection criteria and conditions of recruitment in all sectors of activity and at all hierarchical levels; access to all types and levels of vocational guidance, training and retraining, including the acquisition of practical experience; remuneration and other financial benefits; promotion at all hierarchical levels and the criteria for selecting workers for dismissal; and membership of, or participation in, workers’ representative bodies or any other organisation whose members practise a particular profession, including the benefits provided by such organisations.

However, the application of legal provisions relating to the exercise of a professional activity by a foreign national or a stateless person, or provisions concerning the special protection of genetic heritage, pregnancy, parenthood, adoption and other situations relating to the reconciliation of professional activity with family life, shall not be considered to infringe the right to equality (Article 24(3) of the Labour Code).

In 2023, the Authority for Working Conditions launched its first inspection exercise aimed at ensuring compliance with the obligation for employers to present a pay gap assessment plan where—according to the entity’s report on pay differences between women and men, by company, occupation and qualification levels—the unadjusted gender pay gap exceeded 5% (Article 5 of Law No. 60/2018). This exercise covered 1,393 employers.

“The principle of equality does not prohibit distinctions, but rather distinctions that lack objective and rational justification.” The reasoning set out in the judgment of the South Central Administrative Court of 19 December 2023, in Case No. 2512/10.9 BELSB,

encapsulates the rationale underpinning the Portuguese legal system in the application of the law to a specific case.

In the public sector, as regards access to/recruitment in the civil service, Ordinance No. 233/2022 of 9 September³⁶ enshrines the principle of equal treatment and opportunities and prohibits all forms of discrimination, as well as the exclusion or preferential treatment of candidates admitted to a recruitment procedure on grounds that are unrelated to the assessment of their capacity to perform the post (Article 2).

b) Please provide information on the job classification and remuneration systems that reflect the equal pay principle, including in the private sector.

c) Please provide information on existing measures to bring about measurable progress in reducing the gender pay gap within a reasonable time. Please provide statistical trends on the gender pay gap.

The questions may be addressed jointly, as they are interrelated in the way the relevant provisions are framed and applied. In light of the legal framework outlined in the previous point, professional classification and remuneration, reflecting the principle of equal pay, must, by definition, be based on criteria that do not rely on gender or discriminatory factors, whether through a unified pay scale by professional category or a points-based system assessing the value of work. The principle laid down in the Labour Code, in conjunction with Law No. 60/2018, requires that there be no pay differences between men and women performing equal work or work of equal value, placing Portugal among the most proactive countries in this field.

The current framework establishes mechanisms for information, assessment and correction designed to promote equal pay between women and men for equal work or work of equal value. These include, in particular, the annual publication of statistical information aimed at identifying pay gaps, both by sector (barometer of gender pay differences) and by company (report on gender pay differences), developed by the government department responsible for labour statistics.

The Barometer of Gender Pay Differences³⁷ is a statistical tool intended to support reflection, monitoring and the promotion of equal pay between women and men for equal work or work of equal value, within the framework of Law No. 60/2018 of 21 August. Under this law, annual statistical information on pay differences between women and men has been made available, notably at the sectoral and regional levels. The indicators included in the Barometer are based on information submitted by companies under the

³⁶ <https://diariodarepublica.pt/dr/detalhe/portaria/233-2022-200860990>

³⁷ https://www.gep.mtsss.gov.pt/documents/10182/86981/BAROMETRO2025_EN.xlsx/d4370bfb-3f5a-4e5c-9351-cf81ee5beed4

“Personnel Tables” section, which constitutes Annex A of the “Single Report” (Relatório Único – RU).

This report is a mandatory administrative submission for all companies employing at least one worker under the Labour Code. Companies provide information on their social activity, in particular regarding staff composition, employee inflows and outflows throughout the year, vocational training, occupational safety and health, and strikes, the statistical processing of which falls within the competence of the Ministry of Labour, Solidarity and Social Security (MTSSS).

The first edition of the Barometer was published in 2019, based on 2017 data collected in 2018, covering the entire country, including the Autonomous Regions of Madeira and the Azores. In 2025, the 7th edition of the Barometer—the most recent—was released, based on 2023 data collected in 2024.

The results presented in 2025 indicate a Gender Pay Gap (GPG) of 12.5%, meaning that the difference between the average basic salary of women and men is 12.5% to the detriment of women. This gap has been decreasing, having stood at 17.9% in 2010. If, instead of “basic pay”, “earnings” are considered, the GPG rises to 15.4%.

For a more accurate assessment of the phenomenon, an *adjusted Gender Pay Gap* is also calculated, in which the effect of objective variables that may help explain average wage differences between women and men is minimised, namely economic sector, occupation, level of professional qualification, educational attainment and length of service. The indicator decreases when these factors are excluded from the GPG.

The adjusted GPG reported in 2025 is 8.4% (a decrease of 0.5 percentage points compared with the previous year; in 2017 it stood at 10.1%). This means that there remains a difference between the average earnings of women and men that cannot be explained by differences in their distribution across economic sectors, occupations, qualification levels, educational attainment and seniority levels.

This 8.4% difference does not necessarily correspond to pay discrimination, as it may be explained by other objective wage-differentiating factors, such as productivity or the perceived merit of each worker, whether male or female, which are not captured in the calculation and may account for at least part of the gap.

The Barometer includes disaggregated information by economic sector, allowing comparison of both the unadjusted GPG and the adjusted GPG for each sector. In most sectors, the adjusted GPG points to a smaller pay gap than the unadjusted GPG. In some sectors, however, the adjusted GPG reverses the direction of the pay gap: where the unadjusted GPG indicated a gap to the detriment of men, the adjusted GPG suggests that the gap is in fact to the detriment of women. This change may result from various factors, namely the presence, in certain sectors, of a small number of women with salaries significantly above the average, which distorts the unadjusted GPG, while the adjusted GPG reduces that distortion.

It should also be noted that 2023 was the year in which notifications began to be issued to companies requiring them to submit pay assessment plans, as provided for under Law No. 60/2018. Data for 2022 showed an increase in the gender pay gap, interrupting a nine-year downward trend.

In addition to this source, data on the unadjusted GPG can also be obtained from the Structure of Earnings Survey (provided for under Regulation (EC) No. 530/1999). This indicator enables comparisons across EU Member States and is available in the Eurostat database, although there are methodological differences compared with the national Barometer.

The Report on Gender Pay Differences (*Balanço das Diferenças Remuneratórias*, BdD) also stems from Law No. 60/2018. It was first calculated and made available in November 2020 to companies that submitted the 2019 Single Report, allowing them to benchmark their position against their sector.

Another relevant tool in Portugal is the Equal Pay Seal, a distinction awarded by the Commission for Equality in Labour and Employment (CITE) to companies that demonstrate pay equality between women and men and a balanced gender representation. It takes the form of a certificate and a digital seal, and aims to recognise companies employing more than one worker and with at least one-third representation of the underrepresented sex, and which present a pay inequality rate between women and men ranging from 1% to -1%, based on the adjusted Gender Pay Gap as determined within the report on gender pay differences, as provided for in Article 3(1)(b) of Law No. 60/2018 of 21 August.

Portuguese Standard NP 4588:2023, of voluntary application, which establishes a management system for pay equality aimed at eliminating discrimination based on sex and promoting equal pay, also constitutes one of the tools used. It was developed by the Technical Committee for Pay Equality between Women and Men (CT216), established within the framework of the Equality Platform and Standard project, promoted by the Commission for Equality in Labour and Employment (CITE) and funded by the Work–Life Balance and Gender Equality Programme of the European Economic Area Financial Mechanism — EEA Grants 2014–2021.

The Standard sets out the guidelines and requirements necessary for an organisation to implement, maintain and manage a pay equality management system between women and men, based on principles and values aimed at eliminating pay discrimination on grounds of sex and promoting equal remuneration between women and men in the context of dependent employment. It is intended for any organisation, whether in the public, private, cooperative or social sector, regardless of its type, size, complexity, nature or legal form, and covers all hierarchical levels, areas of activity, organisational units, locations and forms of dependent work. The Standard may be used for certification purposes or simply as a reference framework for implementing a pay equality management system between women and men.

Article 5 – The right to organise

Article 6 – The right to bargain collectively

Explanatory remark:

Questions concerning the long-term decline in unionisation and collective bargaining coverage rates across Europe from a social rights perspective are proposed. While the causes of low trade union density rates are complex, these include deindustrialization and globalization, as well as the presence of large non-unionized segments of the workforce, including many workers who are low paid and/or have a precarious contractual situation. One of the questions under Article 5 seeks to articulate the scope of State Party obligations in arresting that decline, without unduly interfering with trade union freedom. Another question looks at some of the reported ways in which unionisation at the workplace has been undermined, for instance by the promotion of alternative sources of representation that are more prone to being controlled by the employer. The decline in trade unionisation is accompanied in many places by the demotion of joint consultation mechanisms in bipartite and tripartite mechanisms, by diluting the contents of the matters of joint interest addressed or downgrading the status of these exchanges.

The decline in collective bargaining coverage has been uneven, with some countries more affected than others. However, in many cases the decline has been associated with a decentralisation of collective bargaining arrangements and an increase in the discretion afforded to employers in terms of fixing the terms and conditions of the employment relationship. The targeted questions seek to uncover some of the common elements underpinning this process, including, for example, the way in which collective bargaining is articulated across different bargaining levels. They also seek to ascertain what measures are taken by States Parties to arrest and reverse this decline, in line with their duty under Article 6§2 to promote collective bargaining. The questions under Article 6§4 take a closer look at some of the restrictions to the right to strike reported in many States Parties, including the minimum service requirement or the availability of injunctive relief for preventing a strike from taking place.

Questions:

Article 5 Right to organise

a) Please indicate what measures have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which

traditionally have a low rate of unionisation or in new sectors (e.g., the gig economy).

Under Article 55 of the Constitution of the Portuguese Republic, freedom of association in trade unions is recognised as a condition and guarantee for the defence of workers' rights and interests. In exercising this freedom, workers are guaranteed, without any discrimination:

- The freedom to establish trade union associations at all levels (Article 55(2)(a) of the Constitution);
- The freedom to join a trade union capable of representing them (as well as the freedom to withdraw membership at any time) (Article 55(2)(b) of the Constitution);
- The freedom to organise and regulate the internal affairs of trade union associations (Article 55(2)(c) of the Constitution);
- The right to carry out trade union activities within the undertaking (Article 55(2)(d) of the Constitution);
- The right of tendency, in the forms determined by the respective statutes (Article 55(2)(e) of the Constitution). This aims to promote internal pluralism within trade union structures, allowing different currents of opinion to coexist and express themselves democratically, while also avoiding the proliferation of organisations that would discourage trade union membership.

The recognition of trade union freedom and the rights indispensable to its guarantee, in the Constitution and in the Labour Code, constitutes a set of measures intended to encourage and strengthen freedom of association (namely the establishment of trade unions and membership thereof). Among the rights and guarantees of trade union associations provided for in the Constitution and the Labour Code, the following may be highlighted³⁸:

- The independence of trade union associations from employers, the State, religious denominations, political parties and other political associations (Article 55(4) of the Constitution; Articles 405(1) and (2) and 446(1) of the Labour Code);
- The right to participate in the drafting of labour legislation (Article 56(2)(a) of the Constitution; Article 443(1)(c) and Articles 469 et seq. of the Labour Code);
- The right to participate in the management of social security institutions and other organisations aimed at satisfying workers' interests (Article 56(2)(b) of the

³⁸ In addition to the rights of trade union associations, special legal protection is afforded to trade union representatives and members of trade union governing bodies, notably in terms of time credit (time spent on trade union activities, which counts as actual working time, including for remuneration purposes) and concerning transfer of workplace, disciplinary sanctions and dismissal.

Constitution; for example, Article 7(2)(c) of Decree-Law No. 83/2012 of 30 March³⁹, and Article 5(1)(b) and (3) of Decree-Law No. 143/2012 of 11 July)⁴⁰;

- The right to give opinions on economic and social plans and to monitor their implementation (Article 56(2)(c) of the Constitution; Article 2(1)(a) and (b) and Article 3(1)(d) of Decree-Law No. 108/91 of 17 August⁴¹ – Economic and Social Council);
- The right to be represented in social concertation bodies, under the terms of the law (Article 56(2)(d) of the Constitution; Article 9(2)(ii) and (iii) of Decree-Law No. 108/91 – Standing Committee for Social Concertation of the Economic and Social Council).
- The right to participate in company restructuring processes, particularly concerning training measures or where changes to working conditions occur (Article 56(2)(e) of the Constitution and Article 443(2) of the Labour Code);
- The right to collective bargaining (Article 56(3) of the Constitution and Article 443(1)(a) of the Labour Code);
- The right to strike (including the exclusive competence to declare a strike) (Article 57(1) of the Constitution and Article 531(1) of the Labour Code);
- The right to provide economic and social services to their members (Article 443(1)(b) of the Labour Code);
- The right to initiate and intervene in judicial proceedings and administrative procedures concerning the interests of their members, in accordance with the law (Article 443(1)(d) of the Labour Code).

In this context, additional measures were also introduced by Law No. 13/2023 of 3 April⁴², aimed at encouraging or strengthening workers' association. Among these, the following may be highlighted:

- a) The establishment of a regulatory framework, under Article 485(2) and (3) of the Labour Code, which enables the State to create incentives to promote collective bargaining and its coverage—namely through access to tax benefits, public funding, including European funds, among others—for companies that are parties to a recently concluded or revised collective agreement within the previous three years, as follows:

³⁹https://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=1663&tabela=leis.

Amended by: <https://diariodarepublica.pt/dr/detalhe/decreto-lei/63-2026-1060895758>

⁴⁰ <https://diariodarepublica.pt/dr/detalhe/decreto-lei/143-2012-179782>.

Amended by: : <https://diariodarepublica.pt/dr/detalhe/decreto-lei/42-2026-1051282280>

⁴¹ <https://diariodarepublica.pt/dr/detalhe/lei/108-1991-674430>

⁴² <https://diariodarepublica.pt/dr/detalhe/lei/13-2023-211340863>

“Article 485 – Promotion of collective bargaining

1. The State shall promote collective bargaining so that collective agreements apply to the greatest possible number of workers and employers.
2. For the purposes of the preceding paragraph, the State shall frame incentives for collective bargaining within its specific policies, namely through measures that favour companies that are parties to a recently concluded or revised collective agreement, in the context of access to public support or financing, including European funds, public procurement procedures and tax incentives.
3. For the purposes of the preceding paragraph, a recently concluded or revised agreement shall be understood as one concluded or renewed within the previous three years.”

These are incentives for collective bargaining that indirectly reinforce workers’ trade union membership, since in Portugal it is regarded as an exclusive right governed by the principle of membership (according to which collective agreements apply only to workers affiliated with the signatory trade unions or with unions affiliated to a federation, union or confederation that has concluded the Agreement).

- b) The provision whereby economically dependent self-employed workers⁴³ are entitled to the representation of their socio-professional interests by a trade union, including the negotiation and application of collective labour regulation instruments, under terms to be defined in specific legislation—Article 10-A(1)(a) to (c) of the Labour Code—constitutes a strengthening of trade unions’ competences (in the areas of representation and collective bargaining) and extends to self-employed workers who previously had neither such representation nor the right to collective bargaining.
- c) The presumption of the existence of an employment contract in the context of digital platforms, introduced by Article 12-A of the Labour Code through Law No. 13/2023 of 3 April. Through this presumption and the recognition of an employment relationship, these workers gain the right to have their socio-professional interests represented by trade union associations, as well as to negotiate and benefit from collective bargaining instruments under the same terms as other workers, thereby providing further incentives for trade union membership and strengthening the representative role of trade unions (as well as collective bargaining) for these workers.

⁴³ Economic dependence is deemed to exist whenever the service provider is a natural person who performs an activity directly and without the involvement of third parties for the same beneficiary, and derives more than 50% of the income from that activity from that beneficiary (Article 10(2) of the Labour Code).

In the context of the armed forces and security forces, freedom of trade union organisation differs, being regulated in a manner that reconciles discipline and hierarchy with professional representation. The professional associations of the National Republican Guard (GNR), formally recognised by the State, ensure the representation of the collective interests of military personnel.

As concrete measures and actions to encourage or strengthen the positive freedom of association, the Portuguese Republic has promoted and adopted the recognition and regulation of professional associations of GNR military personnel, establishing internal consultation mechanisms on working conditions, working hours and career progression. Furthermore, protection against any form of retaliation related to participation in recognised associations has been enshrined. This regulatory framework has proven effective, leading to recent internal agreements on duty schedules, career progression and working conditions. Training programmes have also been created on the rights and duties of GNR personnel and on professional representation.

With regard to the Public Security Police (PSP), it is important to highlight the existence and role of legally recognised trade unions and socio-professional associations of police officers, which act as structures representing the collective interests of these professionals.

It should also be noted that, although subject to a specific legal framework, these unions and associations enjoy autonomy to express their views on working conditions, careers, remuneration and the status of their members. Furthermore, members of the PSP are free to join associations, thereby exercising a form of freedom of association adapted to their specific professional context.

The limitations on the right to unionise and its typical prerogatives, such as the non-recognition of the right to strike in the usual sense, derive directly from the Constitution and the law, as envisaged by Article G of the European Social Charter, which allows for restrictions. These limitations are grounded in the specific nature and function of the service provided, the role of the State in ensuring integrity, the safeguarding of the security of persons and property, the maintenance of public order and the continuity of democratic normality. In other words, they are based on the legal understanding that any disruption in this service would have serious and immediate consequences for the community and for institutions.

With regard to the public sector in particular, and in order to indicate measures that encourage or strengthen workers' positive freedom of association—especially in sectors that traditionally have low levels of trade unionisation or in emerging sectors—it should be noted that forms of work associated, for example, with the gig economy are not common. However, Article 6(1) of the General Labour Law in Public Functions (LGTFP) provides that work in public functions may be performed under service provision contracts.

Under Article 10(2) of the LGTFP, contracts performed under an autonomous regime may take the following forms:

- Task-based contract (contrato de tarefa), the object of which is the execution of specific work of an exceptional nature, which may not extend beyond the initially established contractual term;
- Service contract (contrato de avença), the object of which is the provision of successive services in the exercise of a liberal profession, with a fixed monthly remuneration.

By virtue of Article 314(2) of the LGTFP, workers who perform public functions under an autonomous regime are subject to the provisions of the Labour Code concerning the right to join trade unions. In this context, Law No. 13/2023 of 3 April, which amended the Labour Code and related legislation, expressly establishes in the new Article 10-A(1)(a) of the Labour Code that a service provider who is economically dependent on the beneficiary of the activity has the right to have their socio-professional interests represented by a trade union and by a workers' committee. Pursuant to paragraph 1, the exercise of this right is to be regulated by specific legislation, which has not yet been published.

b) Please describe the legal criteria used to determine the recognition of employers' organisations for the purposes of engaging in social dialogue and collective bargaining.

With regard to social dialogue, in particular tripartite dialogue, Article 92 of the Constitution of the Portuguese Republic (CRP) provides as follows:

"1. The Economic and Social Council is the body for consultation and social concertation in the field of economic and social policies; it participates in the preparation of proposals for the major policy options and for economic and social development plans, and performs such other functions as may be assigned to it by law.

2. The law shall determine the composition of the Economic and Social Council, which shall include, in particular, representatives of the Government, representative organisations of workers, of economic activities and of families, of the autonomous regions and of local authorities.

3. The law shall also define the organisation and functioning of the Economic and Social Council, as well as the status of its members."

Law No. 108/91 of 17 August establishes, as a body of the Economic and Social Council (ESC), the Standing Committee for Social Concertation (CPCS) – paragraph (c) of Article 6 and Article 9.

The CPCS is responsible, in particular, for "promoting dialogue and concertation between the social partners and contributing to the definition of policies on incomes and prices, employment and vocational training" (Article 9(1)).

Under Article 9(2) of Law No. 108/91 of 17 August (as amended by Law No. 12/2003 of 20 May), the CPCS “has the following composition:

- i. Four members of the Government, appointed by order of the Prime Minister;
- ii. Two representatives at leadership level from the General Confederation of Portuguese Workers — National Inter-Union (CGTP-IN), one of whom shall be its Secretary-General;
- iii. Two representatives at leadership level from the General Union of Workers (UGT), one of whom shall be its Secretary-General;
- iv. The President of the Confederation of Portuguese Farmers (CAP);
- v. The President of the Confederation of Commerce and Services of Portugal (CCP);
- vi. The President of the Portuguese Industry Confederation (CIP);
- vii. The President of the Portuguese Tourism Confederation (CTP).”

This framework, in terms of negotiation, may involve the conclusion of tripartite agreements between the Government, employers’ organisations and trade unions (agreements which are not collective agreements).

Outside this context, social dialogue may take place between the Government and employers’ organisations, necessarily on labour-related or other matters, in accordance with the provisions laid down in ordinary legislation and depending on the sectors of activity represented by the employers’ organisations, and may include the negotiation of bipartite agreements (which are not collective agreements).

In turn, as regards social dialogue between employers’ organisations and trade unions, its most significant expression lies in the conclusion of collective agreements, in accordance with the legitimacy and capacity of the parties involved, that is, provided they are registered in accordance with the law and comply with their respective statutes.

With regard to collective bargaining, unlike trade unions, which have the exclusive right to conclude agreements on behalf of workers, the same does not apply to employers, as they may conclude collective agreements either individually or through the employers’ organisations to which they belong, with trade unions. Indeed, collective agreements may be concluded not only by employers’ organisations (collective agreements), but also by a single employer (company agreement) or by a group of employers (collective agreement).

As is the case with trade unions, in terms of legitimacy and capacity to conclude collective agreements, all duly constituted employers’ organisations, regardless of their type (grassroots association, union, federation or confederation) and representativeness, enjoy the same rights.

c) Please describe the legal criteria used to determine the recognition and representativeness of trade unions for the purposes of engaging in social dialogue and collective bargaining.

For the purposes of social dialogue, see the response to the question in the previous paragraph, which applies, with the necessary adaptations, to trade unions.

For collective bargaining, as is the case with employers' organisations, in terms of legitimacy and capacity to conclude collective agreements, all duly constituted trade unions—regardless of their type (primary association, union, federation or confederation) and representativeness (in terms of the number of affiliated workers)—enjoy the same rights.

d) Please provide information:

- ***on the status and prerogatives of minority trade unions;***
- ***on the existence of alternative representation structures at enterprise-level, such as elected worker representatives.***

Under Portuguese law, all trade unions have the same status and prerogatives, with no legal distinction between minority and majority unions.

In addition to trade unions, Portuguese law provides for the existence of workers' committees, which are collective worker representation bodies established and elected by the workers of a given company, and which have rights distinct from those of trade unions.

Under Article 54(5) of the Constitution of the Portuguese Republic (CRP)⁴⁴, "the rights of workers' committees shall include:

- a) To receive all information necessary for the exercise of their activities;
- b) To exercise management oversight in companies;
- c) To participate in company restructuring processes, particularly regarding training actions or where there is a change in working conditions;
- d) To participate in the drafting of labour legislation and socio-economic plans concerning their sector;
- e) To manage or participate in the management of the company's social facilities;
- f) To promote the election of workers' representatives to the corporate bodies of companies belonging to the State or other public entities, in accordance with the law."

⁴⁴ In addition to others provided for by law.

Workers' committees do not have the capacity to conclude collective agreements—this is an exclusive right of trade unions (Article 56(3) of the CRP). However, pursuant to Article 491(3) of the Labour Code, “a trade union may confer on the collective worker representation structure within the undertaking [the workers' committee] the powers to conclude agreements with an undertaking employing at least 150 workers, in respect of its members.” In other words, the contracting party to the agreement remains the trade union, even if represented by the workers' committee. To date, however, there is no record of any collective agreement having been concluded by a workers' committee.

In the public sector, there have been no changes to the legislative framework indicated in the previous Report.

Accordingly, the criteria of legitimacy set out in the LTFP and reflected in the table below are reaffirmed, which confer upon trade unions the authority to engage in collective bargaining and to conclude collective agreements⁴⁵:

Legal criterion	Exercise of rights provided for in the LTFP
Trade union confederations represented in the Standing Committee for Social Concertation	• General collective bargaining – Article 349(1)(a) • Sectoral collective bargaining – Article 349(1)(d) • Conclusion of collective agreements for general career paths – Article 364(1) • Conclusion of collective agreements for special career paths – Article 364(2)(a) • Conclusion of public employer collective agreements – Article 364(3)(a)
Trade unions with a number of unionised workers corresponding to at least 5% of the total number of workers performing public functions	• General collective bargaining – Article 349(1)(b) • Conclusion of collective agreements for general career paths – Article 364(1)
Trade unions representing workers across all public administrations and,	• General collective bargaining – Article 349(1)(c)

⁴⁵ The LTFP distinguishes between:

- The collective bargaining process provided for in Article 347(3)(a), which aims to reach agreement on matters forming part of the status of public workers, and is to be incorporated into legislative acts or administrative regulations applicable to those workers;
- The negotiation process provided for in Article 347(3)(b), the outcome of which is the conclusion of a collective agreement instrument applicable to workers with a public employment contract, i.e. collective bargaining in the strict sense.

within the State administration, across all ministries, provided that the number of unionised workers corresponds to at least 2.5% of the total number of workers performing public functions	Conclusion of collective agreements for general career paths – Article 364(1)
Trade unions that submit a single proposal and jointly meet the criteria set out in paragraphs (b) and (c) of Article 349(1)	Conclusion of collective agreements for general career paths – Article 364(5)
Trade unions representing at least 5% of the total number of workers in a special career path	- Sectoral collective bargaining – Article 349(1)(d) - Conclusion of collective agreements for special career paths – Article 364(2)(a)
Trade unions representing workers employed by the public employer	Conclusion of public employer collective agreements – Article 364(3)(a)

As regards the status and prerogatives of minority trade unions, it should be noted that, within the framework of collective bargaining, they have the right to:

- Conclude collective agreements for general career paths, pursuant to Article 364(5) of the LTFP, where they join with other trade unions to form a trade union consortium that submits a single proposal for the conclusion of a collective agreement and which, taken together, meets the representativeness thresholds set out in Article 349(1)(b) and (c) of the LTFP. Collective agreements for general career paths apply to the general career streams of senior technician, technical assistant and operational assistant (Articles 13(6) and 88 of the LTFP), which encompass the largest number of public workers (except for teachers).
- Conclude public employer collective agreements, without being subject to any representativeness thresholds, provided that, in accordance with their statutes, they represent workers employed by that public employer.

Minority trade unions also have the right to participate in the preparation of labour legislation, pursuant to Article 16 of the LTFP.

Under this provision, any draft or bill, draft decree-law or draft or proposal for a regional decree concerning the matters provided for in the preceding article may only be discussed and voted on by the Assembly of the Republic, the Government of the Republic, the legislative assemblies of the autonomous regions and the regional governments after workers' committees and trade unions have had the opportunity to express their views.

The exercise of this right is governed by Articles 472 to 475 of the Labour Code, to which Article 16(2) of the LTFP refers.

Regarding the existence of alternative representation structures at the enterprise level in the public sector, such as elected workers' representatives, the LTFP provides for the establishment of workers' committees and sub-committees, as well as the election of workers' representatives for occupational safety and health.

The right to establish workers' committees and sub-committees is set out in Article 320(1) of the LTFP. Under this provision, workers have the right to set up, within each public employer, a workers' committee for the defence of their interests and for the exercise of the rights provided for in the Constitution and the law.

The establishment of sub-committees is possible in public employers with peripheral establishments or decentralised organisational units and is provided for in paragraph 2 of the same article.

Article 324(1) of the LTFP provides that workers' committees are entitled, inter alia, to:

- a) Receive all information necessary for the exercise of their activities;
- b) Exercise management oversight within the respective public employers
- ;c) Participate in procedures concerning workers, within the framework of organisational restructuring processes of bodies or services;
- d) Participate in the preparation of labour legislation, directly or through their coordinating committees.

Sub-committees of workers may, in turn, exercise these rights under the terms set out in Article 423(2) of the Labour Code (which refers to Article 324(2) of the LTFP).

The workers' committee has the right to meet periodically with the head of the service or with the management body of the public employer in order to discuss and analyse matters related to the exercise of its rights, and at least one meeting must be held each month (Article 325(1) of the LTFP).

Sub-committees of workers enjoy the same right in relation to the managers of the respective peripheral establishments or decentralised organisational units (Article 325(3) of the LTFP).

Under Article 326 of the LTFP, the workers' committee has the right to be informed about:

- a) The activity plan and report;
- b) The budget;
- c) Human resources management, in light of staffing plans;
- d) Financial reporting, including balance sheets, management accounts and management reports;

e) Plans for the reorganisation of the body or service.

It should also be noted that various acts carried out or documents issued by bodies and services of the Public Administration are subject to a prior opinion by workers' committees and sub-committees, in accordance with Article 327 of the LTFP.

Finally, particular emphasis should be placed on the right of these collective worker representation structures concerning the oversight of the management of the public employer (Article 328, subject to the limits set out in Article 329, both of the LTFP).

As established in Article 4(1)(k) of the LTFP, the provisions of the Labour Code and its supplementary legislation apply to public employment relationships, without prejudice to the provisions of the LTFP itself and with the necessary adaptations, except where legally provided otherwise, namely in matters relating to workers' committees, trade unions and workers' representatives, particularly in the field of occupational safety and health, as set out in Law No. 102/2009 of 10 September, referred to above in connection with Article 3; accordingly, we refrain from describing it in further detail.

Article 6§1 Joint consultation

a) Please state what measures are taken by the Government to promote joint consultation.

In Portugal, joint consultation with the social partners constitutes a structured mechanism of social dialogue provided for in labour legislation and framed within the Constitution of the Portuguese Republic (CRP) and the Labour Code (CT).

The CRP (Article 92) confers upon the Economic and Social Council (ESC) two types of powers: consultative and social concertation.

The consultative function is based on the participation of the most representative organisations of Portuguese society and the economic fabric and is carried out through the issuing of opinions, whether mandatory by law, requested from the ESC by sovereign bodies, or on its own initiative. Within this consultative function, the ESC also delivers opinions on draft major policy options and on economic and social development plans, on economic and social policy, on Portugal's positions within European institutions, on the use of EU funds at national level within the scope of those policies, on restructuring and socio-economic development policies, on the country's economic and social situation, and on regional development policy.

In turn, the social concertation function aims to promote social dialogue and negotiation between the Government and the Social Partners (trade union confederations and employers' confederations) and is exercised through tripartite negotiations between representatives of those entities, during which draft legislation in socio-labour matters is examined and social concertation agreements are concluded.

Consultation of the social partners is further specified in the Labour Code, which provides for consultation of representative organisations of workers and employers prior to the adoption of labour legislation (Article 470 et seq.). Such consultation is mandatory (although non-binding), and must be timely, duly reasoned and based on sufficient information. Failure to carry out consultation may constitute a procedural defect and may lead to the unconstitutionality or illegality of the measure (according to Constitutional Court case law, where participation rights are affected).

Any draft or bill, draft decree-law, or draft or proposal for a regional decree relating to labour legislation may only be discussed and voted on by the Assembly of the Republic, the Government of the Republic, the Legislative Assemblies of the autonomous regions and the Regional Governments after workers' committees (or their coordinating committees), trade unions and employers' organisations have had the opportunity to express their views.

Drafts and proposals are published in a Supplement to the following official publications:

- a) *Diário da Assembleia da República*, in the case of legislation to be adopted by the Assembly of the Republic (Parliament);
- b) *Boletim do Trabalho e Emprego*, in the case of legislation to be adopted by the Government of the Republic;
- c) *Journals of the Regional Assemblies*, in the case of legislation to be adopted by the Legislative Assemblies of the autonomous regions;
- d) *Official Journal*, in the case of legislation to be adopted by a Regional Government.

The Supplements referred to above must contain:

- a) The full text of the drafts or proposals, with their respective numbers;
- b) A concise description of the subject matter of the draft or proposal;
- c) The time limit for public consultation.

The Assembly of the Republic, the Government of the Republic, the Legislative Assembly of an autonomous region or the Regional Government shall announce, through the media, the publication of the Supplement and the designation of the matters under public consultation.

During the public consultation period, the entities referred to in Article 470 of the Labour Code may issue opinions on the draft or proposal and request an oral hearing before the Assembly of the Republic, the Government of the Republic, the Legislative Assembly of an autonomous region or the Regional Government, in accordance with the specific rules applicable to each of these bodies.

In parallel, the Standing Committee for Social Concertation (CPCS) may also issue opinions on any draft or proposal concerning labour legislation and may be convened by decision of its Chair at the request of any of its members. Its work is carried out in several

stages, including the proposal and scheduling of the topics to be addressed and the definition of the most appropriate methodology for their analysis, based on an annual or legislative-term work plan agreed by all members.

The range of matters to be discussed includes public policies on employment, vocational training, social security, taxation and public administration, among others. Certain matters must mandatorily be subject to prior consultation, such as the setting of the annual amount of the Guaranteed Minimum Monthly Wage (RMMG), as provided for in Article 273 of the Labour Code. In the preparation of opinions of greater complexity, thematic working groups composed of the Social Partners are usually established, within which the relevant issues are analysed from a technical and comprehensive perspective before final consideration.

In the public sector, and in line with what has been indicated in previous reports, within the context of Public Administration, the issue of parity or joint consultation between workers and employers does not arise in the same terms as in the private sector.

The legal framework previously presented regarding the various channels for consultation (and participation) of workers (and their collective representation structures) is reiterated.

It should be noted that regular meetings with trade union representatives of public employees are a common practice. Within the framework of the collective bargaining process provided for in Article 347(3)(a) of the LTFP—aimed at reaching agreement on matters forming part of the status of public workers, to be incorporated into legislative acts or administrative regulations applicable to those workers—the law requires the holding of a general collective bargaining process on an annual basis, which must begin on 1 September (Article 351(1) of the LTFP). Outside this mandatory annual process, other sectoral negotiations may take place at any time of the year, with a duration agreed between the parties (Article 351(7) of the LTFP).

b) Please describe what issues of mutual interest have been the subject of joint consultation during the past five years, what agreements have been adopted as a result of such discussions and how these agreements have been implemented.

The trend observed in joint consultation in Portugal over the last five years has been a stronger focus on issues relating to the updating of wage scales and the negotiation of increases and/or adjustments (between 2021 and 2025).

During this period, there was an acceleration in the national minimum wage, in intermediate nominal and real wage increases, and an increase in the number of collective agreements, although the number of workers covered declined in 2023. Collective bargaining is a well-established negotiation process, with outcomes at various levels, but particularly in relation to remuneration, as evidenced in reports on the Weighted Average Variation of Remuneration. Nominal and real wages have increased

significantly within collective bargaining in recent years: in 2024, the nominal wage increase was 7.4% and the real increase 2.7%, representing an acceleration compared with previous years.

Other outcomes of these joint consultations include, for example, the various Tripartite Agreements reached within social concertation, the most recent being the Agreement on Wage Valuation and Economic Growth 2025–2028, concluded in 2022 and reinforced in 2023 and 2024. It covers the following areas:

- Increase in the average wage;
- Strengthening of disposable income through the gradual reduction of personal income tax (PIT) on workers' earnings;
- Improvement of young people's working conditions, by enhancing their role in the labour market and the capacity to attract and retain talent, both through improving their employment situation, promoting their hiring, and increasing their disposable income;
- Strengthening the promotion of work–life balance;
- Administrative simplification and the removal of context costs for businesses, identified as critical factors in the Agreement;
- Reinforcement of the Tax Incentive Scheme for Corporate Capitalisation and Investment Support (RFAI).

In 2024, other issues became more prominent within the context of that year's collective bargaining. These include references to electronic means of communication, teleworking, the possibility for non-unionised workers to choose the applicable collective agreement, and the duty to refrain from contact outside agreed working hours. Lastly, as is customary, remuneration and other pecuniary benefits remain the most frequently addressed topics in collective agreements.

More recently, consultations took place in the context of the public discussion of the "Preliminary Draft Law on the Reform of Labour Legislation – Work XXI". In coordination with the social partners, the Government proposed revisiting a wide range of matters considered to be priorities, with a view not only to adapting labour legislation to the "Economy 4.0", but also to fostering and revitalising collective bargaining, combating labour precariousness, and promoting a more balanced reconciliation between personal and private life and professional life.

In the public sector, over the past five years, a set of legal instruments regulating public employment has been negotiated with trade union structures and subsequently adopted, notably concerning wage increases and career progression.

In November 2024, the Government concluded the Multiannual Agreement on the Valuation of Public Administration Workers⁴⁶ with public administration trade union structures. This agreement resulted from an atypical political negotiation between the signatory parties, bearing similarities to social concertation agreements.

c) Please state if there has been any joint consultation on matters related to (i) the digital transition, or (ii) the green transition.

Formal consultations and social dialogue processes have taken place in Portugal in the context of the preparation of recent labour legislation (notably the “Work XXI” package), which explicitly addresses the digital transition, to align labour law with the Economy 4.0, including platform work and new forms of work organisation.

In a more indirect, cross-cutting/policy sense, the green transition has also been addressed. For example, the consultations that preceded the Tripartite Agreement on Wage Valuation and Economic Growth 2025–2028 covered issues such as competitiveness, economic sustainability and structural transformation, including the twin digital and green transitions.

Article 6§2 Collective bargaining

a) Please provide information on how collective bargaining is coordinated between and across different bargaining levels including information on:

- ***the operation of factors such as erga omnes clauses and other mechanisms for the extension of collective agreements;***
- ***the operation of the favourability principle and the extent to which local/workplace agreements may derogate from legislation or collective agreements agreed at a higher level.***

As already noted, under Portuguese law, the function of social concertation aims to promote social dialogue and negotiation between the Government and the Social Partners, and is exercised through tripartite negotiations during which draft legislation on socio-labour matters is examined and, consequently, social concertation agreements are concluded.

⁴⁶ <https://www.portugal.gov.pt/pt/gc24/comunicacao/comunicado?i=governo-e-estruturas-sindicais-assinam-acordo-plurianual-de-valorizacao-dos-trabalhadores-da-administracao-publica>

By way of framework, as regards their typology, it should be noted that, under Portuguese law, instruments of labour regulation may be either negotiated or non-negotiated (Article 2(1) of the Labour Code).

Negotiated instruments of collective labour regulation are those provided for in Article 2(2) of the Labour Code:

- a) Collective agreements, which may take the following forms:
 - Collective contract – an agreement concluded between a trade union and an employers' association (Article 2(3)(a) of the Labour Code);
 - Collective agreement – an agreement concluded between a trade union and a plurality of employers covering different undertakings (Article 2(3)(b) of the Labour Code);
 - Company agreement – an agreement concluded between a trade union and a single employer for a given undertaking or establishment (Article 2(3)(c) of the Labour Code);
- b) Accession agreement, through which a trade union, an employers' organisation or an employer may adhere to an existing collective agreement or arbitration decision (Article 504 of the Labour Code);
- c) Arbitral decision, within the framework of voluntary arbitration (Articles 505 to 507 of the Labour Code).

Non-negotiated instruments of collective labour regulation are those referred to in Article 2(4) of the Labour Code:

- Extension order (portaria de extensão) – issued by the minister responsible for the labour area and, where there is opposition on economic grounds, by the minister responsible for the sector of activity – which applies, in whole or in part, a collective agreement or arbitral decision to employers and workers within the scope of the sector of activity and professional field defined in that instrument, where, cumulatively, there is no applicable negotiated collective regulation instrument and where social and economic circumstances justify it (Articles 514 et seq. of the Labour Code);
- Order on working conditions (portaria de condições de trabalho) – issued by the minister responsible for the labour area and the minister(s) responsible for the sector(s) of activity concerned – which establishes the applicable regulation where, cumulatively, there is no applicable negotiated collective regulation instrument, there is no trade union or employers' organisation that the worker or employer may join, it is not possible to apply an extension order of a collective agreement, and social and economic circumstances justify it (Articles 517 and 518 of the Labour Code);
- Arbitral decision in compulsory or necessary arbitration proceedings - determined, in very limited cases, by a reasoned decision of the minister responsible for the labour area (Articles 508 to 511 of the Labour Code).

In Portugal, the principle of affiliation applies, according to which a collective agreement is applicable:

- To the employer(s) who sign it or who are affiliated with the signatory employers' associations (Article 496(1) and (2) of the Labour Code);
- To workers who are members of the signatory trade unions or of trade unions affiliated with trade union organisations (union, federation or confederation) that conclude the Agreement (Article 496(1) and (2) of the Labour Code).

By virtue of the principle of affiliation, where more than one collective agreement applies to the same employment contract—which is rare, since a worker “may not simultaneously be a member, in respect of the same profession or activity, of different trade unions”, pursuant to Article 444(5) of the Labour Code—the Code establishes rules to resolve potential situations of overlap or conflict:

- Under Article 481 of the Labour Code, a sectoral negotiated collective regulation instrument prevails over an instrument of the same nature whose scope is defined by profession(s) within that sector—i.e. priority is given to vertical collective agreements over horizontal ones;
- Under Article 482(1) of the Labour Code, a company agreement prevails over a collective agreement or a sectoral collective contract;
- A collective agreement prevails over a sectoral collective contract.

That is, the general rule is that a more specific collective agreement takes precedence over a more general one.

In other cases, workers of the undertaking to whom overlapping instruments apply may choose the applicable instrument by majority, within 30 days from the entry into force of the most recent instrument, notifying their choice to the employer concerned and to the inspection service of the ministry responsible for the labour area (Article 482(2) of the Labour Code). In the absence of such a choice by the workers, the applicable instrument shall be (Article 482(3) of the Labour Code): (i) the most recently published instrument; or (ii) where instruments are published on the same date, the one regulating the undertaking's main activity.

However, these rules are, to some extent, default rules, since collective agreements may establish coordination arrangements among themselves.

In this regard, Article 482(5) of the Labour Code provides that the precedence criteria laid down in Article 482(1) may be set aside by a negotiated collective labour regulation instrument, in particular through coordination clauses covering:

- Collective agreements at different levels, namely interconfederal, sectoral or company level;

- A collective contract providing that certain matters, such as geographical and functional mobility, the organisation of working time and remuneration, are to be regulated by a collective agreement.

Concerning the public sector, collective bargaining, in its dimension of collective agreement-making, is provided for in Article 347(3)(b) of the LTFP. Its purpose is the conclusion of collective labour regulation instruments (IRCTs) applicable to workers with a public employment contract and it operates in an articulated manner.

Article 13 of the LTFP distinguishes between conventional IRCTs (where their origin lies in the initiative of the parties) and non-conventional IRCTs (where they arise from the law following the initial initiative of one of the parties).

Conventional IRCTs include collective agreements, accession agreements and voluntary arbitration decisions; the compulsory arbitration decision is the only non-conventional IRCT provided for in the LTFP (paragraphs 3 and 4 of the same article).

There are two types of collective agreements, namely career collective agreements and public employer collective agreements (paragraphs 5 to 7 of the same article).

A career collective agreement (ACC) is a collective agreement applicable within the scope of a career or a set of careers, regardless of the body or service in which the worker performs their duties (paragraph 6 of the same article).

A public employer collective agreement (ACEP) is a collective agreement applicable within the scope of the body or service in which the worker performs their duties (paragraph 7 of the same article).

Article 14 of the LTFP establishes a framework for coordination between collective agreements, under which the ACC indicates the matters that may be regulated by an ACEP. In the absence of an ACC or of an express indication, the ACEP may only regulate matters relating to occupational safety and health and to the duration and organisation of working time (Article 14(2) of the LTFP).

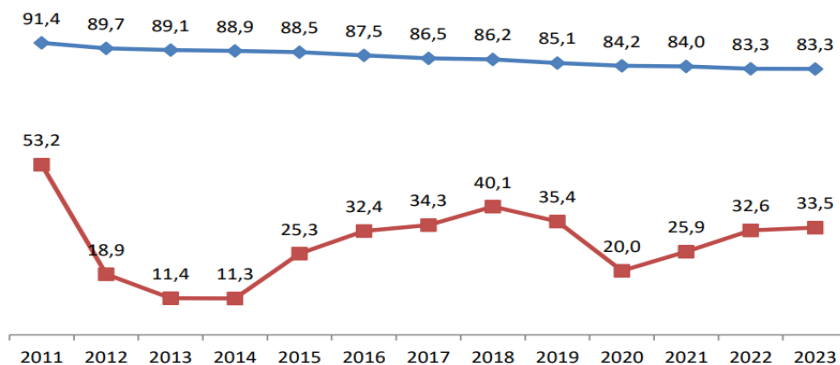
With regard to the operation of *erga omnes* clauses and other extensible factors, and to the principle of favourability and the extent to which local or workplace-level agreements may derogate from legislation or from collective agreements concluded at a higher level, pursuant to the principle of affiliation, under Portuguese law, collective agreements do not have a general or *erga omnes* effect. However, their scope may be extended through the issuance of extension orders (*portarias de extensão*).

This framework makes it possible, despite relatively low levels of trade union and employers' organisation membership, for collective agreement coverage rates to remain high (over 75% of employees in 2023). In this regard, coverage rates have remained relatively stable in recent years, alongside the expected annual fluctuations in the coverage of newly published collective agreements (see Graph 1).

In addition to the impact mentioned above, the extension of collective agreements also acts as an incentive for collective bargaining, insofar as the parties are encouraged to

negotiate where they anticipate that the outcome of negotiations will be extended, thereby avoiding any competitive disadvantage.

Figure 1 – Coverage rate of collective labour regulation in force and published annually (including the order on working conditions)⁴⁷



Blue - Coverage rate of collective agreements in force; Red - Update rate of collective agreements in force

Source: MTSSS (DGERT and GEP)

“The coverage rate of collective agreements in force” corresponds to the percentage of the total number of employees (TCO) potentially covered by collective agreements in force in each year, relative to the total number of employees in the country.

It should be noted that the coverage rates referred to above relate to collective agreements and their respective extension orders, and include the approximately 100,000 workers covered by the order on working conditions currently in force (for administrative workers employed by employers without an employers’ association, they can join and without applicable collective bargaining extended by extension order), which is updated annually.

Concerning the principle of the most favourable treatment and the relationship between sources of regulation, namely between the law and instruments of collective labour regulation, Article 3(1) of the Labour Code provides that “statutory provisions governing employment contracts may be derogated from by a collective labour regulation instrument, unless those provisions stipulate otherwise.”⁴⁸.

However, pursuant to Article 3(3) of the Labour Code, “statutory provisions governing employment contracts may only be derogated from by a collective labour regulation

⁴⁷ <https://www.dgert.gov.pt/wp-content/uploads/2024/05/Relatorio-anual-RCT-2023-DGERT.pdf> This information is confirmed by OECD-AIAS ICTWSS database, as cited in an ETUI publication: [More bark than bite – a first assessment of the National Action Plans to promote collective bargaining | etui](#)

⁴⁸ However, “statutory provisions governing employment contracts may not be derogated from by an order on working conditions” (Article 3(2) of the Labour Code).

instrument which, without contravening those provisions, establishes terms more favourable to workers concerning the following matters:

- a) Personality rights, equality and non-discrimination;
- b) Protection in parenthood;
- c) Work by minors;
- d) Workers with reduced working capacity, disability or chronic illness;
- e) Student workers;
- f) Employer's duty to provide information;
- g) Limits on the duration of normal daily and weekly working periods;
- h) Minimum duration of rest periods, including the minimum duration of annual leave;
- i) Maximum duration of night work;
- j) Method of payment and guarantees of remuneration, as well as payment for overtime;
- k) Telework;
- l) The chapter on the prevention and compensation of occupational accidents and illnesses, and the legislation regulating it;
- m) Transfer of an undertaking or establishment;
- n) Rights of elected workers' representatives;
- o) Use of algorithms, artificial intelligence and related matters, namely in the context of work on digital platforms."

With regard to the relationship between the law and the employment contract, "statutory provisions governing employment contracts may only be derogated from by an individual contract that establishes more favourable conditions for the worker, unless those provisions stipulate otherwise" (Article 3(4) of the Labour Code).

"Where a statutory provision governing employment contracts provides that it may be derogated from by a collective labour regulation instrument, it shall be understood that it may not be derogated from by an individual employment contract" (Article 3(5) of the Labour Code).

With regard to the relationship between collective labour regulation instruments and the employment contract, "the provisions of a collective labour regulation instrument may only be derogated from by an employment contract where the latter establishes more favourable conditions for the worker" (Article 476 of the Labour Code).

In the public sector, collective labour regulation instruments (IRCTs) are concluded by trade unions (Article 338(1)(a) of the LTFP) and cover their affiliated workers. This follows from Article 370(2) of the LTFP, which enshrines the principle of affiliation by providing

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that “a collective agreement applies to workers who are members of a signatory association or members of a trade union affiliated to the signatory union, federation or confederation”.

Accordingly, the LTFP follows the general principle governing the personal scope of application of IRCTs, also present in the Labour Code, but departs from the private sector regime by providing, in paragraph 3 of the same article, for the *erga omnes* application of agreements to “other workers within the same career or performing functions within the public employer”.

In other words, in addition to applying the regime laid down in agreements to workers affiliated with the signatory trade unions—under the principle of affiliation—the LTFP directly extends the effects of collective agreements to the legal position of “other workers”. This category includes both non-affiliated workers and workers affiliated with trade unions that are not parties to the instrument in question.

The LTFP also provides for a right of choice for non-unionised workers where more than one instrument applies within the same public employer. The non-unionised worker must express their choice in writing; failing such indication, the IRCT that covers the largest number of workers within the public employer shall apply (Article 370(5) and (6) of the LTFP). No equivalent right is provided for unionised workers affiliated with a trade union that is not a party to an IRCT in force within the public employer.

The *erga omnes* application provided for by law is, however, subject to a limitation, reflected in the possibility of exercising a right of opposition to its application. This right is held by non-unionised public workers and by trade unions with the capacity to conclude the collective agreement, in respect of their members (Article 370(3), final part, of the LTFP). The law sets a time limit for exercising this right, which must be expressed in writing to the public employer (Article 370(4) of the LTFP).

In the public sector, regarding the operation of the principle of favourable treatment, there are no differences compared with the labour regime in the private sector, with Article 3(3) of the Labour Code applying by virtue of the reference made in Article 4(1)(a) of the LTFP, which mandates the application of the Labour Code to the relationship between statutory provisions and collective labour regulation instruments, as well as between those sources and the public employment contract.

As regards the derogation of higher-level collective agreements, as noted above, collective bargaining under the public employment regime is of an articulated type, and lower-level agreements (ACEPs) may not derogate from the ACCs with which they are aligned, except where the possibility of derogation is expressly provided for in the ACC (Article 14 of the LTFP).

With regard to the specific situation of the armed forces, militarised forces and police, although collective bargaining within the National Republican Guard (GNR) is limited due to its very specific nature, there are consultation mechanisms concerning working conditions, career progression, training and occupational safety, with the principle of favourable treatment being applied. Examples of concrete measures and actions include

consultations on working hours, leave, career progression and training. There has also been the assessment and implementation of proposals put forward by professional associations, where compatible with the mission of the GNR, such as the recent adaptation of working schedules during periods of special operations or the participation of representatives of such associations in negotiating forums on continuing training and specialised teams.

b) Please provide specific details on:

- ***the measures taken or planned in order address those obstacles;***
- ***the timelines adopted in relation to those measures;***
- ***the outcomes achieved/expected in terms of those measures.***

Over the period between 2011 and 2024, collective contracts showed a clear downward trend in the number of publications. Initially, they were the predominant instrument in the collective regulation of labour, but their relevance has gradually declined. This decrease may be attributed to changes in the context of collective bargaining, an increasing preference for other types of instruments, or possible legislative developments affecting their use.

In the early years of the period analysed, the highest number of collective contract publications was recorded. However, from the mid-decade onwards, figures stabilised at significantly lower levels. By 2024, the number of published collective contracts corresponded to approximately half of that recorded in 2011, highlighting a marked decline over the period.

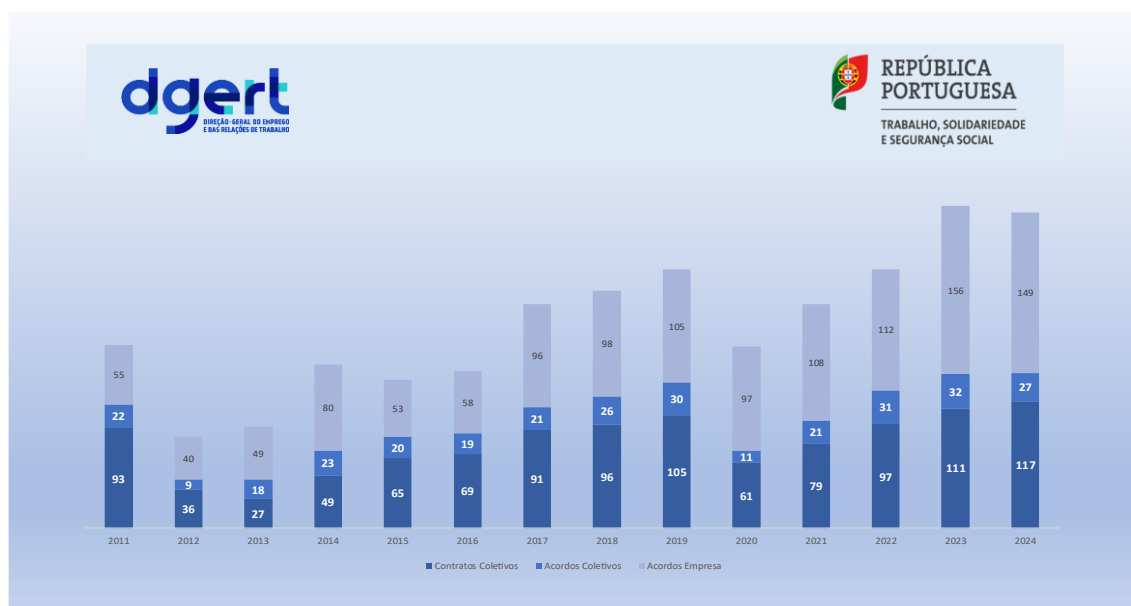
Collective agreements, in turn, remained relatively stable over the years, with a slight downward trend. These instruments represented a smaller share of the total number of collective agreements published during the period under review. No major annual fluctuations were observed, indicating a certain consistency in their use.

In 2024, the number of published collective agreements was lower than in 2011, although the difference is not particularly significant. This pattern suggests possible stagnation or even gradual substitution by other instruments, particularly company agreements, which have gained greater prominence and relevance.

Company agreements stand out for their very significant growth throughout the period considered. Since 2017, a particularly sharp increase has been observed, making this instrument the main driver behind the overall growth in published collective labour regulation instruments.

By 2024, the number of company agreements published was almost three times higher than in 2011. This growth has been consistent, with peaks in recent years, especially in 2023 and 2024. The evolution of company agreements reflects a stronger bargaining dynamic at company level, as well as an adaptation to the specific needs and realities of each organisation.

Figure 2 – Evolution of the number of collective agreements published (2011–2024)



Source: MTSSS - DGERT

The chart highlights the growth of collective bargaining at company level (i.e. the decentralisation of collective bargaining).

As noted above, the coverage rate of collective agreements in force remains above 80%. Nevertheless, legislative changes have been introduced providing incentives for increased collective bargaining and broader coverage.

Law No. 13/2023 of 3 April introduced paragraphs 2 and 3 to Article 485 of the Labour Code. These new provisions establish that, for the purposes of the State's duty to promote collective bargaining (as laid down in Article 485(1) of the Labour Code):

- “(...) the State shall frame incentives for collective bargaining within its specific policies, notably through measures that favour companies that are parties to recently concluded or revised collective agreements, in the context of access to public support or funding, including European funds, public procurement procedures and fiscal incentives”;
- “(...) a recently concluded or revised agreement shall be understood as one that has been concluded or renewed within the preceding three-year period.”

See, in this regard, in particular:

- Decree-Law No. 20-A/2023 of 22 March⁴⁹ (which establishes the general framework for the implementation of European funds under Portugal 2030 and the Asylum, Migration and Integration Fund for the 2021–2027 programming period), whose Article 24(6) provides that “specific regulations or calls for applications must, where applicable, include mechanisms to increase or enhance the valuation of applications submitted by entities that are parties to a recently concluded or revised collective agreement, within the meaning of the Labour Code”;
- Article 42(6)(k) of the Public Procurement Code⁵⁰, which stipulates that “the aspects of contract performance, set out in the specifications, may, where related to such performance, concern social or environmental conditions, or be intended to promote: (...) the enhancement of collective bargaining (...)”;
- Article 19-B added to the Statute of Tax Benefits⁵¹, whose current wording provides:

“1 — For the purposes of determining the taxable profit of corporate income taxpayers (IRC) and personal income taxpayers (IRS) with organised accounting, costs corresponding to wage increases for workers with open-ended employment contracts shall be considered at 200% of their amount, recorded as an expense for the financial year, where:

- a) The increase in the average annual basic remuneration in the company, compared to the end of the previous year, is at least 4.7%; and
- b) The increase in the annual basic remuneration of workers earning an amount equal to or less than the company’s average

⁴⁹ <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-lei/2023-224730168>

⁵⁰ <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-lei/2008-34455475>

⁵¹ <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-lei/1989-34554075>

annual basic remuneration at the end of the previous year is at least 4.7%.

2 — Taxpayers are excluded from this scheme where there is an increase in the wage dispersion of workers compared with the previous financial year.

3 — Only costs relating to workers covered by a collective labour regulation instrument concluded or updated less than three years ago shall be considered.

4 — For the purposes of the preceding paragraphs, the following definitions apply:

- a) 'Costs' means the amounts borne by the employer in respect of the worker, by way of basic remuneration and social security contributions payable by the employer;
- b) 'Collective labour regulation instrument' means those defined in Article 2 of the Labour Code;
- c) (Repealed.)
- d) 'Wage increase' means the increase occurring between the last day of the taxation period of the financial year and the last day of the taxation period of the previous financial year;
- e) 'Basic remuneration' means that referred to in Article 258 of the Labour Code;
- f) 'Guaranteed minimum monthly wage' means the value of the minimum monthly remuneration in force on the last day of the taxation period.

5 — The maximum annual amount of eligible costs per worker shall correspond to five times the guaranteed minimum monthly wage, and any costs resulting from the update of that amount shall not be taken into account.

6 — For the purposes of paragraph 1, the following shall not be considered:

- a) Workers who are members of the employer's household;

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b) (Repealed.)

c) Workers who directly or indirectly hold a share of not less than 50% of the share capital or voting rights of the corporate income taxpayer, as well as members of their household.”

With these measures, an increase in the conclusion of collective agreements (either new agreements or revisions of existing ones) is expected, as well as an increase in the coverage rate of collective bargaining agreements published annually and in force. These factors contribute to strengthening trade union membership, since in Portugal, collective bargaining is an exclusive right of trade unions and the principle of affiliation applies, whereby an agreement applies to workers affiliated with the signatory trade unions or with trade unions affiliated to the signatory trade union organisations (union, federation or confederation).

Furthermore, Law No. 13/2023 of 3 April provides, with regard to self-employed workers in a situation of economic dependence, that, under terms to be defined in specific legislation (Article 10-A(2) of the Labour Code):

- They are entitled to the representation of their socio-professional interests by a trade union, including the negotiation and application of collective labour regulation instruments (Article 10-A(1)(a) to (c) of the Labour Code);
- The collective labour regulation instruments referred to in the previous paragraph may be subject to administrative extension, through an extension order, with the provisions laid down in Articles 514 et seq. of the Labour Code applying, with the necessary adaptations (Article 10-A(1)(d) of the Labour Code);
- The minimum working conditions of economically dependent self-employed workers may be established administratively through an order on working conditions, with the provisions laid down in Articles 517 and 518 of the Labour Code applying, with the necessary adaptations (Article 10-A(1)(d) of the Labour Code).

These measures are intended to ensure that, subject to terms to be defined in specific legislation, economically dependent self-employed workers have the right to the representation of their socio-professional interests by trade unions (thereby strengthening the role of trade unions), including the negotiation and application of collective labour regulation instruments, as well as benefiting from the administrative extension of such instruments through extension orders or from the administrative determination of minimum working conditions through the issuing of an order on working conditions.

In other words, these measures enable the representation of socio-professional interests, as well as the negotiation and application of both negotiated and non-negotiated collective labour regulation instruments, to self-employed workers who were previously not covered by such instruments.

These measures therefore constitute an incentive for collective bargaining and trade union association, and potentially for trade union membership of such workers, should future implementing legislation allow for it.

The same law also established a presumption of an employment contract in the context of digital platforms—Article 12-A of the Labour Code (in addition to the general presumption laid down in Article 12 of the Labour Code).

In cases where an employment contract is deemed to exist, the provisions of the Labour Code that are compatible with the nature of the activity performed shall apply, notably those concerning occupational accidents, termination of the contract, prohibition of dismissal without just cause, minimum wage, annual leave, limits on the normal working period, and equality and non-discrimination. As the wording of Article 12-A(9) of the Labour Code is illustrative, it is understood that all provisions of the Labour Code compatible with the nature of the activity performed apply, including those relating to trade union membership and collective labour regulation.

By establishing the presumption of an employment contract in the context of digital platforms, these workers are entitled to the representation of their socio-professional interests, as well as to the negotiation and application of collective labour regulation instruments, under the same general terms as other workers.

c) Please provide information on the measures taken or planned to guarantee the right to collective bargaining of (i) economically dependent (self-employed) persons showing some similar features to workers and (ii) self-employed workers.

With regard to economically dependent self-employed workers who display certain characteristics similar to those of employees, please refer to the above. As for self-employed workers tout court, there are no measures to ensure the right to collective bargaining, as it is considered that such a right should belong to employees and to self-employed workers who, by virtue of their economic dependence, are deemed to require protection similar to that afforded to employees.

Article 6§4 Collective action

a) Please indicate:

- ***the sectors in which the right to strike is prohibited;***
- ***those sectors for which there are restrictions on the right to strike;***
- ***sectors for which there is a requirement of a minimum service to be maintained.***

Please give details about the relevant rules concerning the above and their application in practice, including relevant case law.

Within the framework of private employment relationships, Portuguese law does not provide for any prohibition or restriction on the exercise of the right to strike.

With regard to the requirement to provide minimum services, Article 537(1) of the Labour Code establishes that, during a strike in an undertaking or establishment intended to meet pressing social needs, the provision of minimum services indispensable to the satisfaction of those needs must be ensured.

Article 537(2) provides a (non-exhaustive) list of sectors aimed at meeting pressing social needs, namely:

- a) Postal and telecommunications services;
- b) Medical, hospital and pharmaceutical services;
- c) Public sanitation, including funeral services;d) Energy and mining services, including fuel supply;e) Water supply;f) Firefighting services;
- g) Public service activities ensuring the satisfaction of essential needs assigned to the State;
- h) Transport services, including ports, airports, railway stations and bus terminals, concerning passengers, animals, perishable foodstuffs and goods essential to the national economy, including their loading and unloading;
- i) Transport and security of monetary assets.

Pursuant to Article 537(3), the services necessary for the safety and maintenance of equipment and facilities must also be provided during the strike. Workers assigned to the provision of minimum services and to services necessary for the safety and maintenance of equipment and facilities shall, to the extent strictly necessary for such provision, remain under the authority and direction of the employer, and are entitled, in particular, to remuneration (see Article 537(4) of the Labour Code).

It should also be noted that Article 538 of the Labour Code, entitled “Definition of services to be ensured during a strike”, provides as follows:

“1 — The services referred to in paragraphs 1 and 3 of the preceding article, and the means necessary to ensure their provision, shall be defined by a collective labour regulation instrument or by agreement between the workers’ representatives and the employers covered by the strike notice, or the relevant employers’ association.

2 — In the absence of provision in a collective labour regulation instrument or of an agreement on the definition of the minimum services referred to in paragraph 1 of the

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preceding article, the competent service of the ministry responsible for the labour area, assisted where necessary by the competent service of the ministry responsible for the sector of activity, shall convene the entities referred to in the previous paragraph to negotiate an agreement on the minimum services and the means required to ensure them.

3 — In the negotiation of minimum services relating to a strike substantially identical to at least two previous strikes for which the definition of minimum services through arbitration has been identical, the service referred to in the previous paragraph shall propose that the parties accept the same definition; in the event of rejection, this shall be recorded in the minutes of the negotiation.

4 — In the cases referred to in the preceding paragraphs, in the absence of agreement within three days following the strike notice, the minimum services and the means necessary to ensure them shall be defined:

- a) By a duly reasoned joint order of the minister responsible for the labour area and the minister responsible for the sector of activity;
- b) In the case of an undertaking in the State-owned business sector, by an arbitral tribunal, established under specific legislation on compulsory arbitration.

5 — The definition of minimum services must comply with the principles of necessity, adequacy and proportionality.

6 — The order and the arbitral tribunal decision referred to in the previous paragraph shall take effect immediately upon notification to the entities referred to in paragraph 1 and must be displayed on the premises of the undertaking, establishment or service, in places designated for informing workers.

7 — The representatives of workers on strike must designate the workers assigned to the provision of the defined minimum services and inform the employer accordingly, up to twenty-four hours before the start of the strike period; failing this, the employer shall make such designation.”

b) Please indicate whether it is possible to prohibit a strike by seeking injunctive or other relief from the courts or other competent body (administrative body or arbitration body). If affirmative, please provide information on the scope and number of decisions in the last 12 months.

Portuguese labour law does not provide for any specific interim measure or special declaratory procedure aimed at prohibiting a strike. Nevertheless, it should be noted that Article 362 of the Code of Civil Procedure, applicable in labour matters pursuant to Article 1(2)(a) of the Labour Procedure Code, establishes the possibility of applying for unspecified interim measures under the following terms:

“1 — Where a person shows a well-founded fear that another may cause serious and irreparable harm to their right, they may request the appropriate preventive or anticipatory measure to ensure the effectiveness of the threatened right.

2 — The applicant’s interest may be based on an already existing right or on a right arising from a decision to be delivered in constitutive proceedings, whether already instituted or to be instituted.

3 — (...)

4 — (...)”

There is no known case of interim measures or judicial actions brought with the aim of prohibiting a strike.

Finally, it should be noted that Portuguese law does not provide for any procedures or mechanisms enabling administrative bodies, arbitral bodies or any State services to prohibit strikes.

The right to strike is guaranteed under Article 57 of the Constitution of the Portuguese Republic (CRP) and is therefore included among fundamental rights, freedoms and guarantees.

In the public sector, the LTFP provides for the application of the Labour Code, with the necessary adaptations and the specific provisions set out in Articles 394 et seq. Since the last report, there have been no changes to the legal framework applicable to public employment relationships in this regard.

The right to strike is considered a negative subjective right, meaning that workers cannot be prohibited or prevented from striking, nor can they be compelled to end a strike once it has commenced (except where it is judicially declared unlawful).

Both Article G of the European Social Charter and the CRP allow for restrictions on the exercise of rights. Article 270 of the CRP provides that “the law may establish, to the extent strictly required by the specific nature of the respective functions, restrictions on the exercise of the rights of expression, assembly, demonstration, association and collective petition, and on passive electoral capacity by members of the armed forces and militarised personnel in active service, as well as by members of the security services and forces; in the latter case, it may also exclude the right to strike, even where the right to trade union association is recognised.”

Thus, under constitutional provisions, the permitted restrictions apply to members of the armed forces and security forces, and only with regard to the rights specified in Article 270 of the CRP.

The National Defence Law, approved by Organic Law No. 1-B/2009 of 7 July, as amended and republished by Organic Law No. 3/2021 of 9 August, provides in Article

27(3) that “members of the armed forces in active service are not subject to the constitutional provisions relating to workers’ rights where the exercise of such rights presupposes the fundamental rights referred to in the following articles, insofar as they are restricted thereby, namely freedom of association in trade unions, the right to establish and participate in workers’ committees and the right to strike.”

With regard to members of the Armed Forces, the legal framework is as previously communicated in connection with Complaint No. 199/2021, *EUROMIL v. Portugal*, which has already been decided.

As for members of the National Republican Guard (GNR) and the Public Security Police (PSP)⁵², the exercise of their right of professional association is governed by Law No. 39/2004 of 18 August. Under Article 6(f) thereof, GNR members may not “exercise the right to strike or any substitute measures liable to impair the normal and effective performance of the GNR’s missions, as well as its cohesion and discipline.”

Regarding restrictions on the right to strike, and in light of the reiterated request by the Committee in the Conclusions of the 2022 Report concerning information on the right of police members to strike, the following is noted. The Professional Statute of Personnel Performing Police Functions in the PSP is set out in Decree-Law No. 243/2015 of 19 October, as amended⁵³.

Under this legal instrument, a police officer is defined as a member of the PSP professional body, organised as a special career, performing police functions, armed and in uniform, subject to police status, under an appointment-based employment relationship and with specific training (Article 3).

Police officers are subject to “police status”, with Article 4 clarifying that this defines the general framework governing the exercise of rights and the fulfilment of duties by police officers in any situation. Among other aspects, police status is characterised by restrictions on the exercise of rights, in accordance with the Constitution and the law (Article 4(2)(g)).

Furthermore, Law No. 14/2002 of 19 February, as amended⁵⁴, regulates the exercise of trade union freedom and the rights to collective bargaining and participation of PSP personnel. Under Article 3(1)(d) of that Law, given the nature and mission of the PSP, police officers are not entitled to exercise the right to strike within the framework of trade union activity.

For all other aspects, reference is made to the response previously provided under the question relating to Article 5, on the right of organisation.

⁵² <https://diariodarepublica.pt/dr/detalhe/lei/39-2004-480706>

⁵³ <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-lei/2015-114584637>

⁵⁴ <https://diariodarepublica.pt/dr/legislacao-consolidada/lei/2002-123281001>

As regards minimum services, in sectors where the maintenance of minimum services is required, no legislative changes have occurred in the public employment framework since the last report.

Article 397 of the LTFP governs the provision of minimum services during strikes declared in bodies or services intended to meet essential social needs.

The various subparagraphs of Article 397(2) of the LTFP provide an illustrative list of sectors intended to meet pressing social needs, including: public security, both in non-custodial and custodial settings; postal and telecommunications services; medical, hospital and pharmaceutical services; education, with regard to the conduct of final assessments, examinations or nationwide tests that must take place simultaneously throughout the national territory; public sanitation, including funeral services; energy and mining services, including fuel supply; water distribution and supply; firefighting services; public services ensuring the provision of essential needs for which the State is responsible; transport services relating to passengers, animals and perishable foodstuffs, as well as goods essential to the national economy, including loading and unloading operations; and the transport and security of monetary assets.

Where a strike is declared in one of the sectors intended to meet pressing social needs, the trade union that declares the strike, or the strike committee⁵⁵, and the participating workers must ensure, during the strike, the provision of the aforementioned minimum services indispensable to meeting those needs.

The proposal for minimum services and the means necessary to ensure them must be included in the strike notice, together with a proposal for defining the services required for the safety and maintenance of equipment and facilities (Article 396(2) of the LTFP).

As noted in the previous Report, the LTFP gives priority to the definition of minimum services through a collective labour regulation instrument or by agreement with workers' representatives (Article 398(1) of the LTFP).

Where there is no provision in a collective labour regulation instrument nor agreement between the parties, and the public employer opposes the proposed minimum services and the means necessary to ensure them included in the strike notice, it must, under Article 398(2) and (4) of the LTFP, notify the Directorate-General for Public Administration and Employment (DGAEP), within 24 hours of receiving the strike notice, of the need to negotiate such an agreement.

Subsequently, the member of Government responsible for the public administration area shall convene a meeting to promote agreement, calling upon the workers'

⁵⁵ Pursuant to Article 395 of the LTFP, in addition to trade unions, a strike may be called by workers' assemblies, provided that, within the respective body or service, the majority of workers is not represented by trade unions, that the assembly is expressly convened for that purpose by 20% or 200 workers, that the majority of workers of the body or service participate in the vote, and that the strike declaration is approved by secret ballot by the majority of those voting.

representatives and the representatives of the relevant public employers to participate in the negotiation (Article 398(2) of the LTFP).

If the negotiation fails and the parties do not reach agreement by the end of the third day following the strike notice, it falls to an arbitral panel to determine the minimum services and the means necessary to ensure them (Article 398(3) of the LTFP).

The parties must be notified of the arbitral decision up to 48 hours before the start of the strike period (Article 404(1) of the LTFP). Such decision is equivalent, for all legal purposes, to a first-instance judgment, including the right of appeal (Article 404(4) and Article 405 of the LTFP, and Article 22(1) of Decree-Law No. 259/2009 of 25 September⁵⁶, which regulates compulsory arbitration, necessary arbitration and arbitration concerning minimum services during a strike and the means required to ensure them).

Accordingly, any intervention prior to the commencement of a strike, whether administrative or judicial in nature, is intended exclusively to determine the minimum services and the means necessary to ensure them in sectors where essential social needs are at stake and does not constitute an interim measure aimed at preventing the strike from taking place.

⁵⁶ https://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=3026&tabela=leis&so_miolo=

Article 20 – Right to equal opportunities between women and men

Explanatory remark: See the remark above under Article 4.

Questions:

a) Please provide information on the measures taken to promote greater participation of women in the labour market and to reduce gender segregation (horizontal and vertical). Please provide information/statistical data showing the impact of such measures and the progress achieved in terms of tackling gender segregation and improving women's participation in a wider range of jobs and occupations.

Portugal has been developing a comprehensive set of legislative measures, public policies and operational actions aimed at strengthening women's participation in the labour market and combating gender segregation, both horizontal (sectoral/professional) and vertical (access to top positions).

The national legal framework is comprehensive and coherent. Firstly, the principle of equality and non-discrimination is enshrined in the Constitution of the Portuguese Republic, and it is a fundamental duty of the State to promote equality between women and men and to ensure that no person is privileged or disadvantaged on the basis of sex. This principle underpins the entire legal system and is transversal to public policies.

In the labour domain, the Labour Code is the main legal instrument, incorporating a set of specific provisions relating to equality and non-discrimination, notably in Articles 23 to 32, which prohibit direct and indirect discrimination on the grounds of sex, including in access to employment, working conditions, career progression and remuneration. The Labour Code also includes mechanisms for the protection of parenthood, the promotion of work-life balance and the prevention of harassment, all of which are relevant for addressing structural inequalities in the labour market, facilitating women's participation and reducing penalties associated with motherhood.

With regard to promoting women's participation, particular emphasis should be placed on Law No. 10/2001⁵⁷, which establishes an annual report on equal opportunities for men and women in work, employment and vocational training⁵⁸; as well as legislation on equal pay, in particular Law No. 60/2018⁵⁹, which introduced measures to ensure equal pay for equal work or work of equal value,

⁵⁷ <https://diariodarepublica.pt/dr/detalhe/lei/10-2001-341800>

⁵⁸ Relatório 2025 referente a dados de 2024 - <https://cite.gov.pt/relatorio-da-lei-10>

⁵⁹ <https://diariodarepublica.pt/dr/detalhe/lei/60-2018-116130014>

strengthening transparency and monitoring mechanisms. This legislation aims to address one of the main sources of structural inequality affecting women's retention and progression in employment.

In terms of vertical segregation, Portugal has adopted specific legislation to promote balanced gender representation in decision-making positions. Notably:

- Law No. 62/2017⁶⁰, which establishes minimum thresholds for the representation of each sex on the management and supervisory bodies of public sector enterprises and listed companies;
- Law No. 26/2019⁶¹, which applies a similar regime to the Public Administration, imposing gender quotas in managerial positions.

These binding measures aim to correct the historical under-representation of women in leadership positions, thereby contributing to reducing vertical segregation. They also include operational instruments that directly influence the reduction of both horizontal and vertical segregation, namely:

- The mandatory adoption of Equality Plans in public sector enterprises and listed companies, as provided for under Law No. 62/2017;
- The integration of equality and non-discrimination clauses in collective bargaining, including issues such as equal pay, work-life balance and the prevention of harassment;
- The strengthening of vocational education and training policies, framed by legislation and public programmes, which are essential to promoting women's access to a diverse range of sectors and professions.

Statistical data are presented in response to points (b) and (c), with references to reports where further information may be found.

At a more structural level, Portuguese legislative policy also incorporates a gender mainstreaming approach, operationalised through the National Strategy for Equality and Non-Discrimination (ENIND) 2018–2030⁶², which sets objectives and targets to ensure women's full participation in the labour market and the elimination of structural inequalities.

With regard to operational measures, the following should be highlighted:

⁶⁰ <https://diariodarepublica.pt/dr/detalhe/lei/62-2017-107791612>

⁶¹ <https://diariodarepublica.pt/dr/detalhe/lei/26-2019-121665677>

⁶² <https://diariodarepublica.pt/dr/legislacao-consolidada/resolucao-conselho-ministros/2018-219990677>

- The implementation of active labour market policies through the Institute of Employment and Vocational Training (IEFP)—the national Public Employment Service—including measures for labour market integration, hiring incentives and support for business creation, with strong female participation (62% of participants in 2024);
- The introduction of specific incentives to promote equality, notably increased support for hiring individuals from the underrepresented sex in certain occupations, covering approximately 29% of supported jobs;
- Investment in skills development and lifelong learning, with higher participation rates among women (17.2% in 2024, compared to 14.9% for men);
- Structural programmes such as the Qualifica Programme, in which women account for 58% of enrolments, enhancing skills recognition and employability.

With regard, in particular, to horizontal segregation, Portugal has undertaken several initiatives to reduce the concentration of women and men in specific sectors or occupations:

- Education and training programmes aimed at combating gender stereotypes, including initiatives such as “Professions have no gender”;
- Skills development and professional reconversion measures, encouraging women’s entry into emerging and technological sectors;
- Policies to promote balanced recruitment by sex in under-represented occupations.

The results show signs of progress, notably an increase in the presence of women in highly skilled professions; however, horizontal segregation remains high.

Data from the Report indicate an unequal distribution across sectors, with a strong concentration of women in health and social services (83.3%) and in education (76%), and a strong concentration of men in construction (91% men) and in transport and storage (77.2% men).

At the occupational level, it was found that women predominate in highly skilled non-manual occupations (41.8%), while men dominate skilled manual occupations (35.9% compared with 9.7% for women).

Regarding vertical segregation, the aforementioned legislation—Law No. 62/2017 (listed companies and the State-owned business sector) and Law No. 26/2019 (Public Administration)—introduced statutory gender quotas and promoted Equality Plans within organisations, including measures relating to career management and leadership. Training and capacity-building programmes

for managers have also been developed, and the principle of gender equality has been integrated into collective bargaining and organisational policies.

These measures aim to tackle the “glass ceiling” and increase the presence of women in leadership positions. The results of their implementation show that, while vertical segregation persists, gradual progress has been made in reducing it.

In 2024, the female activity rate stood at 56.7% (compared with 64.2% for men), and the female employment rate was 52.8%, still below that of men (60.3%). Women’s presence in top positions remains limited, at 25.7% in positions as members of legislative bodies and executives, and 38% in managerial, director and executive roles.

Overall and in trend terms, the data show that the overall employment rate in Portugal increased between 2020 and 2024 (+3.3 percentage points), with improvements for both sexes; gender employment disparities decreased slightly (around 5.7 percentage points in 2024); and female participation in education and training remains higher, strengthening the potential for future convergence.

Portugal has made significant progress in promoting women’s participation in the labour market and combating gender segregation, but further efforts are needed to achieve substantive equality in the labour market.

All the statistical data referred to can be found in the 2025 Report (relating to 2024 data) on equal opportunities for men and women in work, employment and vocational training, as provided for in Law No. 10/2001 (Footnote 58).

b) Please provide information on:

- ***measures designed to promote an effective parity in the representation of women and men in decision-making positions in both the public and private sectors;***
- ***the implementation of those measures;***
- ***progress achieved in terms of ensuring effective parity in the representation of women and men in decision-making positions in both the public and private sectors.***

Portugal has a robust legislative framework and public policies aimed at promoting a balanced representation of women and men in decision-making positions, covering both the public and private sectors.

At the legislative level, in the public sector, particular emphasis should be placed on Law No. 26/2019⁶³, which establishes the regime for balanced representation between women and men in managerial positions and in public administration bodies, setting a minimum threshold of 40% for each sex, and on Organic Law No. 1/2019⁶⁴, which reinforces parity in political decision-making bodies. These measures are complemented by a broader approach to mainstreaming gender equality in public policies, as set out in the National Strategy for Equality and Non-Discrimination (ENIND) 2018–2030, which establishes specific objectives for balanced participation in decision-making.

In the business sector, Law No. 62/2017 introduced a binding framework of gender quotas for the management and supervisory bodies of state-owned enterprises and listed companies, establishing a minimum threshold of 33.3% for each sex. Its implementation is supported by operational instruments, notably the mandatory preparation and reporting of Equality Plans, regulated by Regulatory Order No. 18/2019, and monitored by the Commission for Equality in Labour and Employment (CITE).

In addition to legislative measures, Portugal has developed complementary instruments aimed at ensuring the effective achievement of parity targets. These include the promotion of organisational equality plans, training and capacity-building programmes on gender equality for managers, as well as monitoring and enforcement mechanisms ensured by CITE and the Authority for Working Conditions (ACT).

In terms of implementation, the results show significant progress, although uneven across sectors. In the Public Administration, there is a high overall feminisation of employment, with women representing approximately 62.4% of workers. However, this presence is not proportionally reflected in top positions, where the rate of feminisation among members of legislative bodies and executive organs stood at around 25.7% in 2024, revealing the persistence of asymmetries in the distribution of decision-making power. Nevertheless, a positive trend can be observed, with a greater presence of women among younger cohorts, which may contribute to a more balanced situation in the medium term.

In the business sector, the introduction of statutory quotas has proved particularly effective in quantitative terms. The proportion of women on the boards of directors of listed companies has increased significantly, rising from around 16.2% in 2017 to approximately 34% in 2024. This progress is corroborated by recent

⁶³ <https://diariodarepublica.pt/dr/detalhe/lei/26-2019-121665677>

⁶⁴ <https://diariodarepublica.pt/dr/detalhe/lei-organica/1-2019-121712770>

assessments, which indicate a direct impact of the legislation on increasing female representation⁶⁵.

At the same time, Equality Plans have been playing an increasingly important role in operationalising equality policies within organisations. In 2024, dozens of public and private entities submitted plans, which were subject to monitoring and recommendations by the Commission for Equality in Labour and Employment (CITE), contributing to the institutionalisation of equality practices and to the continuous improvement of performance in terms of parity.

Additionally, incentive measures have been developed, including financial bonuses within active labour market policies to promote the hiring of the under-represented sex in certain occupations, as well as voluntary initiatives such as the iGen Forum, which brings together organisations committed to promoting gender equality.

Issues relating to equality and non-discrimination and the reconciliation of work and family life have been gaining increasing prominence in collective bargaining, a trend that continued in 2024. The number of collective agreements addressing at least one of these topics (equality and non-discrimination, work-life balance or parenthood) increased slightly to 129 (compared to 120 in 2023 and only 109 in 2022, including in that year the regulation of harassment, whose classification was revised in 2023, as noted above). The regulation of these matters is particularly prevalent at the level of company agreements (73), followed by collective contracts (42) and collective agreements (15).

There continues to be a primary focus on the protection of parenthood. Although, at first glance, the number of agreements addressing equality and non-discrimination in general appears to have decreased (2024 – 65; 2023 – 89), this result may simply reflect the different classification applied in 2024 to the content of collective agreements in this area, namely the disaggregation of the themes of “parenthood” and “work-life balance”, so that issues such as equal opportunities, career progression, eligibility for promotion, work-life balance, equal pay for equal (or equivalent) work, among others, are also taken into account.

Despite these advances, structural challenges remain, in particular the under-representation of women in top positions.

All statistical data referred to can be consulted in the 2025 Report (relating to 2024 data) on equal opportunities for men and women in work, employment and vocational training, as provided for in Law No. 10/2001 (Footnote 58).

⁶⁵ https://www.cig.gov.pt/wp-content/uploads/2026/04/Relatorio-Lei-62_FINAL_2026_03_23.pdf

c) Please provide statistical data on the proportion of women on management boards of the largest publicly listed companies, and on management positions in public institutions.

In 2024, the Boards of Directors of listed companies exceeded the minimum threshold established by law (33.3%). Indeed, between 2018 and 2024, the proportion of women on the boards of listed companies nearly doubled, increasing from 17% to 34.6%.

Tabela 1 - Proporção de mulheres e homens nos Órgãos de Administração das empresas cotadas em bolsa 2018 a 2024				
Boards of Directors (BD)	Total number of positions	M	W	Feminisation rate
2024	544	356	188	34,6
2028	300	249	51	17,0

Source: 2024 Report on the implementation of Law No. 62/2017 of 31 August⁶⁶

In the State-owned business sector, the participation of women on Boards of Directors increased from 31.7% in 2018 to 41.7% in 2024, exceeding the legally required minimum threshold of 33.3%, representing an increase of 10 percentage points.

Table 2 – Proportion of women and men on the Boards of Directors of State-owned enterprises, 2018–2024				
Boards of Directors (BD)	Total number of positions	M	W	Feminisation rate
2024	544	317	227	41,1
2028	300	205	95	31,7

Source: 2024 Report on the implementation of Law No. 62/2017 of 31 August– Footnote 66

⁶⁶ https://www.cig.gov.pt/wp-content/uploads/2026/04/Relatorio-Lei-62_FINAL_2026_03_23.pdf