



TRAINING PROGRAMME – SOCIAL DIALOGUE IN SOCIAL SERVICES
Day 1 -General Theme: Introduction to Social Dialogue
Module 2 – Social Dialogue in Social Services in the Portuguese Context

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Introduction

The FORESEE project ([VS/2021/0054](#)), co-financed by the European Commission (*DG Employment, Social Affairs & Inclusion, Support for social dialogue*), is an initiative that brings together 13 partners from 9 countries of the European Union, in order to promote greater attractiveness of social services through Social Dialogue. With a central focus on strengthening the capacities of social partners in social services at national and EU level so that they can better support the sector to meet current and future challenges, the project includes in its work plan a Social Dialogue Training Programme (WP3), organised in four modules and to which this document belongs.

In particular, this document referring to Module 2 of WP3 seeks to position the "Social Dialogue in Social Services in the Portuguese Context". To this end, it follows three analytical axes: the framing of the social services sector in the national context, the signalling of principles, interlocutors and presentation of the general framework of cooperation and/or negotiation that underlies Social Dialogue in social services and an analysis of the opportunities that Social Dialogue can provide with a view to the development of social services.

1 – Social Services in Portugal: Framing elements

1.1. Social Services: The scope of the sector

In today's societies, social services are of unquestionable relevance and have been the basis of many debates arising from both academia and interlocutors in the social, economic and political sphere, enhancing their understanding, with regard to conceptual aspects and also to the opportunity they present within European welfare systems.

In a broad sense, the field of social services covers a whole set of services aimed at promoting well-being and social inclusion, including, for example, care services for elderly people, children, people with disabilities, employment and vocational training services, as well as health services, education, sports, cultural activities, among others (Sirovák & Greve, 2016; Martinelli, 2017). In a more circumscribed sense, the concept of social services includes mainly care activities and services aimed at the social support/inclusion of vulnerable people.

In Portugal, by way of definition, the Institute for Quality and Training (IQT, 2005) considers social services as those that intend to ensure directly and on a basis of physical or relational proximity, the appreciation of people, their well-being and quality of life, and the cohesion of local communities. Also, the Resolution of the Council of Ministers N.º 55/2010 establishes that the social sector is responsible for the development of "essential activities in the field of social action, in particular through the provision of proximity care services and the active social integration of vulnerable groups (...)" (RCM, N.º 55/2010, p. 3194).

Based on the FORESEE project, the privileged approach concerning social services is more restricted, mainly referring to social care/support responses to the elderly people (e.g., long-term care), children and young people (e.g., residential care) and responses for people with disabilities.

Central aspects associated with the understanding of social services in this sense may be understood as services that lead to social transformation and improve peoples' quality of life on the basis of physical and relational proximity and direct social contact. Overall, social services contribute to the creation of stable jobs, local development and social cohesion (e.g., RCM, N.º 55/2010).

1.2. The archetype of care: The actors associated with the provision of Social Services

In Portugal, social services (e.g., formal care services) are fundamentally provided by the public/state sector, the non-profit sector (social economy/third sector) and the market-oriented sector (Carvalho, 2009; Luz, 2019). In the Portuguese archetype of social provision, the conception that social well-being (broad meaning) is shaped beyond the action of the State persists, and benefits from a diversity of actors¹ in a perspective of mixed provision or pluralism of well-being (e.g., Luz, 2016).

The performance of the *public/state sector* in the field of social services is inscribed in the Constitution of the Portuguese Republic² (CPR), which recognizes, based on the principle of human dignity (article 1), the importance of State action to implement the exercise of social citizenship, where it fits, the right to social security and solidarity (article 63), on a universal basis, with the responsibility of organising a unified and decentralized social security system. Likewise, the role of the State as provider in the field of health care and health protection is established, safeguarding the duty to defend and promote it (CPR, article 64). Older people, citizens with disabilities, children and young people and families are the target audiences of State social policies, which are designed and regulated from central bodies (e.g., ministries and their departments) and in a more decentralized way through local authorities (parishes, municipalities) and other dynamics.

The centrality of state action in the field of social services is associated with its various functions in the areas of provision and/or financing and/or regulation (quantity, quality, price) (Enjolras, 1995), however, in the face of a set of transmutations in the social, economic, political "environments", there has been a greater mobilisation of civil society entities in terms of the provision of social services, namely market oriented entities and non-profit sector (social economy/third sector).

Since the end of the 20th century, social service providers in the *lucrative private sector* have been a significant force in the field of social regulation, obliging the analysis of the three-pole matrix of social regulation to be reinforced (Santos, 1995). Above all, the intervention of market providence benefits from the fact that it enhances the exercise of freedom of choice by consumers, proving to be opportune in the face of a differentiated and solvent demand (Enjolras, 1995; Pereirinha, 2008). In 2020, 28.95% of the entities that owned social equipment were commercial/market-oriented entities (with a strong presence in the metropolitan area of Lisbon) (SPC, 2021a).

The majority expression in the field of social services provision comes from the *non-profit sphere*, namely the social economy sector. According to the Basic Law of the Social Economy (Law N° 30/2013)³, cooperatives, mutual associations, mercies⁴, foundations, other private social solidarity institutions, associations with altruistic purposes that promote cultural, recreational, sports and local development, entities covered by the community and self-management subsectors, among others, are part of this sector. Social economy organisations (SEO) providing social services have outstanding potential and significant strength based on the functions they perform in the field of human and social services (e.g., Franco et al., 2005). As the Satellite Account of the Social Economy (INE & CASES, 2019) informs, in 2016 among the groups of entities of the social economy, associations with altruistic purposes (ACFA) showed a majority expression in number of entities (92.9%). Private Social Solidarity

¹ It should be noted that in the field of social care policy, in Portugal the family/informal network assumes a prominent relevance as a significant care provider (e.g., Luz, 2016). However, for the purposes of this analysis, only the formal actors associated with the provision of social services are considered.

² See Constitution of the Portuguese Republic (CPR) Seventh Constitutional Review – 2005.

³ See article 4 of Law N° 30/2013, of May 8.

⁴ Our translation of the word Misericórdias.

Institutions (IPSS)⁵ represent 7.8% of the total the Social Economy entities (an increase of 0.7% in the number of entities that have the status of IPSS, compared to 2013), being those fundamentally composed of ACFA (84.0%), Mercies (6.9%), Foundations (4.6%), Cooperatives (2.8%) and Mutual Associations (1.7%). IPSS have a remarkable economic importance in the context of the social economy, accounting for 63.1% of paid employment (ETC) and 51.5% of social economy remuneration in 2016 (INE & CASES, 2019).

It should be added that, under the terms of the Social Charter of 2020 regarding the Network of Services and Equipment, 71.05% of the entities that own social equipment corresponded to non-profit entities, of which 53.48% were IPSS and 2.69 were equivalent to IPSS (SPC, 2021a).

Globally, the IPSS have assumed a leading position in the establishment and development of a set of social responses, throughout the national territory, based on the promotion of social solidarity and covering areas such as social security, health, education and others in which the social needs of individuals and families find support and response, showing above all a capacity for innovation and adaptation, in view of the changing needs and various challenges facing the public they serve⁶. An advantage of these organisations is their versatility of action, facilitating rapid adjustment to the nature of the problems and the condition of the people/target publics (Luz, 2017).

Thus, at the level of the archetype associated with the provision of social services⁷ in Portugal and focusing on the FORESEE project, the following stand out: a) non-profit entities - IPSS; entities equivalent to IPSS; other private non-profit organisations; official entities with intervention in the area of social action; Lisbon Holy House of Mercy; corporate social services, and b) profit entities. In this context, in 2020, there were 6,806 entities providing social services, distributing themselves in terms of continental geographic space, across the regions, North (30%); Centre (28.4%); Lisbon Metropolitan Area (28.1); Alentejo (9.8%) and Algarve (3.6%). In terms of geographical proximity, it should also be noted that of the 278 municipalities in mainland Portugal, 175 (63%) had 10 or more entities.

Fundamentally, the responses associated with social services/care have shown a growth that reflects its essentiality. Between 2000 and 2020, responses for the elderly population increased 53%, especially those referring to residential structures for the elderly population (176%) and home support service (170%). As for the responses for people with disabilities or incapacity, there was an increase in the order of 111%, particularly in the growth of residential home responses (140%) and occupational activities centres (88%). Regarding the main social responses aimed at children and young people, there was growth of about 10% (SPC, 2021a).

1.3. The current challenges of the Social Services sector

There are many challenges facing the social services sector today. In general terms and based on various authors (e.g., CES, 2013; Ferreira, 2021; Florek, 2021; Jaffee, 2001; Nicolau & Simaens, 2008; Luz, 2016; 2019; Mendes, 2011; Parente, 2014; Reis, 2006; Soares et al., 2012; Sousa et al., 2012) the following may be pointed out:

⁵ IPSS are “non-profit legal organisations constituted exclusively on the initiative of individuals, with the purpose of giving organised expression to the moral duty of justice and solidarity, contributing to the realization of the social rights of citizens, provided that they are not administered by the State or other public body” (See Decree-Law N° 172-A/2014). The legal framework of IPSS derives from the Statute of IPSS/Decree-Law N° 119/83 of 25 February, which underwent the 6th amendment through Law N° 76/2015 of 28 July. The Statute is directed to the SEO with action at the level of the provision of various services (support to families, children, the elderly, the disabled, communities, people in poverty), and activities in the field of education and health. SEO that fall within the area of social action obtain recognition through the Directorate-General for Social Security, while those focussed on health, through the Directorate-General for Health as IPSS, through Registration, and provided that they meet predefined activities. Thus, they are accountable to these public administration bodies (Ferreira, 2021).

⁶See Decree N° 172-A/2014 of 14 November.

⁷ Based on the Social Charter – 2020 Report (SPC, 2021a).

- In the field of social sustainability -

. Organisations providing social services in the social economy area face sustainability problems of a social nature. They aim to respond to social problems/needs (in the face of market and state failures), which show new typologies and configurations and are increasingly complex. As a result, organisations today face *new demands for social services* (e.g., elderly people with Alzheimer's disease) that force them to adjust to new social realities.

- In the field of financial sustainability -

. For SEO and in particular for IPSS, the question of economic and financial viability is decisive for their own sustainability, with multiple difficulties arising in this regard, resulting for example from the *underfunding by the State*, which leads to deficits allocated to the responsibility of organisations.

. Likewise, it is argued that *the fact that the responses regarding their overall capacity are not fully funded* and that *funding is not differentiated* according to the contexts where the institutions are implemented add further difficulty.

. The need to *increase funding and diversify sources, creating* space for new offers of goods and services are also important issues to explore.

- In the field of human resources -

. Organisations with intensive human capital, such as SEO providing social services, are performing crucial work. It should be noted that “productivity” associated with welfare objectives makes a difference in social organisations, as their main objectives are to serve people with some kind of vulnerability, to ensure quality services, which determines attitudinal competencies and relational performances, making it difficult to replace human resources with another type of “capital” (i.e., fixed capital). Thus, several concerns emerge in these entities, among which the issues related to the *maintenance* and *involvement* of human resources are repeatedly highlighted. Regarding work retention, it is known that the opposite, i.e., frequent and unscheduled staff turnover, (e.g., layoffs, burnout...) tends to affect performance reflected globally in the quality of services provided. Similarly, turnover can limit teamwork due to coverage deficits and functional overload, penalizing individual performance, minimizing these circumstances, the level and quality of care provided. In fact, as several organisations (Eurofound, 2020; EPSU & FESE, 2021) have been making known, in organisations providing social services, especially in the field of care (e.g., to the elderly), the physical and emotional demands that increase the levels of absenteeism and the abandonment or early exit from occupations stand out, in addition to the low levels of remuneration, as major challenges for the sector.

. On another level, several studies (e.g., Parente, 2014) suggest that there is a predisposition for individuals to embrace work in social organisations due to the social causes that drive them, and the inherent moral and ethical objectives reflected in the services provided. These are intrinsic factors that punctuate the altruistic values and intentions of social organisations and that in a certain way may compensate for lower wages. Nevertheless, it is evident that low salaries may limit the attraction of qualified personnel and discourage commitment to work when aspects initially considered attractive are no longer offered (e.g., training possibilities, validation of skills, career progression), so, valuing work in social services, fostering the personal and professional development of employees and engaging/involving them are challenges that the sector cannot neglect, as they may stimulate interest to start a profession oriented towards social services.

. It should also be noted that increased difficulties for the social services sector lie in the ageing of the active population (i.e., approaching the retirement age of sector employees) and in the imbalance that this reflects in terms of gender (80% of professionals associated with care in the European Union are women), which points to the need to find strategies to strengthen attractiveness and recruitment for the social services sector.

. On top of this, the pandemic issue has led to the departure of employees, particularly allocated to residential care services, highlighting elements of fragility in the sector and the need to consider pathways to organisational resilience and sustainability.

2 – Social Dialogue in Social Services: Principles, interlocutors, and framework for cooperation and/or negotiation

2.1. Principles and legal provisions driving Social Dialogue in Portugal

Social Dialogue plays a crucial role in shaping economic, labour, and social policies and “concerns discussions, consultations, negotiations and joint actions that take place regularly between the social partners, such as employers and trade unions [covering] a wide range of social and labour-related issues, sometimes involving public authorities” (EC, 2016, p.3).

Recognised as part of the paradigm of good governance of democratic societies, Social Dialogue is based on principles relating to social justice (e.g., fair labour relations) and equal opportunities, seeking to strengthen social rights by contributing to creating quality jobs, improving working conditions, contributing to sustainable development and social and political stability.

In Portugal, the reinforcement of state intervention, following the establishment of the democratic regime, was the starting point for the institutionalization of Social Dialogue (Valadas, 2016). Thus, the Portuguese experience of social concertation is related to the transformations that have occurred in Portuguese society and in the industrial relations system since 1974⁸. The Economic and Social Council is an example of comprehensive concertation that incorporates consultation and social concertation functions.

The 1976 Constitution of the Portuguese Republic laid the foundations for the establishment of a partnership with private social solidarity institutions by associating them with the social security system and stimulating broad dialogue, by indicating that “it is the responsibility of the State to organise, coordinate and subsidise a social security system (...) with the participation of trade union associations, other organisations representing workers and associations representing other beneficiaries” (article 63, CPR).

It should be added that Article N^o 10 of the Basic Law on the Social Economy emphasises the importance of the government contributing to the enhancement and development of social economy organisations by deepening the dialogue between public bodies and representatives of the social economy at national and European Union level in order to enhance mutual knowledge and the dissemination of good practices.

2.2. Social Dialogue Interlocutors

2.2.1. Consultative structures and reinforcement of Social Dialogue

There are several bodies/entities in Portugal that benefit from the representation of social organisations (i.e., social economy) and/or which represent them, and which play an important role in terms of their reinforcement and development.

⁸See Estanque et al., (2004).

- Economic and Social Council⁹

| Scope | |
|--|--|
| Constitutional body for consultation and social concertation, aiming to promote the participation of economic and social actors in the decision-making processes of sovereign bodies related to socio-economic matters. It configures a privileged space for dialogue between the Government, the Social Partners, and other representatives of organised civil society. | |
| Competences | |
| Consultation level | Social concertation level |
| It implies the participation of the most representative organisations of Portuguese society and of the Portuguese economic entities. This consultation level is achieved through several ways, such as, the preparation of mandatory reports determined by law, reports requested to the Economic and Social Council by sovereign bodies and through its own reports (Economic and Social Council). At this level, the Council expresses its views on the preliminary drafts of the major options and plans for economic and social development, economic and social policy, Portugal's positions in the European institutions, within the framework of these policies, the use of Community funds at national level, restructuring and socio-economic development policies, among other issues. | It intends the promotion of Social Dialogue and negotiation between the Government and the Social Partners – Trade Union Confederations and Employer Confederations. This competence is carried out on the basis of tripartite negotiations, where draft legislation on socio-occupational matters is considered and social concertation agreements are also done. |
| Members/Composition | |
| Plenary: | |
| 76 members – including the President (which is elected by the Assembly of the Republic), and Vice-Presidents (four persons elected by the Plenary). | |
| Six groups: 1. Government; 2. Business organisations; 3. Organisations representing workers; 4. Representatives of regional governments and local authorities; 5. Various interests; 6. Personalities of recognized merit. | |
| The Economic and Social Council work is developed by: the President, the Plenary, the Specialized Committee on Economic and Social Policy, the Specialized Committee on Regional Development and Spatial Planning, the Interdisciplinary Specialized Committee for Fertility, the Coordinating Council, the Administrative Council and the Social Concertation Standing Committee (autonomy from Economic and Social Council). | |
| Source: https://ces.pt/conselho-economico-e-social/ ; Constitution of the Portuguese Republic (CPR) Seventh Constitutional Review – 2005. | |

- Standing Committee on the Social and Solidarity Sector¹⁰

| Scope |
|--|
| National body with strategic concertation competence in the framework of cooperation. |
| Assignments |
| To issue reports and present proposals and recommendations on cooperation between the State and the institutions concerning: principles and objectives on which cooperation between the State and the institutions should be based; monitor the implementation of the measures provided for in the cooperation commitment; evaluation of the operationalization of the cooperation instruments. |
| Members |
| a) A member of the government responsible for social security field; b) A member of the government responsible for health field; c) A member of the government responsible for education field; d) A member of the government responsible for finances field; e) A representative of the National Confederation of Solidarity Institutions; f) A representative of the Union of Portuguese Mercies; g) A representative of the Union of Portuguese Mutual Associations; h) A representative of the Holy House of Mercy of Lisbon; i) A representative of CONFECOOP - Portuguese Cooperative Confederation, CCRL. |
| Source: Decree-Law N ^o . 120/2015 of 30 June (article 13 ^o) and its successive amendments (Decree-Law N ^o . 68/2016; Decree-Law N ^o . 143/2017). |

⁹ Portuguese acronym: CES

¹⁰ Portuguese acronym: CPSS

- National Council for the Social Economy¹¹

Scope

Body created by the government in 2010, to advise, evaluate and monitor strategies and policy proposals on issues related to the dynamization and growth of the social economy.

Assignments

- (a) To express its views on policies for the structuring and development of the social economy sector and their implementation, by issuing reports requested by the government or its own proposals and recommendations;
- b) Pronounce on legislative initiatives that directly or indirectly affect the social economy, at the request of government departments;
- (c) Propose legislative initiatives to the government and discuss matters affecting the social economy or each of its components;
- d) Prepare and disseminate studies, reports and information on social economy matters;
- (...)

Members

- a) The Prime Minister is the chairman and may delegate to the member of the Government responsible for the area of the social economy;
- b) The member of the Government responsible for the social economy area;
- (c) A representative of the Government of the Autonomous Region of the Azores;
- (d) A representative of the Government of the Autonomous Region of Madeira;
- e) A representative of the National Association of Portuguese Municipalities;
- f) A representative of the National Parish Association;
- g) A representative of the Portuguese Association for Local Development;
- h) A representative of the National Confederation of Agricultural Cooperatives and Agricultural Credit of Portugal;
- i) A representative of the Portuguese Cooperative Confederation;
- j) A representative of the National Confederation of Solidarity Institutions;
- k) A representative of the Portuguese Foundation Center;
- l) A representative of the Union of Portuguese Mercies;
- m) A representative of the Union of Portuguese Mutual Associations;
- n) A representative of the Portuguese Confederation of Collectivities of Culture, Recreation and Sport;
- o) Five persons of recognized merit and experience in the social economy sector, to be indicated by the member of the Government responsible for the social economy area;
- p) The president of the António Sérgio Cooperative for the Social Economy.

Source: <https://cnes.org.pt/>; Council of Ministers Resolution N^o. 55/2010; Council of Ministers Resolution N^o. 103/2012.

- Portuguese Confederation of Social Economy¹²

Scope

Entity constituted in 2018, assuming as goals the promotion and defence of the Social Economy, the defence of the interests of its associates and the representation of the sector internally and externally. It aims also to be an interlocutor of the State, participating, as a social partner in matters related to concertation, definition of public policies and in strategic guidelines for the Social Economy.

Members

Union of Portuguese Mercies;
National Confederation of Solidarity Institutions;
National Confederation of Agricultural Cooperatives and Agricultural Credit of Portugal;
Portuguese Foundation Center;
Portuguese Confederation of Collectivities of Culture, Recreation and Sport;
Union of Portuguese Mutual Associations;
Portuguese Association for Local Development;
Portuguese Cooperative Confederation;
Union of Portuguese Mutual Associations.

Source: <https://www.cpes.pt/quemsomos.html>

¹¹ Portuguese acronym: CNES

¹² Portuguese acronym: CPES

- António Sérgio Cooperative for the Social Economy¹³

Scope

Public Interest Cooperative with Limited Liability, created in 2009, at the initiative of the government.

The main focus of the Cooperative is to strengthen the social economy sector, deepening cooperation between the State and its member organisations, intending to stimulate its potential at the service of the country's socioeconomic development and the pursuit of policies in the area of volunteering.

Assignments

- a) To encourage the formation of social economy entities, disseminating their importance in the development of the areas of activity and communities where they operate;
- (b) Promote and disseminate the principles and values pursued by the various entities of the social economy;
- (c) Stimulate economic and social activity in the social economy sector;
- d) Encourage the recognition and institutional capacity of social economy entities;
- e) Promote and collaborate in the promotion of training in the social economy sector, in particular by strengthening the qualification of professionals and the sustainability of sector organisations;
- f) Promote the development of actions to disseminate the social economy sector and its visibility;
- (g) Promote and support studies and research on the social economy sector;
- (h) Promote and support the establishment and award of prizes;
- i) Promote and collaborate with the representative institutions of the various organisations of the social economy sector and with public and private institutions, in the provision of technical support, in the fiscal, legal and financial fields;
- j) Promote the creation of partnerships between social economy entities, municipalities, local agents and social networks capable of generating new dynamics in the territory;
- l) Sign cooperation agreements and protocols with public and private entities of national and international scope; (...)

Members

Portuguese Association for Local Development;
Portuguese Cooperative Confederation;
National Confederation of Agricultural Cooperatives and Agricultural Credit of Portugal;
National Confederation of Solidarity Institutions;
Union of Portuguese Mercies;
Union of Portuguese Mutual Associations.

Source: <https://www.cases.pt/>; Decree Law N° 282/2009, of 7 October with the changes introduced by Decree Law N° 39/2017, of 4 April.

- Portuguese Cooperative Confederation¹⁴

Scope

Created in 1988, the organisation represents the national level of the non-agricultural cooperative sector that focusing its performance on values of solidarity and cooperation, in a permanent dialogue with the Social Economy Sector and the Private Sector. At the same time the organization maintains an autonomous and independent relationship with the State (central, regional and local Power Bodies).

It integrates the following federations:

- National Federation of Social Solidarity Cooperatives;
- National Federation of Economic Housing Cooperatives;
- National Federation of Consumer Cooperatives – and its associated cooperatives.

It is represented in different forums and organisations (e.g., CES; CNES; CASES).

Source: <http://confe.coop/historia/>

2.2.2. Social Dialogue Social Partners

Social dialogue/negotiation involves, in addition to the State and, in terms of social partners, trade union structures and employers (i.e., organisations or entities representing social service organisations) (Valadas, 2016). According to the European Pillar of Social Rights, the rights to information, consultation, and participation of workers or of their representatives on issues

¹³ Portuguese acronym: CASES

¹⁴ Portuguese acronym: CONFECOOP

that concern them are fundamental social rights and are crucial for an effective social dialogue¹⁵.

- Trade Union Entities/Confederations (CGTP-IN; UGT)

In Portugal, the right of association is a constitutionally enshrined fundamental right, and the right of association of workers and employers is a structuring axis of the industrial relations system. Social Dialogue is vitally important for the design of public policies in diverse areas such as employment, training, and industrial relations, among others.

In the Portuguese labour relations system, two of the main actors, namely the General Confederation of Portuguese Workers - National Inter-Union¹⁶ and the General Union of Workers¹⁷, frame the negotiations with social sector organisations, being the only trade union confederations with access to the Permanent Commission for Social Consultation (Naumann, 2013).

In 2012 and according to data provided by the trade unions, there were about 1,092,080 trade unionists in Portugal, represented by CGTP-IN and UGT, but in recent years these entities have been losing members (ETUI, 2016).

In relation to CGTP, the following may be distinguished as member unions and articulated with social services sectors: the National Federation of Teachers¹⁸; the Portuguese Nurses Union¹⁹; the National Federation of Workers' Unions in Public and Social Functions²⁰. The UGT includes among others, the National Federation of Education²¹ and the Union of Public Services Workers²² (Valadas, 2016; Naumann, 2013).

- Representative Entities of Social Services Organisations

- National Confederation of Solidarity Institutions²³

Scope

Confederate organisation of private social solidarity institutions, which aims to defend and promote the framework of values common to these institutions. It has national scope and pursues non-profit purposes.

Based on the Social Economy Satellite Account, in 2016, 5 622 entities with the status of IPSS or equivalent were identified (INE & CASES, 2019).

Main Goals

- (a) Preserve the identity of private institutions of social solidarity, especially with regard to their preferential action with the neediest people, families and groups, encouraging the exercise of their citizenship rights;
 - b) Ensure the autonomy of the same institutions, especially in terms of free choice of internal organization and areas of action, as well as their freedom of action;
 - (c) Develop and broaden the support base of solidarity, namely in terms of raising awareness of volunteering and mobilizing communities for social development and the fight against social exclusion;
 - (...)
-

¹⁵ See Principle 8 of the European Pillar of Social Rights (EC, 2017).

¹⁶ General Confederation of Portuguese Workers - National Inter-Union - Portuguese acronym: CGTP-IN

¹⁷ General Union of Workers - Portuguese acronym: UGT

¹⁸ Portuguese acronym: FENPROF

¹⁹ Portuguese acronym: SEP

²⁰ Portuguese acronym: FNSTFPS

²¹ Portuguese acronym: FNE

²² Portuguese acronym: SINTAP

²³ Portuguese acronym: CNIS

The National Confederation of Solidarity Institutions (formerly the Union of Private Social Solidarity Institutions) is competent to negotiate collective bargaining agreements with trade unions (See Decree-Law N^o. 224/96, of 26 November; Decree-Law N^o. 172-A/2014, of 14 November).

Source: <http://cnis.pt/wp-content/uploads/2020/07/ESTATUTOS-1.pdf>; <http://cnis.pt/servicos-juridicos/contratacao-coletiva-2/>

- Union of Portuguese Mercies²⁴

Scope

Entity created in 1976 to guide, coordinate, stimulate and represent the Holy Houses of Mercy, defending their interests and organising services of common interest.

It represents the interests of Mercies in various forums: Economic and Social Council, National Council for Social Economy, Standing Committee on the Social and Solidarity Sector, António Sérgio Cooperative for Social Economy, Portuguese Confederation of Social Economy, among others.

It works in dialogue with the Mercies and with various institutional partners in order to anticipate social problems and promote appropriate solutions.

Considering the Satellite Account of the Social Economy, in 2016, 387 entities/Mercies were identified (INE & CASES, 2019). As employers, Holy Houses have about 45 000 direct employees.

Domains of Action

Through Service Lines the Union of Portuguese Mercies supports these entities in areas such as social action, health, legal affairs, heritage, among others.

Also, the Union of Portuguese Mercies manages social equipment's, highlighting the area of deep disability. It has a long-term care unit specialising in dementia, a nursing home and a senior university.

By its legal office, in 2021, the Union of Portuguese Mercies participated in the negotiation, in the Directorate-General for Employment and Labour Relations (DGERT), of minimum services and the necessary means to ensure them in the event of a strike, in relation to Holy Houses of Mercy and the Union of Portuguese Mercies.

Source: <https://www.ump.pt/Home/uniao/apresentacao/>; <https://www.ump.pt/Home/uniao/areas-de-atuacao/>; Activity report and accounts 2021 <https://www.ump.pt/Home/uniao/relatorios-e-contas/>

- Union of Portuguese Mutual Associations

Scope

Entity created in 1984 that brings together national mutual associations aiming at their promotion and representation near public, private and social entities. Local and national mutual associations have a fundamental historical role in social protection, especially in the areas of social security and health.

The Union of Portuguese Mutual Associations has as main purposes to promote the defence, development, culture and practices of mutualist solidarity and to ensure the organisation and representation of the Mutualist Movement.

Partner entity in the Cooperation Pact for Social Solidarity, participating in national (e.g., CASES; CES; CNES) and international representations.

On 03/06/2020 Union of Portuguese Mutual Associations signed the 1st Collective Labour Contract specifically applicable to Portuguese Mutual Associations. This is an instrument of collective regulation that includes a set of legal rules that meets the specificities of the mutual sector, defends and values mutual societies and their workers and benefits labour relations.

The Mutualist Movement brings together around one million members and more than two and a half million beneficiaries throughout the country, organised into a set of associations at local and national level.

The Mutual Associations totalled 97 units in 2016 (INE& CASES, 2019). There are 63 affiliated entities of the Union of Portuguese Mutual Associations.

Source: <https://mutualismo.pt/>; <https://mutualismo.pt/portal/index.php?page=filiadas#conteudo>; (SPC, 2020)

²⁴ Portuguese acronym: UMP

2.3. Cooperation and/or negotiation

2.3.1. Social Dialogue Achievements: Examples

- Cooperation Commitment for the Solidarity and Social Sector

The recognition by the State of the strategic importance of the social sector (based on solidarity) in social areas - social security/social action, health, education, employment, and professional training - has been the basis of a partnership/cooperation relationship established by it with social sector organisations (IPSS), seeking to support them in the pursuit of their objectives related to their intervention/social responses in the aforementioned areas.

The scope of cooperation is regulated by Decree-Law Nº. 120/2015, which establishes the ways in which cooperation can occur, namely, cooperation agreements, management agreement, protocol and convention (article 10). Cooperation agreements are signed directly with each organisation and aim the support (financial contribution) for the development of a service or equipment. These agreements arise in the wake of a Cooperation Commitment for the Social and Solidarity Sector (Biennial Commitment Protocol) involving the Ministries of Education, Labour, Solidarity and Social Security and Health and the representative entities of the social area - National Confederation of Solidarity Institutions, Union of Portuguese Mercies, Union of Portuguese Mutual Associations, and the Portuguese Cooperative Confederation. This commitment includes a set of indications (e.g., registered places, resources) to be respected by social services and the amounts of public financial contribution. The Protocol for the 2021-2022 biennium (in progress) frames as strategic or priority areas, those related to Social Security (e.g., cooperation agreements; social responses; creation of support teams and technical support to IPSS; solidarity sector restructuring fund); Active Employment, Professional Training, Capacity and Qualification Measures (e.g., development of professional training measures, *Qualifica Social* program; *Valorizar Social* program; professional training for people with disabilities); Health (primary health care, hospital care); Health Care and Social Support (e.g., National Network of Integrated Continuing Care; Mental Health Care at the National Network of Integrated Continuing Care; informal caregiver); Education (e.g., pre-school education, Inclusion Resource Center) and National Early Childhood Intervention System (Government of Portugal et al., 2021).

Although financing under the Cooperation Commitment gives stability to social organisations, some constraints can be pointed out in this regard, such as the fact that “the number of beneficiaries covered by the cooperation agreements is below the existing needs with regard to the demand for their services” (Ferreira, 2021, p.186).

- Collective labour regulation

Under the terms of the Labour Code (article 2),²⁵ the collective labour regulation of a negotiating nature, frames the collective convention, among other modalities. Collective conventions may take the form of: a) Collective contract, between the trade union association and employers association; b) Collective agreement between the trade union association and a plurality of employers for different companies; c) Company agreement between the trade union association and an employer for a company or establishment.

Labour relations within the sector of social services are regulated by various modalities.

²⁵ See Law Nº. 7/2009, of 12 February, as amended by Laws Nºs. 105/2009, of 14 September; 53/2011, of 14 October; 23/2012, of 25 June; 47/2012, of 29 August; 69/2013, of 30 August, and 27/2014, of 8 May.

✓ With regard to IPSS, it is legally defined that "Unions, federations and confederations may, if they wish, be considered entities with the capacity to negotiate collective working conventions applicable to the institutions affiliated to them as well as the workers represented by such Union structures"²⁶. So, the National Confederation of Solidarity Institutions has the competence to negotiate collective working conventions with the trade unions.

There are three Collective Working Contracts in which National Confederation of Solidarity Institutions takes part, which regulate the working conditions of the employees of the entities involved:

- Collective Working Contract signed between National Confederation of Solidarity Institutions and the Portuguese Federation of Trade, Offices and Services and others, published in the Labour and Employment Bulletin no. 11, of 22 March 2009.

– Collective Working Contract signed between National Confederation of Solidarity Institutions and the National Federation of Workers' Unions in Public and Social Functions, published in the Labour and Employment Bulletin No. 31, of August 22, 2015.

– Collective Working Contract signed between National Confederation of Solidarity Institutions and the National Federation of Education and others, published in the Labour and Employment Bulletin, No. 25, of July 8, 2016²⁷.

✓ In relation to Mercies, the Collective Labour Agreement was signed between the National Federation of Workers' Unions in Public and Social Functions and a set of 197 Mercies, covering all union members in matters related to employment in these organisations²⁸.

✓ In the field of collective convention, mention should also be made, by way of example, of the (social) Company Agreement between the Union of Portuguese Mercies and the Portuguese Nurses' Union and others²⁹.

3 – Opportunities for Social Dialogue in Social Services

The potential that Social Dialogue offers to the social services sector is unquestionable. The challenges listed above (in the form of a summary diagnosis) all frame a matter of relevance for the dialogue with the various interlocutors in the “negotiation” field. In a complementary way, three levels of the debate are listed here, which we also consider appropriate to explore and given their recurrence in terms of greater appeal to Social Dialogue.

Promotion of decent work

Decent or dignified work refers to “opportunities for productive work and fair remuneration, safety in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organise and participate in decisions that affect their lives, and equal opportunities and treatment for all women and men³⁰.” The four pillars of the Decent Work Agenda – job creation, social protection, rights at work and Social Dialogue - are the vectors of the 2030 Agenda for Sustainable Development (ILO, 2017).

There are wide-ranging challenges posed by the decent work agenda, some of which, however, have been repeatedly evoked, closely related to the pandemic issue. On the one

²⁶ See Decree-Law N^o. 172-A/2014, of 14 November - Article 93-A “Collective Labour Conventions”.

²⁷ See <http://cnis.pt/servicos-juridicos/contratacao-coletiva-2/>

²⁸ See Strategy and Planning Cabinet (2016) Labour and Employment Bulletin N^o 38, 15/10/2016

²⁹ See Strategy and Planning Cabinet (2021b) Labour and Employment Bulletin, N^o. 19, 22/05/2021

³⁰ See <https://www.ilo.org/global/topics/decent-work/lang-en/index.htm>

hand, the issue of valuing the professions/workers in the areas of social care services deserves to be rethought and is a priority for collective bargaining (ILO, 2022). Also, issues related to skills to be encouraged in the fields of information and communication technologies, among others, are areas that promote personal and professional development (Government of Portugal, 2021) and score in favour of "productive" work, i.e., promoting the quality of social services, and which are currently widely emphasized.

Sustainability of Social Services

In addition to issues already mentioned, the perspective of the sustainability of social services needs to be considered according to its mission allocated to the publics they serve. In this regard and in the work environments such as the care of the elderly, designing policies and strategies focused on people (beneficiaries and human resources) rather than policies/objectives based on tasks, must be considered. This means that central issues such as the humanization of care need to be founded and supported in a concrete way, not only by organisational social management policies (meso level) but must be reinforced through broad political and social discussion (macro level), benefiting from the various social agents, in order to consider the pathways towards the well-being of citizens. Likewise, also in the context of discussions and negotiations on social services, it is necessary to direct attention to its heads/directions (e.g., technical), resisting to the sectorization of dialogue or to the pressure of professional groups, by deepening of Social Dialogue.

(Re)enhance the public image of the Social Services sector

The covid19 pandemic had effects at different levels, including a breach of trust and penalisation of the image/representation of various sectors/areas of social services. The exercise of resilience to (re)build normality has been pursued and lacks various measures that have already been discussed. In addition, it is also important to better explore/highlight the social services sector by deconstructing stereotypes associated with it. In fact, this is a sector with potential in terms of job creation and is even considered an emerging sector that needs innovation and professionals with different profiles and knowledge, opening space for jobs of great value to societies, which call for a greater participation of social interlocutors (e.g., EPSU & FESE, 2021).

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