ALTOGETHER
Employers and employees developing effective consultation and participation system to address the COVID19 impact

NATIONAL REPORT FROM: PORTUGAL

"COUNTRY- SPECIFIC ANALYSIS FOR WORKERS' INFORMATION

CONSULTATION AND PARTICIPATION RIGHTS AND THE COVID19 CRISIS (MANAGING OF THE CRISIS, IMPACT, RECOVER)"

EN

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CONTENT

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1. INTRODUCTION

For workers worldwide, the COVID-19 pandemic has brought up historically unheard-of difficulties that influence their employment rights and working circumstances. To guarantee workers' rights to participate in the COVID-19 crisis management, including their right to representation at the board level, Portugal, like many other nations, has put in place provisions. As Portugal approaches the recovery phase, it is critical to evaluate how well these measures protect workers' rights and participation in decisions that directly impact their job status and working conditions. This report maps examples of country-specific situations and initiatives, analyses the actions taken, both effectively and ineffectively, including company governance, and offers insights into the current state of knowledge regarding workers' information, consultation, and participation rights in the management of the COVID-19 recovery period in Portugal. The report is based on a comprehensive review of academic literature, reports, and news articles related to workers' information, consultation, and participation rights in the management of the COVID-19 recovery period in Portugal. A thematic analysis was conducted to identify country-specific situations and initiatives that aimed to protect workers' participation rights during the recovery period. The analysis also identified effective and non-effective actions taken by companies and employers, including their corporate governance practices.

2. MAPPING OF THE CURRENT STATE

The literature review and analysis revealed that Portugal has implemented several measures to protect workers' participation rights during the recovery period. For instance, the government introduced several legislative measures, including measures that aimed to preserve jobs, ensure

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income support, and provide financial assistance to companies affected by the pandemic. Additionally, social dialogue mechanisms have been strengthened to ensure that workers' representatives are involved in decision-making processes that directly affect their employment status and working conditions.

In Portugal, the government has implemented several measures aimed at protecting workers' participation rights during the COVID-19 recovery period. One such measure is the simplification of the layoff regime, which allows companies to temporarily suspend employment contracts or reduce working hours while still ensuring workers receive a portion of their wages. The measure was initially implemented in March 2020 and has since been extended several times. The simplified layoff regime is aimed at helping companies facing temporary difficulties avoid layoffs and maintain employment relationships. Companies can apply for this regime for a period of one to six months, with the possibility of extending it for up to a maximum of 12 months. During this period, the government will cover 70% of the gross salary of the workers, with the remaining 30% being paid by the employer. The simplified layoff regime is available to all companies regardless of their size or sector of activity. To apply for this regime, companies must demonstrate that they are facing temporary difficulties due to the pandemic, such as a decrease in activity or a reduction in orders. The regime also includes measures to protect workers' participation rights, such as the obligation for companies to consult with workers' representatives before applying for the regime and to inform them about the reasons for the application.

The government has also introduced measures to support businesses affected by the pandemic, such as financial assistance and tax relief. In addition to the simplification of the layoff regime, the Portuguese government has implemented various measures to support businesses impacted by the COVID-19 pandemic. These measures aim to provide financial assistance and tax relief to companies struggling to maintain their operations and retain their workforce during the crisis. One of the most significant measures is the "COVID-19: Apoio à Economia" program, which provides financial support to companies and self-employed workers who have been directly affected by the pandemic. This program includes various forms of financial assistance, such as non-repayable grants, subsidised credit, and loan guarantees. The program aims to help companies maintain their operations and avoid laying off workers, thus protecting employment and reducing the impact of the crisis on the economy.

Additionally, the government has implemented tax relief measures to help businesses cope with the financial impact of the pandemic. For example, the government has extended the deadline for tax payments and provided exemptions from certain taxes for businesses affected by the crisis. These measures aim to reduce the financial burden on companies and allow them to focus on maintaining their operations and retaining their workforce.

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In addition to these measures, social dialogue mechanisms have been strengthened to ensure that workers' representatives are involved in decision-making processes that directly affect their employment status and working conditions. For example, the government has promoted the use of collective bargaining agreements to negotiate COVID-19-related measures such as teleworking and has established an information and consultation framework for companies to consult with their workers' representatives on issues related to COVID-19.

However, despite these efforts, some non-effective actions have been taken by companies and employers in Portugal. For example, some companies have used the pandemic as an excuse to bypass consultation and information requirements, disregarding the involvement of workers' representatives in decision-making processes that affect their working conditions. This has been particularly prevalent in smaller companies with less established employee representation structures.

Furthermore, some companies have used the pandemic to introduce temporary changes to working conditions without proper consultation with workers' representatives. This has led to disputes between workers and employers, as some workers feel that their rights have been violated and that they have been unfairly impacted by changes to their working conditions.

Overall, while Portugal has taken steps to protect workers' participation rights during the COVID-19 recovery period, there are still areas where improvements could be made to ensure that workers' voices are heard, and their rights are respected.

3. ASSESS OTHER POSSIBLE EFFECTIVE MECHANISMS

In addition to the measures already implemented in Portugal to protect workers' participation rights during the COVID-19 recovery period, there are several other effective mechanisms that could be employed to improve exchanges of views between management and worker representatives in corporate governance.

One such mechanism is the use of joint committees or working groups, which bring together management and worker representatives to discuss issues of mutual concern and identify solutions that benefit both parties. Joint committees or working groups can be established at both the company and industry level and can cover a range of issues, including health and safety, training and development, and working conditions.

Another effective mechanism is the use of regular meetings between management and worker representatives. These meetings provide a structured opportunity for both parties to exchange views and discuss issues related to the company's performance, workforce management, and decision-making processes. Regular meetings can help to build trust and foster a collaborative working environment, which is essential for effective corporate governance.

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In some cases, worker representation on the company's board of directors can also be an effective mechanism for ensuring that workers' voices are heard in decision-making processes. This can be achieved through the appointment of worker directors or using advisory committees to provide input to the board on issues related to the workforce.

Finally, the use of collective bargaining agreements can also be an effective mechanism for achieving good results in different sectors. Collective bargaining agreements are negotiated between management and worker representatives and provide a framework for establishing working conditions and other employment-related matters. These agreements can help to ensure that workers' rights are protected and that their voices are heard in decision-making processes that affect their employment status and working conditions.

Overall, there are several effective mechanisms for improving exchanges of views between management and worker representatives in corporate governance during the COVID-19 recovery period. These mechanisms can help to ensure that workers' participation rights are protected and that their voices are heard in decision-making processes that directly affect their working conditions and employment status.

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4. NEW IDENTIFIED DRIVERS FOR IMPROVED WORKER REPRESENTATION AND CONSULTATION

Initiative	Workers' individual influence, strength of their position in the labour market and labour process		Collectively influence through workers representatives	
	Strengths (positive aspects)	Weaknesses (negative aspects)	Strengths (positive aspects)	Weaknesses (negative aspects)
Social media and online platforms: Workers can use social media and online platforms to voice their opinions, organise protests, and share information about their working conditions. This can put pressure on companies to listen to their employees and make changes to address their concerns.	· Social media and online platforms provide an accessible and low-cost way for workers to participate in decision-making processes and voice their concerns.	· Social media and online platforms can be unreliable and may not represent the views of all workers.	· Social media and online platforms provide a cost-effective and efficient way to communicate and engage with a large audience, making it easier for representatives to reach and mobilise workers. · These platforms can facilitate real-time communication and collaboration, allowing representatives to quickly respond to emerging issues and concerns. · Online platforms can also enable workers to participate in decision-making processes remotely, allowing for greater participation and inclusivity.	· The use of social media and online platforms may not be accessible to all workers, particularly those who do not have regular access to technology or are not familiar with these platforms. · Social media and online platforms may not provide a fully representative sample of the workforce, as those who are more active online may not be fully representative of the wider workforce. · There may be concerns about the privacy and security of information shared on these platforms, particularly when discussing
			sensitive employment-related issues.	
Corporate social responsibility (CSR): Companies can use their CSR programs to engage with workers and their representatives, and to demonstrate their commitment to worker participation and consultation. For example, companies can set up worker councils or committees to facilitate dialogue between management and workers.	· CSR programs can demonstrate a company's commitment to worker participation and consultation, which can improve the company's reputation and relationships with workers.	· CSR programs may be viewed as "window dressing" and may not lead to meaningful changes in company practices.	· Companies that practice CSR can demonstrate a commitment to their workers and their rights, creating a positive image and reputation that can attract and retain talent. · CSR policies often involve consultations with stakeholders, including workers, providing a platform for workers' representatives to voice their concerns and opinions. · CSR can incentivise companies to invest in employee training and development, empowering workers and enhancing their skills and expertise.	· CSR is a voluntary initiative, meaning that not all companies may adopt CSR policies, which can limit their effectiveness. · CSR policies can sometimes prioritise the interests of shareholders and executives over those of workers, leading to limited involvement of workers' representatives in decision-making processes. · CSR initiatives can be expensive to implement and maintain, and some companies may not prioritise these initiatives due to financial constraints or other priorities.
Co-determination: Co-determination is a model of corporate	· Co-determination gives workers a formal mechanism for representation	Co-determination can be difficult to implement, especially in contexts where	· Increases worker participation in decision-making processes	· Requires a significant commitment of time and resources from
governance in which workers have a say in decision-making processes at the company level. This can take the form of worker representation on company boards, or the establishment of worker councils or committees.				

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5.PARTICIPATORY WORKPLACE ARRANGEMENTS

Participatory workplace arrangements have been found to be effective in promoting worker engagement and involvement in decision-making processes during the COVID-19 crisis. Trained representatives who possess the necessary skills and competencies play a critical role in facilitating workplace participation and stimulating collaboration between workers and management.

According to the surveys and interviews conducted, some of the key skills that contribute to greater engagement with management structures and influencing procedures include effective communication, negotiation, and conflict resolution. Workers' representatives who possess these skills can effectively represent workers' interests and contribute to the development of workplace arrangements that support worker well-being, health, and safety during the pandemic.

Furthermore, the analysis revealed that worker representatives who were involved in participatory workplace arrangements were more likely to be aware of new COVID-19 crisis issues and were better equipped to respond to them. These arrangements provided a forum for workers and management to share information, exchange views, and work collaboratively to find solutions to the challenges posed by the pandemic.

One of the main benefits of participatory workplace arrangements is their ability to facilitate collective action and mobilise workers towards a common goal. Through these arrangements, workers can collectively identify and address workplace issues and work collaboratively with management to find solutions. This promotes a sense of ownership, empowerment, and motivation among workers, which can contribute to improved productivity and well-being.

However, the effectiveness of participatory workplace arrangements depends on several factors, including the level of trust between workers and management, the quality of communication and information sharing, and the willingness of management to engage in participatory processes. In some cases, management may be reluctant to involve workers in decision-making processes or may not provide adequate support for worker representatives, which can hinder the effectiveness of participatory workplace arrangements.

In conclusion, participatory workplace arrangements are an effective mechanism for promoting worker engagement and involvement in decision-making processes during the COVID-19 crisis. Trained representatives who possess the necessary skills and competencies play a critical role in facilitating workplace participation and stimulating collaboration between workers and management. However, the effectiveness of these arrangements depends on several factors, including the level of trust, communication, and support provided by management.

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6. SURVEY ANALYSIS

In relation to the data from the respondents of the ALTOGETHER questionnaire done in Portugal, the following was stated:

• 50 people have responded to the survey;
• The majority of respondents (48%) were between 25 and 35 years old;
• Half of the respondents are male; the other half are female;
• 76% of respondents are workers, the remaining 24% are employers (we had no trade union representatives);
• The majority of respondents (74%) are from the tertiary sector;
• In relation to the activity sector, we had a great variety (more than 35 different economic activities), being the most represented in the Consulting area (6 respondents);
• 94% of the respondents worked in a company based in Portugal;
• 62% of the respondents were part of small and medium-sized companies (up to 50 employees);
• 98% of the respondents do not belong to any trade union organisation;
• 62% stated that there is no trade union of any kind in their organisations.

In relation to the questionnaire itself, the following data has been retrieved:

1.1. - In all categories, over 60% of respondents said they knew of some initiatives of a regulatory nature in which adjustments related to COVID-19 have been common (with the national level being the most prevalent);

1.2 - 54% of respondents said that in their country there are special rules or arrangements for public sector workers that may differ from general labour legislation;

1.3 - 54% of respondents reported that the rights granted to establish a cooperative dialogue between workers and managers in their country is level 3 (from 1 to 5);

2.1. - In relation to the question "Does your company have worker representation at board level?", there was quite a balance: 38% of the companies answered "Yes"; 32% answered "No" and the remaining 30% answered "Don't know";

2.2. / 2.3. - The majority of respondents (62%) stated that they are not given the right to elect or appoint a member or number of members of the supervisory board / board of directors of their company; of the 12% who answered "yes", the majority (44.4%) rated with grade 3 (from 1 to 5), the degree of satisfaction with the person(s) representing them;

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2.4. - The vast majority of respondents (68.3%) stated that they did not know whether their representatives on the Works Council played a relevant role in managing the COVID 19 crisis and the post-crisis recovery period;

2.5. - About the levels at which the works council representatives were involved in decision-making processes, in all three areas, the most frequently mentioned level (always above 40%) was level 3 in all of them.

2.6. - Regarding the level of workers' influence on the management of the effects of the pandemic and recovery measures, on a scale of 1 to 5, the majority of Portuguese respondents (42%) are at level 3;

2.7. - With regard to the level of overall satisfaction regarding the consultation, participation and information processes in their company in the context of the COVID-19 crisis, the majority of respondents (42%) are at level 3 of satisfaction.

3.1. - 66% of the respondents referred that, in their companies, there is a one-to-one relationship between managers and workers;

3.2 With regard to the general levels of satisfaction with this type of consultation process in their company during the pandemic crisis of COVID-19 and in the management of the recovery period, 50% of the respondents are situated at level 3, with the remaining more situated towards level 4 and 5 than 1 and 2.

3.3. - Half of the respondents reported that in their company, managers do not address workers through their representatives;

3.4. - With regard to the overall levels of satisfaction of such consultation processes in their company during the pandemic crisis COVID-19 and in managing the recovery period, most respondents are at level 3 (44%);

3.5. e 3.6. - Regarding the elements linked to the development of measures related to labour rights during the COVID-19 pandemic crisis at the level of their company, the only one that had more "Yes" than "No" answers was "Individual influence of workers". Regarding other elements, "Teleworking" and "State and public sector regulations" were listed.

4.1 With regard to the (trained) representative(s) who played an active role in stimulating and accompanying the team members during and after COVID-19, the majority of respondents (42%) said they did not know, followed by 40% who said "No".

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4.2. - The three most chosen hypotheses for the question "What competences do you consider that, in relation to fighting the pandemic, contributed to greater involvement with the management structures to help recover from the damage inflicted on the company?" were:

• Rethinking ways of working (56%);
• Initiatives for hybrid working (face-to-face + remote) (48%)
• Cultivating collaboration between employees and management (42%).

Note: For a more detailed analysis, an annex document may be attached to this report.

7. IN-DEPTH INTERVIEW ANALYSIS

Regarding demographic data, 10 Portuguese individuals were interviewed, aged 26 to 55, of both genders, the vast majority being workers (2 employers and 1 union member), all from the tertiary sector and from SMEs; all of them without the presence of unions in the company.

Regarding the current state of the economy in the post-Covid19 recovery period, the general opinion is that the Portuguese economy was not able to fully recover from the upheavals brought by the pandemic period; some added that the economic scenario was already unfavourable before the pandemic arrived in the country and affected government decisions - this is a chronic problem.

Regarding legal initiatives with employers and governments to establish protective measures and remedies in relation to workers during the Covid-19 recovery period, some interviewees mentioned the support given to professionals in activities related to the tertiary sector, especially in activities supporting Tourism (restaurants, bars, hotels, etc.), in which the government granted compensatory economic support for the time these establishments were closed during the lockdowns of 2020 and 2021. However, some interviewees could not clearly recall any initiative other than freezing payments to public (e.g., gas, electricity, tax authority, etc.) or private (e.g., bank loans) entities during the pandemic.

Concerning social dialogue agreements with the potential to solve problems faced by employees and companies, most employees said they could not recall anything concrete, although there was a memory of the Portuguese government's constant dialogues with "social concertation" agents during the pandemic period to assess the need for new measures or redefinition of existing measures.
Regarding the right to elect or appoint members of the supervisory or administrative board of the companies under survey, all respondents reported that this is practically nonexistent. It should be highlighted the fact that, for the purpose of this interview, only employees/employers of SMEs were contacted. The "negative" tendency of the answers is therefore understandable, given that

smaller companies have less dense hierarchical structures and there is greater contact and conviviality between employers and employees. In other words, this deprivation of being able to elect members of top-level management boards is not related to the suppression of a right, but rather because in these structures this practice is not common. Even in approaching employees regarding the impacts of the pandemic crisis and in the recovery period, management members approached their workers directly or, alternatively, through intermediary members in the hierarchical relationship (e.g. departmental directors), without them receiving any kind of training in this regard. However, in more complex power structures, this "non-consultation" of workers is a reality in Portugal.

None of the interviewees mentioned the existence of workers' committees tasked with playing a role in the management of the pandemic crisis. Somewhat in the same way as in the rest of the country, managers limited themselves to following government/ministerial recommendations. This principle also applies to the 7th question “How do you evaluate the participation of employees in the decision-making processes in the management of the recovery from the crisis at the level of your company?”.

With regard to trade union initiatives to reach agreements between unions and employers to address severe economic impacts on employees and companies, interviewers were only aware of "social concertation" dialogues (between government entities and social partners), which were merely consultative in nature. Therefore, the direct impact was very mild.
Regarding the consultation mechanisms used to achieve good results in different sectors, respondents suggested SWOT analyses (through online surveys or suggestion boxes), and suggestions for improvement through direct dialogue and shadow boards. With regard to skills that could contribute to greater participation in management structures and influence company procedures, the interviewees mentioned several: a sense of organisation, leadership, teamwork, clear and effective communication, and openness to change.

8. CASE STUDIES

Good Practice Case Study:

One company in Portugal that demonstrated good practice in worker representation during the COVID-19 pandemic is EDP, a multinational energy company. EDP established a "COVID-19

monitoring committee" that included representatives from various departments and the workers' committee. The committee met regularly to discuss the company's response to the pandemic, including measures to protect worker health and safety, communication with workers, and plans for business stability. The committee also established a hotline for workers to report concerns or issues related to the pandemic, which was monitored by the workers' committee. By including workers' representatives in the decision-making process and ensuring open communication, EDP was able to successfully navigate the challenges posed by the pandemic and maintain worker morale and productivity.

EDP's COVID-19 monitoring committee also played a key role in ensuring that the company complied with health and safety regulations and provided adequate personal protective equipment (PPE) to workers. The committee regularly reviewed and updated the company's health and safety protocols in response to changing circumstances, such as new government regulations or the emergence of new COVID-19 variants.

In addition to the monitoring committee, EDP also established a "pandemic support team" that was responsible for aiding workers who were directly affected by the pandemic, such as those who had to quarantine or care for family members who were sick. The support team provided workers with information on their rights and entitlements under government schemes, as well as emotional and psychological support.

EDP's worker representation initiatives were well-received by workers and their representatives, with the workers' committee reporting high levels of satisfaction with the company's response to the pandemic. The initiatives were also praised by labour organisations and experts as an example of best practices in worker participation and consultation during the COVID-19 crisis.

Bad Practice Case Study:

On the other hand, one example of bad practice in worker representation during the COVID-19 pandemic is the case of the poultry processing plant COVIPOR in the north of Portugal. In May 2020, the plant became a hotspot for COVID-19 infections, with over 200 cases among workers. The workers' committee reported that the company had failed to implement adequate safety measures, such as providing personal protective equipment and enforcing physical distancing. Additionally, workers reported that they were not informed of positive cases among their colleagues and that they felt pressured to continue working even if they felt sick. As a result of the outbreak, the plant was forced to shut down for several weeks, causing significant financial losses for both the company and the workers. This case highlights the importance of effective worker representation and consultation in ensuring workplace safety and preventing the spread of COVID-19.

The lack of effective worker representation and consultation was a key factor in this case, as the workers' committee reported that they were not involved in decision-making related to workplace safety and pandemic response. This highlights the importance of including workers' representatives in the decision-making process and ensuring open communication channels between workers and management. Furthermore, this case emphasizes the need for strict adherence to health and safety protocols and guidelines, especially in industries where physical distancing and personal protective equipment are essential measures to inhibit the proliferation of the virus.

9. CONCLUSION

In conclusion, this report presents a comprehensive overview of the current state of workers' participation, information, and consultation mechanisms in Portugal during the COVID-19 recovery period. The report highlights the importance of effective worker representation and consultation to ensure that workers' voices are heard in decision-making processes that affect their employment status and working conditions.

According to the survey analysis, there is still potential for improvement in reaching out to employees through their representatives and boosting individual influence, even if respondents were generally satisfied with the consultation procedures in place at their workplaces during the pandemic crisis.

The report also emphasizes the significance of participatory workplace arrangements and efficient mechanisms, including the use of collective bargaining agreements, joint committees or working groups, regular meetings between management and worker representatives, and regular meetings between management and worker representatives. These systems can aid in safeguarding employees' rights to participate in decision-making and ensuring that their opinions are heard.

The EDP and COVIPOR case studies serve as more evidence of the value of strong worker representation and consultation. While COVIPOR's failure to involve the workers' committee in decision-making related to workplace safety and pandemic response highlights the need for strict adherence to health and safety protocols and guidelines, EDP's initiatives regarding the COVID-19 monitoring committee and worker representation were well-received as an example of best practice in worker participation and consultation during the COVID-19 crisis.

In light of these findings, we recommend that Portuguese companies prioritise the implementation of effective worker representation and consultation mechanisms to ensure that workers' voices are heard in decision-making processes that affect their employment status and working conditions.

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This can include providing training for worker representatives with communication, negotiation, and conflict resolution skills, and promoting trust, communication, and support between management and workers. Furthermore, the government should continue to implement regulatory initiatives to protect workers' rights and promote social dialogue agreements to solve problems faced by employees and companies. Overall, effective worker representation and consultation mechanisms are essential for good corporate governance amid the COVID-19 recovery period in Portugal.

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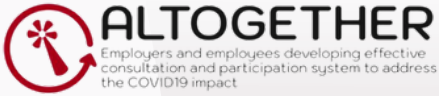

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