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REVISED EUROPEAN SOCIAL CHARTER

7th national report on the application of the European Social
Charter (revised) submitted by

THE GOVERNMENT OF PORTUGAL

(Articles 1, 9, 10, 15, 18, 20, 24 and 25
for the period 01/01/2007 – 31/12/2010)

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REVISED EUROPEAN SOCIAL CHARTER

7th National Report on the implementation of

the revised European Social Charter

submitted by

PORTUGAL

for the period from 1 January 2007 to 31 December 2010

on articles 1, 9, 10, 15, 18, 20, 24 and 25

7th Report

submitted by the **Government of Portugal**

for the time period from 1 January 2007 until 31 December 2010 (Articles 1, 9, 10,
15, 18, 20, 24 and 25)

in accordance with the provisions of Article C of the revised European Social
Charter and the Article 21 of the European Social Charter,
which the instrument of ratification was deposited on 30 May 2002.

In accordance with Article C of the revised European Social Charter and Article
23 of the European Social Charter copies of this report
have been sent to

the General Confederation of Portuguese Workers
(*Confederação Geral dos Trabalhadores Portugueses*)

the General Union Confederation of the Workers
(*União Geral de Trabalhadores*)

and

the Confederation of the Portuguese Industry
(*Confederação da Indústria Portuguesa*)

Preliminary remarks

Portugal hereby submits its seventh Report that has been prepared in accordance with the reporting system adopted by the Committee of Ministers on 26th March 2008 for the presentation of the national reports concerning their national implementation of the revised European Social Charter.

The Report deals with group 1 (area of employment, training and equal opportunities) concerning Articles 1, 9, 10, 15, 18, 20, 24 and 25, and the period under review: 1 January 2007 until 31 December 2010.

The 7th Report is a follow-up to earlier reports submitted by Portugal on the national implementation of the obligations laid down in the revised European Social Charter. It does not refer to the individual provisions of the Charter unless either the remarks of the European Committee for Social Rights of the European Social Charter (by way of simplification hereinafter referred to as "Committee") in particular in the conclusions give reason for this, or if relevant amendments in the material and legal situation have occurred.

PART II

ARTICLE 1 RIGHT TO WORK

Paragraph 1

1) Employment Policy

Two strategic Plans were in force during the reference period (2007-2010): the National Action Programme for Growth and Employment (*PNACE 2005-2008*), and the National Reforms Plan (*PNR 2008-2010*).

The execution of PNR 2008-2010 was amended in the light of the technical assistance programme signed by Portugal, the European Central Bank, the International Monetary Fund and the European Commission on 17 May 2011.

Council of Ministers Resolution (*RCM*) no. 86/2007 of 3/07/2007 approved the National Strategic Reference Framework (*QREN* in Portuguese / *NSRF* in English) for 2007-2013, which constitutes the framework for the implementation of the Community economic and social cohesion policy in Portugal.

The NSRF established the qualification of the population as a national strategic goal. Social inclusion and equal opportunities were seen as dimensions that cut right across the whole NSRF, which was structured as follows:

- **3 Thematic Operational Programmes** (*POTs / TOPs*): the Competitive Factors TOP (ERDF), the Human Potential TOP (ESF), and the Territorial Enhancement TOP (ERDF and Cohesion Fund)
- 5 Mainland **Regional Operational Programmes** (*PORs / ROPs*), structured in accordance with NUTS and co-financed by ERDF: ROP North, ROP Centre, ROP Lisbon; ROP Alentejo, and ROP Algarve.
- **4 Operational Programmes for the Autonomous Regions** (*POs / OPs*) financed by ERDF and ESF:
 - 2 OPs for the Azores: PROCONVERGÊNCIA ("Proconvergence") – Azores Operational Programme for Convergence; and PRO-EMPREGO ("Pro-Employment") – ESF Operational Programme for the Azores Autonomous Region.
 - 2 OPs for Madeira: INTEVIR+ ("Intervene Plus") – Operational Programme for the Enhancement of the Economic Potential and Social Cohesion of the Madeira Autonomous Region; and RUMOS ("Directions") – Operational Programme for the Enhancement of the Human Potential and Social Cohesion of the Madeira Autonomous Region.

- 2 Operational Programmes regarding **Technical Assistance** for the NSRF, with funding from ERDF and ESF: the Technical Assistance Operational Programme – ERDF; and the Technical Assistance Operational Programme – ESF.

When the NSRF entered into force, the framework for the employment policy became the *Agenda for Human Potential (POPH)*. This brought together the interventions designed to promote the Portuguese population's academic and vocational qualifications, promote employment and social inclusion, and enhance gender equality and full citizenship.

The POPH Agenda incorporates the following intervention areas: initial qualification, adaptability and lifelong learning, management and vocational improvement, advanced training for competitiveness, support for entrepreneurship and the transition to the working life, citizenship, inclusion and social development, and the promotion of gender equality.

The execution of the NSRF and the respective OPs involves the mobilisation of Community resources – around **21.5 billion €** – the use of which will refer to the three Thematic Operational Programmes. Of particular note is the increase in the allocations for the Qualification of Human Resources, with the ESF coming to represent around 37% of all the Structural Funds. This is a rise of 10 percentage points compared to the previous Community Support Framework (QCA / CSF III – 2000-2006), corresponding to over 6 billion €.

The measures intended to support job creation as part of local development and the development of the social economy and the Social Employment Market (described in earlier Reports) continued to be implemented in 2007-2010. The following tables show the variation in them.

Table1
IEFP: FINANCIAL EXECUTION OF EMPLOYMENT, VOCATIONAL TRAINING AND REHABILITATION MEASURES

Financial Execution IEFP, IP:	2007	2008	2009	2010
No. of persons covered by support measures (annual totals)	394,043	414,752	534,215	532,657
IEFP – financial execution	515.2 million euros	508.8 million euros	602.7 million euros	590.7 million euros

Source: IEFP, IP 2007, 2008, 2009 and 2010 Activity Reports (in Portuguese)

In **2007 and 2008**, the number of people covered by the different interventions varied very positively, with 62,585 more beneficiaries in 2008 than in 2006. This was primarily driven by the 27.9% growth in the Vocational Training measures, which represents an additional 54,299 trainees and reflects an investment in strengthening the qualification of the Portuguese people.

In 2009, the value of the employment, vocational training and occupational rehabilitation measures rose by 90.1 million euros. We should note that the overall number of people covered by the different measures grew by 28.8% – proportionately more than the increase in funding.

In **2010**, the financial allocation fell by 12 million euros. The overall number of persons who received support was 532,657 (-1,558 compared to 2009). This negative variation is not found in all the different profiles: the employment programmes made a positive contribution with +8,158 persons covered, 5,557 of them through job placements; while numbers on the vocational training measures fell (-4,331 persons covered). In this respect, while the volume of activity of the IEFP, IP's Direct Management Centres increased, that of the Centres in whose management the IEFP only plays a participatory role decreased.

1) and 3) Employment Measures and Instruments and Statistics

The list and summary of the financial execution of the IEFP's measures in 2007-2009 are shown in Table 2:

Table 2
VARIATIONS IN THE VARIOUS EMPLOYMENT PROGRAMMES

PROGRAMAS DE EMPREGO	2007		2008		2009	
	Covered	Payment	Covered	Payment	Covered	Payment
EMPLOYMENT AND TRAINING PROGRAMMES	22 570	60 212 12,11€	23 254	61 010 65,73€	32 916	104538776,15€
Programa Rotação Emprego - Formação	2	11 169,29	0	0,00	0	0,00
Bolsas de Formação da Iniciativa do Trabalhador	805	1 087 437,29	822	998 805,05	1 202	1 266 027,88
Estágios Profissionais - Port. 268/1997	20 576	53 980 572,57	19 260	49 488 110,41	8 432	19 942 365,53
Estágios Profissionais para Luso Descendentes	32	222 600,53	7	2 749,82	0	0,00
Estágios Profissionais na Administração Pública	433	1 840 641,12	0	0,00	0	0,00
Estágios Profissionais - INOV-ART	0	0,00	0	750 000,00	229	3 700 000,00
Estágios Profissionais	0	0,00	0	0,00	12 892	39 452 285,22
Estágios Qualificação-Emprego	0	0,00	0	0,00	1 729	3 894 007,53
Estágios Profissionais - PECSRL	29	102 838,55	26	101 008,12	11	33 463,23
Estágios Profissionais - INOV-JOVEM	693	2 967 052,76	3 139	9 669 492,33	8 421	36 250 626,76
ENTERPRISES AND JOB CREATION	7 980	73 815 473,11	7 652	100 170 727,65	11 296	80 886 898,94
Fundo de Apoio ao Inv. Criad. Emp. Alentejo (FAIA) - PREA	0	956 884,69	0	362 252,71	0	0,00
(1)(*) Programa de Estímulo à Oferta de Emprego - Investimento 0	0	30 464 196,61	0	30 415 493,35	0	27 650 209,20
(1) ILE - Criação de Postos de Trabalho	4 162	28 413 009,68	4 259	28 390 863,99	4 053	28 245 842,07
(1)(*) ILE - Majorações	0	2 204 578,59	0	2 145 804,20	0	1 913 288,83
CPE - Criação de Postos de Trabalho	1 766	3 390 503,28	1 723	2 876 084,46	1 625	2 296 571,84
(*) CPE - Majorações	37	36 412,48	22	37 558,09	16	20 124,82
Apoios à Contratação	1 227	5 592 148,20	1 020	4 629 933,14	741	3 707 319,48
(*) Apoios à Contratação - Majorações	24	28 409,28	20	0,00	21	0,00
(**) Prémio de Igualdade de Oportunidades - Majorações	0	273 349,74	0	210 160,23	0	342 923,52
Apoio à Conversão de Contratos	296	465 489,20	254	418 759,16	181	326 865,76
Apoios à Contratação - PECSRL	4	35 859,60	1	17 111,22	0	0,00
Apoio à Integração - INOV-JOVEM	78	423 393,02	16	79 136,94	0	0,00
Prémio de Colocação	55	70 122,00	35	45 265,05	29	40 213,12
Apoios à Contratação para Jovens	0	0,00	0	0,00	3 791	6 795 600,00
Apoios à Cont. para Adultos e Públicos Esp.	0	0,00	0	0,00	592	845 450,00
Linha de Apoio à Criação de Empresas e Emprego	0	0,00	0	0,00	0	8 512 500,00

EMPLOYMENT PROGRAMMES	2007		2008		2009	
	Covered	Payment	Covered	Payment	Covered	Payment
Redução da Taxa Contributiva para a Segurança Social - PEPS	0	801 576,88	0	0,00	0	0,00
Promoção do Artesanato - Artesãos	318	73 193,77	289	39 857,11	272	65 793,41
PRODESCOOP - Cooperativas - Criação de Postos de Trabalho	74	586 346,09	55	502 448,00	12	124 196,89
Linhas de Crédito - Micro e Pequenas Empresas - PME Investe III	0	0,00	0	30 000 000,00	0	0,00
EMPLOYMENT SOCIAL MARKET	60 223	50 486 966,90	58 791	43 395 842,47	66 597	46 377 983,20
Secretariado Técnico da Comissão do MSE	0	279,75	0	0,00	0	0,00
(*) Empresas de Inserção - Investimento	132	663 423,67	91	611 953,35	55	321 299,42
Empresas de Inserção - Profissionalização	3 760	11 249 089,32	3 549	10 552 303,35	3 358	10 126 114,74
(*) Empresas de Inserção - Formação	1 012	1 114 811,66	1 034	1 149 994,79	962	1 222 163,69
Empresas de Inserção - Prémio Integração	147	728 011,20	116	625 540,08	56	464 970,99
Inserção - Emprego - Actividade de Interesse Social	0	753,15	0	0,00	0	0,00
(2) Programas Ocupacionais - Carenciados	5 858	12 423 987,75	6 140	12 342 828,47	2 731	7 167 872,22
Programas Ocupacionais - Subsidiados	49 365	22 554 621,38	48 505	17 691 429,21	27 043	15 433 749,24
Contrato Emprego Inserção	0	0,00	0	0,00	27 623	1 240 335,79
Contrato Emprego Inserção +	0	0,00	0	0,00	5 762	10 257 822,22
(**) Programa de Apoio à Iniciativa Privada (PAIPS)	0	87 953,14	0	107 743,92	0	61 388,96
Despacho Conjunto ME/MSST	358	1 063 298,27	0	0,00	0	0,00
Despacho Conjunto SEEF/SET	71	176 263,02	0	899,14	0	0,00
Despacho Conjunto MSST/MC - Prog. Cultura Emprego	190	17 430,19	0	0,00	0	0,00
Protocolo União das Misericórdias/IEFP, IP	0	48 278,68	0	17 390,51	0	0,00
Protocolo REAPN/IEFP, IP	0	33 730,01	0	14 274,35	0	0,00
Despacho Conjunto MAI/MTSS - Prevenção de Fogos Florestais	474	325 035,71	481	281 485,30	24	82 265,93
OTHER MEASURES TO PROMOTE JOB CREATION	1 978	8 239 128,11	1 293	5 291 565,90	1 220	3 692 687,04
FUNDO DE AJUSTAMENTO À GLOBALIZAÇÃO - FEG	0	0,00	42	244 803,89	108	103 585,96
Apoios à Auto-Colocação - FEG	0	0,00	19	24 282,00	0	0,00
Apoios a Novos Empreendedores - FEG	0	0,00	12	213 104,46	0	0,00
Apoios à Inserção	0	0,00	0	0,00	38	16 802,55
Apoio ao Empreendedorismo	0	0,00	0	0,00	22	44 010,19
Planos de Integração	0	0,00	0	0,00	44	40 632,37

EMPLOYMENT PROGRAMMES	2007		2008		2009	
	Covered	Payment	Covered	Payment	Covered	Payment
Bolsa de Formação	0	0,00	11	7 417,43	4	2 140,85
Incentivos à Mobilidade Geográfica e Profissional - PEPS	4	70 283,13	0	2 500,00	0	0,00
Incentivo . à Mobilidade - PECSRL	1	8 642,00	0	0,00	0	0,00
FORMAÇÃO DE AGENTES DA POLÍTICA DE EMPREGO	45	8 199,04	0	0,00	0	0,00
Formação de Animadores de UNIVAS e Clubes de Emprego	45	7 794,99	0	0,00	0	0,00
Formação de Técnicos de Reabilitação	0	404,05	0	0,00	0	0,00
EMPREGO - FAMÍLIA	23	39 400,40	0	0,00	0	0,00
Emprego - Família - PI Beira Interior	11	9 745,58	0	0,00	0	0,00
Emprego - Família - PEPS	12	29 654,82	0	0,00	0	0,00
PLANOS REGIONAIS DE EMPREGO, REDES E PACTOS	544	2 715 863,76	29	269 813,17	0	107 859,20
Plano Reg. de Emp. p/ Trás-os-Montes - PRETMAD - Medidas Inovadoras	129	375 793,60	0	0,00	0	0,00
Plano Reg. de Emp. p/ Península de Setúbal	62	644 607,74	9	50 696,11	0	0,00
Prog. de Promoção de Emprego p/ Distrito Porto - PROPEP	268	1 118 514,11	4	38 578,83	0	107 859,20
Plano de Intervenção p/ Vales do Ave e Cávado - PIAVE	85	576 948,31	16	180 538,23	0	0,00
PROGRAMA VIDA - EMPREGO	1 361	5 396 739,78	1 222	4 774 448,84	1 112	3 481 241,88
Despesas com Pessoal	0	480 512,55	0	443 507,78	0	61 910,09
Funcionamento - Agências Regionais	0	7 539,88	0	5 590,12	0	341,17
Mediação para a Formação e o Emprego	78	876 241,95	54	663 199,46	13	101 701,45
Estágios de Integração Sócio-Profissional	623	1 770 052,36	559	1 372 040,47	586	1 486 579,15
Prémio de Integração Sócio-Profissional	57	241 594,80	54	263 790,00	39	160 838,76
Apoios ao Emprego	603	2 020 632,79	554	2 018 987,63	473	1 662 325,30
Apoios ao Auto-Emprego	0	0,00	1	7 333,38	1	7 545,96
Formação de Agentes do Programa Vida - Emprego	0	165,45	0	0,00	0	0,00

STRUCTURES AND OTHER SUPPORTS TO JOB CREATION	-	4 425 372,78	-	3 616 714,19	-	5 052 822,68
(**) Promoção do Artesanato - Feiras	0	518 775,97	0	325 097,46	0	288 179,00
(**) PRODESCOOP - Cooperativas - Investimento	0	1 171 283,65	0	836 126,62	0	204 305,92
PROM. DE EST. E SERV. DE AP. À INSERÇÃO PROFISSIONAL	-	2 735 313,16	-	2 455 490,11	-	4 560 337,76
(**) Unidades de Inserção na Vida Activa (UNIVAS)	333	2 711 879,65	289	2 430 830,91	258	880 495,00
(**) Clubes de Emprego	11	23 433,51	14	24 659,20	14	9 665,77
(**) GIP - Gabinetes de Inserção Profissional	0	0,00	0	0,00	401	3 670 176,99
TOTAL	92 751	197 179 253,01	90 990	213 485 015,94	112 029	240 549 168,01

(*) Number of people involved in components of measures (e.g. additional amounts payable in ILEs), the goal for which is already included in the main measure.

(**) The physical execution of these measures is not counted in terms of numbers of persons covered or supported, so it cannot be added to the execution of the remaining measures.

(1) Since 2007, the physical and financial activity undertaken in Local Employment Initiatives (ILEs) as part of the work of the Family Support Services (SAFs) has been recorded under the corresponding headings as part of the PEOE.

(2) Includes persons covered in activities undertaken under the terms of Joint Order no. 256/2004 MADRP/MSST

Source: IEFPP, IP / 2010 Report (in Portuguese)

We would note the relative weight – already very high – of three types of measure (Traineeships, the Job-Offer Stimulus Programme, and Occupational Programmes / Employment-Insertion Contracts). In 2009, these accounted for 94.5% of persons covered and 78.2% of payments made.

Table 3
SUMMARY OF THE FINANCIAL EXECUTION OF THE EMPLOYMENT PROGRAMMES OPERATIONALISED BY IEFP, IP

EMPLOYMENT PROGRAMMES	2007		2008		2009			Weight compared to total /2009	
	Covered	Payment	Covered	Payment	Covered	Payment	Covered (%)	Payment (%)	
MAIN MEASURES	85 530	164 081 697,51	84 814	157 090 801,76	105 880	215 835 152,02	94,5	89,7	
TRAINEESHIP	21 763	59 113 705,53	22432	60 011 360,68	37 714	103 272 748,27	28,3	42,9	
PAECEPE ¹	7 451	68 325 346,97	7 256	66 731 134,10	6 600	62 226 808,35	5,9	25,9	
Support Line for enterprises and job creation					0	8 512 500,00	0,0	3,5	
Hiring support					4 383	7 641 050,00	3,9	3,2	
POC ² + CEI ³ + Joint Ministerial Orders	56 316	36 642 645,01	55 126	30 348 306,98	63 183	34 182 045,40	56,4	14,2	
Other employment programmes	7 221	33 097 555,50	6 176	56 394 214,18	6 149	24 714 015,99	5,5	10,3	
TOTAL	92 751	197 179 253,01	90 990	213 485 015,94	112 029	240 549 168,01	100,0	100,0	

Source: IEFP, IP / 2010 Report (in Portuguese)

¹ Programme for Support of Entrepreneurship and the Creation of one's own Job

² Simplification of the Accessing Procedures of the Occupational Programmes

³ Insertion Employment Contracts

During the execution of PNACE 2005-2008, the INSERJOVEM and REAGE methodology was maintained and the measures were further strengthened with the early flagging of unemployed young persons at 3 months and unemployed adults at 6 months.

The economic situation in general and the labour market in particular justified the launch of **intervention programmes targeted at specific categories of unemployed** – people in certain age groups or with certain levels of qualifications and at greater risk of exclusion.

Where the fight against **youth unemployment** was concerned and following a diagnosis of the needs that were being inadequately fulfilled by the existing programmes (INOV-JOVEM, and INOV-CONTACTO), Council of Ministers Resolution (RCM) no. 63/2008 of 07/04/2008 created two new INOV measures: INOV-ART and INOV Vasco da Gama. Ministerial Order no. 1103/2008 of 02/10/2008 created the technical and financial support for each of the various INOV measures (INOV-ART; INOV Vasco da Gama; INOV Mundus; INOV-JOVEM; INOV CONTACTO). RCM no. 112/2009 of 26/11/2009 created the INOV-SOCIAL measure, which was designed to promote vocational internships at social economic institutions.

The INOV-JOVEM measure, which was regulated by Ministerial Order no. 1103/2008 of 02/10/2008, sought to support the insertion in small and medium-sized enterprises of young persons up to the age of 35 who possessed higher-level qualifications and were looking for their first, or a new, job in areas that are critical to innovation and business development. The areas of activity covered were: agriculture, livestock breeding, hunting, forestry and fishing, extractive and transforming industries, energy, construction, environment, retail, transport, and tourism.

The internships lasted for 12 months, including one month's holidays, and the following forms of support were provided:

- An internship grant amounting to 2 x the IAS (IAS = 397.86€ in 2007; 407.41€ in 2008; and 419.22€ in 2009 and 2010).
- Work accident insurance.
- A meal allowance.
- An accommodation allowance (11 months).
- Transport costs (11 months).

Characterisation of the INOV-JOVEM vocational internship programmes:

- The INOV-ART Programme for internships at entities that host and support cultural or artistic projects, in an international cooperation environment, with part of the internship spent abroad.
- The INOV Vasco da Gama Programme for internships at enterprises/organisations abroad and the development of an international qualification plan.

- The INOV Mundus Programme for vocational internships at national and international entities for young persons with higher-level qualifications, which promote insertion into the working life and provide solutions for the shortage of specialised staff/managers.
- The INOV Social Programme (RCM no. 112/2009 of 26/11/2009) for internships at social economic institutions for young persons with higher-level qualifications, with the objective of bringing innovation to and modernising the operation of the institutions in questions.
- The INOV Export Programme (RCM no. 115/2009 of 15/12/2009) regarding incentives for enterprises to add professionals who are specialised or experienced in the field of international trade to their staff, with the objective of stimulating the internationalisation and competitiveness of SMEs.
- The INOV-ENERGIA Programme (Order no. 7384/2010 of 27/04/2011) for vocational internships in activities in the area of the environment, renewable energies and sustainable development.

Table 4
VARIATION IN THE NUMBER OF YOUNG PERSONS COVERED BY VOCATIONAL
INTERNSHIPS/TRAINEESHIPS, 2007-2009

Vocational Internships/Traineeships	2007	2008	2009*
Vocational Internships/Traineeships	21,070	19,293	12,621
Vocational Internships/Traineeships – INOV Jovem	693	3,139	5,738
Total no. of Young Persons Covered	21,763	22,432	18,359

Source: MTSS/IEFP, IP / * Data for January to June

Turning to the fight against **unemployment**, 2009-2010 saw the creation of new, additional employment and recruitment support measures. This support entailed exemption from payment of social security contributions, and financial support for employers, on condition that jobs were maintained (Ministerial Order no. 130/2009, 30/01/2009). New measures:

- Support for employment in micro and small enterprises, with a three percentage point reduction in the contribution rate for workers aged 45 or over.

- Measures supporting the hiring of young persons, long-term unemployed and specific, more vulnerable groups (first job, recipients of social benefits, and ex-drug addicts), support for the fixed-term hiring of older workers, and support for reductions in the precariousness of jobs occupied by young persons.
- The temporary Qualification-Employment Programme (Ministerial Order no. 126/2009 of 30/01/2009) for the insertion of workers in qualifying training actions, in cases where there is a temporary reduction in normal working hours or a suspension of labour contracts.
- The Employment-Insertion Contract and the Employment-Insertion Contract+, under which unemployed persons who receive the unemployment benefit or the social unemployment benefit and the social insertion income are engaged in socially necessary work (Ministerial Order no. 128/2009 of 30/01/2009).
- Qualification-Employment Traineeships (Ministerial Order no. 131/2009 of 30/01/2009), designed to: complete unemployed persons' competencies; improve employer access to new training and competencies; and promote the creation of jobs in new areas.
- The updating of the Choices Programme (2010-2012), which targets the social inclusion of children and young persons from vulnerable socioeconomic contexts, with special emphasis on the integration of young people into vocational training and the labour market, as well as on support for the creation of initiatives that generate jobs for young people.
- The Entrepreneurism and Own-Job Creation Support Programme, which was introduced by Ministerial Order no. 985/2009 of 04/09/2009 and created forms of support for the creation of small enterprises – which lead to job creation and help make local economies more dynamic – and support for unemployment-benefit recipients who create their own jobs.
- Support for microcredit finance companies, as an instrument for supporting entrepreneurship and own-job creation.
- The Vocational Traineeship Programme – level-3 and 4 qualifying training (Ministerial Order no. 127/2010 of 1/03/2010), which is designed to complement the competencies of young persons by providing them with level-3 and 4 qualifying courses, and to facilitate the transition from the qualification system to the labour market through articulation between schools / training entities and employers.
- The Vocational Traineeship in the Public Administration Programme (Executive Law no. 18/2010 of 19/03/2010), whose purpose is to create professional opportunities for young persons looking for their first job, unemployed young

graduates and young people who, although they are in employment, are working in a professional occupation that does not match their area of training and level of qualification.

At the regional level, Portugal adopted the measure 'Exemption from contributions in the regions with interiority problems' with the objective of stimulating net job creation in such regions and simultaneously preventing their populations from abandoning them. Enterprises created by young entrepreneurs enjoy a regime under which they are exempt from social security contributions for five years.

Within the fiscal framework, various measures designed to increase employment were adopted. The following actions deserve particular mention:

- The inclusion of people up to the age of 35 in the concept of "young persons"; and the inclusion of unemployed workers who have been registered with Job Centres for more than 9 months (a 3-month reduction) in the concept of "long-term unemployed" for the purposes of the calculation of tax benefits for job creation.
- A fiscal regime designed to support investments made in 2009-2010, under which there were reductions in corporate income tax (*IRC*) and other fiscal exemptions for enterprises that created jobs and whose primary area of activity was in the agricultural, forestry, agro-industrial, energy, tourist, extractive or transforming industrial, or new-generation wideband network sectors.
- Extension of the fiscal incentives system (*IRC* and others) to enterprises in the research and entrepreneurial development sector, and to the hiring of PhD-holders.
- A tax benefit for the costs of the net creation of jobs for young and long-term unemployed persons hired under indefinite labour contracts, which can now be accumulated with other employment-support incentives.

In 2007-2009, participation in IEF, IP's active employment policies evolved as follows:

Table 5
IEFP, IP's OPERATIONAL ACTIVITY, 2007-2009

MEASURES	2007		2008		2009	
	Covered	Payments	Covered	Payments	Covered	Payments
Employment	150 230	200 932 041,51	152 935	217 300 938,82	172 957	244 548 233,45
-Employment Programme	92 751	197 179 253,01	90 990	213 485 015,94	112 029	240 549 168,01
-Placement	57 429	0,00	61 945	0,00	60 928	0,00
-Other Measures	0	3 752 788,50	0	3 815 922,88	0	3 999 065,44
Vocational Training	231 655	251 317 304,88	248 900	235 141 660,96	344 155	279 387 264,06
-IEFP, IP	114 173	159 692 252,88	122 601	142 946 139,45	196 508	175 933 398,31
-Participatory Management Centers	92 332	77 794 471,42	97 797	79 577 482,51	120 796	88 836 426,89
-Cooperation Actions with other entities	25 150	13 830 580,58	28 502	12 618 039,00	26 851	14 617 438,86
Professional rehabilitation	12 158	60 142 905,48	12 917	60 142 905,48	17 103	78 780 225,05
-IEFP, IP	10 365	59 875 679,29	10 544	53 069 812,48	8 872	27 140 018,71
- Participatory Management Centers	1 793	6 839 853,75	2373	7 073 093,00	2 558	7 253 991,75
-Intermediate Body	0	0,00	0	0,00	5 673	44 386 214,59

Source: IEFP, IP

The 2010 Employment Initiative (*IE2010*) was approved in 2010 and included a set of specific, temporary measures intended to support the stimulation of employment and the strengthening of the social protection designed to reduce the effects of the international financial and economic crisis.

IE2010 (RCM no. 5/2010 of 20/01/2011) established various instruments, especially noteworthy among which are: the support for maintaining employment and reducing precarity, for hiring workers, for the professional insertion of young persons, and for the professional insertion of particularly vulnerable target groups; and a number of instruments intended to Support the Creation of Enterprises and Own Jobs by unemployed persons. This initiative was publicised on the Employment Website 2010 (<http://www.emprego2010.gov.pt>) so that both workers and employers could find out about and benefit from the new measures.

According to IEFP, IP data the overall number of persons covered by IE2010 was 85,151: 6,695 in the Job Maintenance axis; 14,257 in the Youth Insertion axis; and 64,199 in the Create Jobs and Combat Unemployment axis. In general, the rate of execution of the measures was good. The Vocational Internships/Traineeships were aimed at young people, while the Employment-Insertion Contracts and the Hiring Support covered unemployed adults.

The available data on the execution of IE2010 are shown in the following table:

**TABLE 6
2010 EMPLOYMENT INITIATIVE**

Measure	Goal	Physical Execution	Financial Execution
Create Jobs and Fight Unemployment	72,900	64,199	33,604,014
Qualification-Employment Traineeships	6,500	3,605	8,295,759
Employment-Insertion Contract	50,000	47,149	1,984,037
Employment-Insertion Contract +	12,000	9,377	15,062,966
Support for hiring specific groups / direct support	-	2,655	8,259,026
Entrepreneurship credit line	4,400	1,413	2,226

Source: IEFP, IP / 2010 Activity Report (in Portuguese).

65 million euros (IEFP data) were invested in IE2010. In the light of the country's financial situation, the Stability and Growth Programme reduced some of this initiative's financial resources.

The INSERJOVEM and REAGE initiatives are seeking to avoid influxes into the pool of long-term unemployed (DLD / LTE) by offering an opportunity to young persons / adults within at most 6 or 12 months respectively. Between 2007 and 2008 there was a fall in the LTE influx for both young people and adults, with the most evident reduction regarding the latter.

**Table 7
VARIATIONS IN THE LONG-TERM UNEMPLOYMENT INFLUX AND ACTIVATION RATES**

LTE Interventions (%)		2007			2008		
		Total	M	F	Total	M	F
LTE Influx	Young Persons	20.8	18.0	22.8	20.5	17.3	22.8
	Adults	19.3	19.3	19.3	17.5	17.3	17.4
Activation rate		25.3	22.3	27.0	24.6	20.3	27.3

Source: MTSS – IEFP, 2009.

145,118 young persons who registered with Job Centres between July 2009 and June 2010, and 535,700 adults who registered in 2009, were the object of interventions in 2010⁴.

IEFP, IP undertook 17,911 interventions in the form of the offer of a new opportunity to **young people**, thereby covering 12.35% of this target group. Of this total number

⁴ IEFP, IP's information gathering system was altered in 2008-2009, so it is not possible to update some of the previous tables or to provide more broken-down information.

of interventions, Placements (13,237/73.9%) and Vocational Training (3,441/19.2%) were the most common responses.

In the case of **adults** there were 65 thousand interventions – 12.1% of the target group. Of these, placements (46,442/71.5%) were the most frequent response, followed by the Employment Programmes (8,559/13.2%).

The LTE influx represented 25.2% of INSERJOVEM interventions in 2009 and 27.2% in 2010, and 19.9% of REAGE interventions in 2009 and 23.9% in 2010.

The various approaches regarding the unemployed were embodied in a range of measures that were appropriate to each group's socio-professional situation. **Specific intervention programmes** were created for each one and implemented in accordance with a variety of criteria, such as age group, level of qualifications, and also situations involving greater exposure to the risk of exclusion (immigrants, persons with disabilities).

Of particular note are the intervention programmes for Young Unemployed between the ages of 15 and 22, Young Unemployed between the ages of 23 and 30, Unemployed between the ages of 31 and 54, Qualified Unemployed, and Unemployed Adults over the age of 55. Physical and financial execution in 2008 and the first half of 2009 were as follows:

TABLE 8
PHYSICAL AND FINANCIAL EXECUTION OF THE INTERVENTION PROGRAMMES FOR UNEMPLOYED PERSONS

Intervention Programmes	targets 2008-2010		Execution 2008-2009	
	Physical	Financial	Physical	Financial
Young Unemployed between (15-22 anos)	135,000	422 M€	64,7 mil	142,0 M€
Young Unemployed between (23-30 anos)	140,000	255 M€	68,6 mil	87,7 M€
Unemployed (31-54 anos)	305,000	430 M€	167,5 mil	181,8 M€
Intervention Program for Qualified Unemployed	108,000	237 M€	41,8 mil	95,3 M€
Adults Unemployed (+55anos)	101,000	100 M€	19,1 mil	14,1 M€

Source: MTSS – IIEFP, 2009

The actions undertaken in the field of the **Social and professional insertion of specific risk groups** encompassed persons with disabilities, information on which will be provided with regard to Article 15.

Where the general lines of strategic policy are concerned, we would highlight the adoption of a number of plans involving public policies and cooperation with civil society, which set goals linked to the employment and social and professional insertion of specific groups. These particularly included:

- PNAI (Action Plan for Inclusion – 2008-2010).
- PAIPDI (Action Plan for the Integration of Persons with Disabilities or Incapacity).
- PII (Plan for the Integration of Immigrants).
- MTI (Inclusive Labour Market Intervention Programme).

We should also point to IEFP, IP's intervention in the National Strategy for Support for the Homeless (*ENASA*), especially its participation in the Implementation, Monitoring and Strategic Evaluation Group (*GIMAE*), the implementation of IEFP, IP's own active measures, and the support for the socio-professional (re)integration of this category of persons. This measure's financial execution amounted to 254,958.34 € in 2010.

Measures that were referred to in earlier reports about the support for the implementation of the Social Insertion Income (*RSI*), support for beneficiaries registered with Job Centres, and the Insertion Enterprises (*EIs*) – were maintained in 2007-2010.

The Life-Employment (*VE*) measure, which was incorporated into the National Programme for the Prevention of Drug Addiction (*PNPT*) (including traineeships, support for employment and socio-professional integration, and integration bonuses) covered socio-professional integration traineeships and employment support for 1,113 people in 2008, 1,059 in 2009, and 1,212 in 2010. Financial execution in 2010 was 3,535,802.16€.

The Occupational Programmes (*POs*) were abolished on the entry into force of Ministerial Order no. 128/2009 of 30/01/2009, which regulated the Employment-Insertion Contract (*CEI*) and Employment-Insertion Contract Plus (*CEI+*) measures, albeit execution continued until the end of projects that were already in force.

The Employment-Insertion Contract measure for unemployed persons receiving the unemployment benefit or the social unemployment benefit was designed to support the professional insertion of unemployed persons by engaging them in activities that fulfilled temporary social or collective needs at the local or regional level, for a period of 12 months. In 2009 and 2010, 74,772 people were covered and the investment cost amounted to 3,224,373.19€.

The Employment-Insertion Contract Plus measure for unemployed persons who receive the Social Insertion Income was also intended to support their professional insertion by engaging them in activities that fulfilled temporary social or collective needs at the local or regional level, for a period of 12 months. In 2009 and 2010, the measure covered 15,139 people and involved a financial execution of 25,220,888.28€.

In 2009, the Working Life Insertion Units (*UNIVAs*) and the Job Clubs (*CEs*) were abolished and replaced with the Professional Insertion Offices (*GIPs*). The latter are designed to cooperate with the Job Centres in providing unemployed young

people and adults with support for the development of their labour market (re)insertion paths. Local authorities, private charities (*IPSSs*), immigrants' associations, trade unions, employers' associations and schools can apply to form a GIP. Each successful applicant enters into a programme contract with IEFP, IP, which sets out the information and active job-search measures the office will adopt, the personalised supervision each unemployed person will receive, how job offers will be attracted and what placement activities will be undertaken. By 2010, 423 GIPs had been created around the country, 21 of which formed part of the Immigrant Network (RI).

As part of the Portugal Welcomes (ACOLHE) – Portuguese for All Programme, which was created in 2001 with the objective of contributing to the reception and socio-professional insertion of immigrants and undertaking Portuguese Language and Technical Portuguese training actions, the IEFP, IP Regional Centres took responsibility for the following:

- Improving the integration of immigrant communities into the labour market.
- Disseminating and sharing basic knowledge, with emphasis on the Portuguese language and the rights and duties laid down in the Portuguese Constitution and other legislation.
- Ensuring a greater regulation of the labour market and promoting the exercise of labour-related rights and duties.
- Working to improve the match between immigrants' competency profiles and the needs of the labour market.

Following on from the **Plan for the Integration of Immigrants (PII)** for 2007-2009 and the lines of action established by the Human Potential Operational Programme (*POPH*), the Portugal Welcomes Programme was reformed. It currently includes a curricular structure that complies with and incorporates the levels of progression set out in the Common European Framework of Reference for Languages (CEFR), as well as 4 units in Technical Portuguese for the following areas of activity: retail; beauty care; hotel and restaurant trade; and civil construction and civil engineering. Ministerial Order no. 1262/2009 of 15/10/2009 created the Portuguese for Speakers of Other Languages courses included in the National Qualifications Catalogue (*CNQ*) and defined the rules needed to develop and certify them. We should note that since 2009, Portugal's economic situation has led to a significant reduction in the immigration flow.

The execution of the Portugal Welcomes Programme in 2008-2010 was as follows:

TABLE 9
PORTUGAL WELCOMES PROGRAMME EXECUTION, 2008-2010

Year	Execution/ Persons Covered	Financial Execution
2008	2,867	407,023.17€
2009	2,236	417,320.64€
2010	674	308,181.32€

Source: IEFP, IP / 2008-2010 Activity Reports (in Portuguese)

It is worth pointing out that where **immigration** is concerned, Portugal has developed and implemented a range of initiatives that caused it to rank it second in a comparative study conducted in 28 countries (25 EU Member States, Canada, Norway and Switzerland) by specialists from the British Council and the Migration Policy Group, with support from the European Commission.

The most significant of these initiatives include the creation by Council of Ministers Resolution (in 2007) of the Plan for the Integration of Immigrants (*Pii*), and the legislative amendments to the Nationality Law (2006) and the Law on the Legal Regime governing the Entry to, Stay in and Removal of Foreigners from Portuguese Territory (2007).

According to the Report on Immigration, Borders and Asylum (*RIFA, available in Portuguese*), the foreign population residing in Portugal on 31 December 2010 totalled 445,262 citizens – a fall of 1.97% compared to the previous year. As had been the case in 2009, nationals from the following countries were the most numerous: Brazil, **Ukraine**, Cape Verde, **Romania**, Angola, and Guinea Bissau.

In response to the request for information from ECSR, the available data on immigrant unemployment are set out in the Eurostat Labour Force Survey / Pilot study 2011 and a number of ACIDI sources. We are able to provide the following updated data for 2008 and 2009:

TABLE 10
UNEMPLOYED PERSONS REGISTERED WITH JOB CENTRES AT THE END OF 2009

	TOTAL	Men		Women	
		No.	%	No.	%
Total no. of Registered Unemployed	504,775	236,791	46.91	267,984	53.09
Total no. of Foreign Unemployed	36,442	19,397	53.23	17,045	46.77

Source: IEFP, IP – Data from the 2009 Annual Report (in Portuguese)

Table 11
UNEMPLOYED FOREIGN NATIONALS REGISTERED WITH JOB CENTRES AT THE END OF
2009, BY CONTINENT OF ORIGIN

Continents	No.	%
Europa	12.659	34,7
European Union	4.685	12,9
Other countries	7.974	21,9
Africa	11.886	32,6
PALOP	10.855	29,8
Other countries	1.031	2,8
America	10.791	29,6
Other countries	1.106	3,0
TOTAL	36.442	100

Source: IEFP, IP

In response to the questions asked by ECSR, the available data are as follows:

TABLE 12
REGISTERED UNEMPLOYED BY TIME SINCE REGISTRATION

	2008/%		2009/%		2010/%		Variation 2009/2008	Variation 2010/2009
	No.	%	No.	%	No.	%		
Registered unemployment	402 545	100,0	504 775	100,0	519 888	100,0	+25,4%	+3,0
< 6 months	193 743	41,1	217 753	43,1	200 878	38,6	+12,4	-7,7
6 a <12 months	65 545	16,3	111 605	22,1	101 106	19,4	+70,3	-9,4
12 a <24 months	61 043	15,2	91 685	18,2	118 864	22,9	+50,2	+29,6
>= 24 months	82 214	20,4	83 732	16,6	99 040	19,1	+1,8	+18,3
<= 1 year	259 288	64,4	329 358	65,2	301 984	58,1	27	-8,3
>= 1 year	143 257	35,6	175 417	34,8	217 904	41,9	+22,4	+24,2
Average time of enrollment/ months	13,4		13		14,4		-	

Source: IEFP, IP / GEA / 2010 Activity Report (in Portuguese)

**TABLE 13
PLACEMENTS OF UNEMPLOYED BY REGION**

	2008/%		2009		2010		Variation 2010/2009
Mainland	56 732	100.0	57 048	100.0	62 430	100.0	+9.4
North	17 017	30.0	20 069	35.2	21 774	34.9	+8.5
Centre	18 014	31.8	17 107	30.0	19 613	31.4	+14.6
Lisbon TV	13 422	23.7	12 110	21.2	12 769	20.5	+5.4
Alentejo	3 591	6.3	3 840	6.7	4 297	6.9	+11.9
Algarve	4 688	8.3	3 922	6.9	3 977	6.4	+1.4

Source: IEFP, IP / GEA / 2010 Activity Report (in Portuguese)

Statistical data on the Employment Policy:

**Table 14
GROSS DOMESTIC PRODUCT AT MARKET PRICES (VOLUME CHANGE RATE; ANNUAL)**

Unit: %

Year	Gross Domestic Product
2007	2.4
2008	0.0
2009P	-2.5
2010P	1.4

Source: INE, National Accounts

TABLE 15
ACTIVITY RATE BY AGE AND SEX
PORTUGAL

Description	2007	2008	2009	2010
Rate (%)				
15 to 24 years	41.9	41.6	39.2	36.7
M	45.3	44.4	40.8	38.6
F	38.4	38.6	37.5	34.8
25 to 54 years	87.8	88.0	87.9	88.7
M	92.8	93.2	92.4	92.5
F	82.8	83.0	83.4	84.9
55 to 64 years	54.4	54.4	53.9	54.0
M	63.0	63.0	62.7	61.8
F	46.7	46.6	45.9	47.0
65 years and over	18.2	17.6	17.0	16.6
M	24.2	23.4	22.2	22.2
F	13.9	13.5	13.3	12.6
15 to 64 years	74.1	74.2	73.7	74.0
M	79.4	79.5	78.5	78.2
F	68.8	68.9	69.0	69.9
Total (>=15 years)	62.6	62.5	61.9	61.9
M	69.5	69.4	68.2	67.9
F	56.3	56.2	56.0	56.3

Source: INE, Employment Survey (in Portuguese)

TABLE 16
EMPLOYMENT RATE BY AGE AND SEX
PORTUGAL

Description	2007	2008	2009	2010
Rate (%)				
15 to 24 years	34.9	34.7	31.3	28.5
M	39.1	38.5	33.2	30.4
F	30.6	30.8	29.4	26.5
25 to 54 years	81.0	81.6	79.7	79.2
M	87.2	87.6	84.5	83.9
F	74.9	75.8	74.9	74.6
55 to 64 years	50.9	50.8	49.7	49.2
M	58.6	58.5	57.5	55.7
F	44.0	43.9	42.7	43.5
65 years and over	18.2	17.6	16.9	16.5
M	24.1	23.3	22.1	22.2
F	13.9	13.5	13.2	12.5
15 to 64 years	67.8	68.2	66.3	65.6
M	73.9	74.0	71.1	70.1
F	61.9	62.5	61.6	61.1

Source: INE, Employment Survey (in Portuguese)

TABLE 17
EMPLOYED POPULATION BY MAIN SECTOR OF ACTIVITY,
THOUSANDS OF INDIVIDUALS (CAE-REV.3) – 2010

Atividades Económicas	2010
Agriculture, Livestock, quarrying, forest and fishing	542,2
Industry, construction, energy and water supply	1377,5
Services	3058,5

Source: INE Employment Statistics – Portugal

TABLE 18
EMPLOYED POPULATION BY PROFESSION, TYPE OF LABOUR CONTRACT AND SEX
PORTUGAL

Descripton	2007	2008	2009	2010
Absolute values (thousands)				
Occupational Status				
Self-employed population	1 186,8	1 197,6	1 153,7	1 085,0
M	696,0	689,1	678,7	643,7
F	490,8	508,6	475,0	441,3
With employees	286,7	287,2	273,2	256,4
M	205,1	207,6	202,0	188,0
F	81,6	79,7	71,2	68,4
Without employees	900,1	910,4	880,5	828,6
M	490,9	481,5	476,7	455,7
F	409,2	428,9	403,7	372,9
Unpaid Family Worker and others				
(1)	80,7	50,5	44,7	48,2
M	32,2	21,2	17,8	19,8
F	48,6	29,4	26,9	28,4
Employees	3 902,2	3 949,7	3 855,7	3 844,9
M	2 061,1	2 086,9	1 991,1	1 981,0
F	1 841,1	1 862,8	1 864,6	1 863,9
Permanent	3 029,5	3 047,4	3 006,8	2 961,0
M	1 611,8	1 634,4	1 574,9	1 537,6
F	1 417,6	1 413,0	1 432,0	1 423,5
Non permanent	872,7	902,3	848,9	883,9
M	449,2	452,5	416,3	443,5
F	423,5	449,9	432,7	440,5
Fixed term contract	684,8	727,4	694,3	738,4
Others	187,9	174,9	154,6	145,6

Source: INE, Employment Survey (in Portuguese)

Table 19

EMPLOYMENT STRUCTURE BY PROFESSION – AVERAGE 2007/2010

Profissões	Média Anual (Milhares de indivíduos)			
	2007	2008	2009	2010
Quadros superiores da administração pública/Dirigentes / Quadros superiores de Empresa	344,5	321,7	333,4	298,0
Profissões intelectuais e científicas	442,6	464,6	476,9	492,0
Profissões Técnicas Intermédias	453,0	480,5	477,8	478,1
Pessoal administrativo e similares	479,7	482,0	477,6	450,9
Pessoal dos serviços e vendedores	767,1	789,8	798,5	792,2
Agricultores e trabalhadores da agricultura e pesca	562,2	565,7	552,3	522,5
Operários, artífices e trabalhadores similares	1.020,8	1.006,3	915,1	896,7
Operadores de instalações e máquinas e trabalhadores de montagem	402,8	390,3	400,6	401,9
Trabalhadores não qualificados	662,1	665,9	592,6	620,3
Forças Armadas	35,0	31,1	29,3	25,5
TOTAL (País)	5.169,7	5.197,8	5.054,1	4.978,2

Source: INE, Employment Statistics – Portugal

TABLE 20
UNEMPLOYMENT RATE BY AGE AND SEX

Descrição	2007	2008	2009	2010
Taxa (%)				
15 a 24 anos	16,6	16,4	20,0	22,4
H	13,5	13,3	18,7	21,2
M	20,3	20,2	21,6	23,7
25 a 54 anos	7,8	7,3	9,3	10,7
H	6,1	6,0	8,6	9,3
M	9,6	8,6	10,1	12,2
55 a 64 anos	6,5	6,6	7,7	8,9
H	7,1	7,2	8,3	10,0
M	5,8	5,8	7,0	7,5
15 a 64 anos	8,5	8,0	10,0	11,4
H	7,0	6,9	9,4	10,4
M	10,1	9,4	10,7	12,5
Total (>=15 anos)	8,0	7,6	9,5	10,8
H	6,6	6,5	8,9	9,8
M	9,6	8,8	10,2	11,9

Source: INE, Employment Survey (in Portuguese)

TABLE 21
LONG-TERM UNEMPLOYMENT AS % OF ACTIVE POPULATION

	2007	2008	2009	2010
MF	4.2	4.0	4.7	6.3
M	3.8	3.8	4.4	6.1
F	4.7	4.3	5.0	6.5

Source: EUROSTAT

TABLE 22
LMP EXPENDITURE BY TYPE OF ACTION

GEO/TIME	2007	2008	2009
Portugal	1,538	1,523	2,056

Source:
EUROSTAT

PARAGRAPH 2

In 2007-2010, the Labour Code (CT) was revised by Law no. 7/2009 of 12/02/2009 and regulated by Law no. 105/2009 of 14/09/2009. This period also saw the publication of Law no. 102/2009 of 10/09/2009, which set out the legal regime governing both the promotion of health and safety at work and, as required by Article 284 of the CT, the prevention of and reparation for work-related accidents and occupational illnesses.

The information provided in the previous Report remains essentially valid, so we will only update it where necessary and in the light of changes in the numbering of articles, and where appropriate, the new regulation of the Code.

The new CT brought in the following innovations:

- (i) The new Code created a procedure for carrying out a substantiated assessment of whether the provisions of collective agreements and arbitration decisions respect the law on equality and non-discrimination. This assessment occurs during a phase following the publication of the document in question and can cause the Public Prosecutors' Office to ask a court to declare the nullity of the provisions (Article 479).
- (ii) The scope of the compulsory legal substitution of rules contained in collective labour regulation instruments that prove contrary to the principle of equality, whatever the discriminatory factor in question, has been expanded (Article 26[3]).
- (iii) The definition of harassment has been amended to include situations that are not related to any discriminatory factor (Article 29).

The following measures are also designed to ensure the efficacy of the prohibition on any form of discrimination:

- Discriminatory conduct, including harassment, that harms a worker or job-seeker entitles him/her to compensation for material and non-material damages under the terms of the general law (Articles 28 and 29[2] of the CT).

- Dismissal or any other sanction that is allegedly imposed in order to punish an infraction is presumed to be abusive whenever it occurs within one year of a challenge or complaint or any other form of exercise of rights regarding equality and non-discrimination (Article 331 [2][b] of the CT).

- Any retaliatory act that prejudices a worker as a consequence of his/her rejection of or subjection to a discriminatory act is invalid and constitutes a very serious administrative offence (Article 25[7] and [8] of the CT).

- Employers are prohibited from opposing in any way a worker's exercise of his/her rights, and from dismissing him/her, imposing any other sanction on him/her, or treating him/her unfavourably because of that exercise. Breach of this norm constitutes a very serious administrative offence (Article 129[1][a] and [2] of the CT).

- Breach of the principle of equality and non-discrimination also constitutes a very serious administrative offence (Articles 24[1] and 25[1] of the CT).

Article 35 of the CT establishes mechanisms designed to dissuade entities that are required to pay fines from not paying them, by imposing the provision of a bond (in the amount of the fine plus the court costs) or bank guarantee before they can challenge the conviction for an administrative offence in a way that suspends payment of the respective fine.

The strengthening of both the Working Conditions Authority's (ACT) inspection actions regarding equality and non-discrimination and its information and awareness actions in the field resulted in the following progression:

TABLE 23

Year	Visits	Infractions Reported	Fines (minimum amounts)
2007	-	25	120,990
2008	376	20	55,066
2009	647	109	125,886
2010	858	73	290,292

Source: ACT/2010

TABLE 23A

ACT INSPECTION ACTIVITIES IN 2008-2010 REGARDING THE PREVENTION AND CONTROL OF DISCRIMINATION AND THE WORKING CONDITIONS AND EMPLOYMENT OF VULNERABLE GROUPS OF WORKERS

	Visits			Notifications T.Med			Written Warning			Information			Report			Fine imposition Max.		
	2008	2009	2010	2008	2009	2010	2008	2009	2010	2008	2009	2010	2008	2009	2010	2008	2009	2010
Migrants Workers	2861	3282	2682	22	30	53	89	145	48	2369	2885	2455	297	332	382	648.120€	649.435€	893.107€
Non Discrimination based on Gender	376	647	858	6	11	22	120	84	138	283	549	744	43	132	115	176.240€	314.528€	476.178€
Non Discrimination against to Vulnerable Groups	320	546	604	5	4	10	44	33	30	235	485	556	27	112	136	112.224€	426.207€	414.229€
Exploration and Trafficking Human Beings	15	159	12	-	-	2	-	1	0	7	142	17	1	9	0	3.740€	18.924€	0

Source: ACT / 2008, 2009 and 2010 Activity Reports (in Portuguese)

With regard to immigrant workers, awareness actions involving questions concerning safety at work and the prevention of work-related accidents and occupational illnesses were conducted in various languages in sectors of activity with higher incident rates. The goal, which was to distribute 60,000 leaflets in 5,000 enterprises and to conduct 50 awareness actions, was achieved.

The inspection work in relation to employers that illegally use immigrant labour was reinforced in every sector of economic activity, especially civil construction, the hotel and restaurant trade, agriculture, industrial cleaning, and retailing.

In 2010, there were 2,682 inspection visits with regard to the integration of immigrant workers. These led to 48 warnings, and 383 official notifications of infractions, which resulted in the imposition of fines amounting to € 407,149.06. In 2009, there were 3,282 such visits, and they led to 332 official notifications of infractions and 145 official warnings. In 2008, there were 2861 inspection visits⁵, and these resulted in 48 warnings, 297 official notifications and 89 official warnings.

In the public sector, access to a career in the public administration is made through a public procedure that is open to all citizens. Where the principle of equal opportunities and non-discrimination is concerned, the framework set out in the Labour Code is similar to the system that applies to public-sector workers.

We should also note that Portugal granted Portuguese nationality to 25,600 people – an average of 5.8 for every 100 residing in the country in 2009. In relative terms, Portugal leads the list of EU Member States that grant naturalisations, with an average figure that is more than double the Community average (2.4). Sweden, which has always had a very liberal immigration law, is the only country that comes close to Portugal in this respect, with an average of 5.3.

Response to questions asked by ECSR:

“In the absence of information in the report, the Committee again asks for further information on the functions and powers of the Commission for Equality and Non-Discrimination (CICDR) in enforcing and monitoring the application of the legislation prohibiting discrimination in employment.”

The Commission for Equality and against Racial Discrimination (CICDR) is an independent commission which is specialised in the fight against racial discrimination, acting under the aegis of the Office of the High Commissioner for

⁵ The data for 2007 are not available in ACT's new IT system.

Immigration and Intercultural Dialogue (*ACIDI, IP*). CICDR meets every three months and is composed of:

1. The High Commissioner for Immigration and Intercultural Dialogue, who chairs it.
2. 2 representatives appointed by the Assembly of the Republic.
3. 2 government representatives, who are appointed by the ministries with responsibility for employment, solidarity and social security, and education.
4. 2 representatives from immigrants' associations.
5. 2 representatives from anti-racism associations.
6. 2 representatives from trade unions.
7. 2 representatives from employers' associations.
8. 2 representatives from human rights associations.
9. 3 prominent individuals chosen by the other members.

ACIDI, IP provides CICDR with logistical and technical support and the facilities it needs for its work.

CICDR's main competences are to:

- Collect all the information regarding the commission of discriminatory acts.
- Acting via its Standing Committee, issue an opinion on the sanctions to be imposed by the High Commissioner in administrative-offence proceedings for the commission of discriminatory acts.
- Recommend the adoption of legislative, regulatory and administrative measures it deems appropriate to the prevention of discriminatory acts.
- Promote research studies and works on the issue of discrimination.
- Use every means at its disposal to bring cases in which the law has effectively been broken to public attention.
- Draw up and publicise an annual report on the situation regarding equality and racial discrimination in Portugal.

Law no. 18/2004 of 11/05/2011, which transposed Council Directive no. 2000/43/EC of 29 June 2000 on the implementation of the principle of equal treatment for all persons irrespective of their racial or ethnic origin, says that the competence to conduct the preliminary investigation in administrative-offence proceedings involving the commission of discriminatory acts pertains to the General Inspectorate of the Ministry with competence for the matter in question. Once the investigation process is complete, the resulting file is sent to CICDR for an opinion. ACIDI, IP has the competence to determine the applicable sanctions and impose any fines and the corresponding accessory sanctions.

The ACIDI website provides immigrant citizens with all the relevant information, including a form for submitting online complaints regarding discrimination based on racial or ethnic origin. Citizens can also access the details of administrative-offence proceedings that concern them online.

TABLE 24
CICDR ACTIVITY (2007-2010) REGARDING COMPLAINTS ON THE GROUNDS OF
RACIAL DISCRIMINATION

Year	Total no. of complaints received	Administrative offence proceedings	Criminal proceedings
2007	81	31	2
2008	74	21	5
2009	77	23	7
2010	89	22	1

Source: ACIDI 2007/2008/2009/2010 Activity Reports (in Portuguese)

In response to the following question from ECSR: ***Committee again asks for more details about the types of public sector post that are restricted to Portuguese nationals***

Under the combined terms of Article 18 of the Constitution of the Portuguese Republic (CRP) and Law no. 12-A/2008, of 27/02/2008 on the statute governing public administration workers, Portuguese nationality can only be a requisite for the recruitment of such workers in the cases provided for in the CRP, an international convention, or a special law.

The CRP says that appointment to public functions in which the exercise of public authority is a prevalent feature – especially the offices of President of the Republic, President of the Assembly of the Republic, Prime Minister and President of any of the Supreme Courts – and service in the armed forces and the diplomatic corps are expressly reserved for “Portuguese persons” or “Portuguese citizens”.

Given that legal restrictions on the equal status principle constitute a limitation on the rights, freedoms and guarantees provided for in Article 18 of the CRP, any legal norm that reserves the enjoyment of certain rights (legal restriction on the equal status principle) is exceptional and must be justified by the need to safeguard a constitutionally protected right or interest, must be necessary to that end and must be appropriate. Such a restriction can only result from a Law in the formal sense of the term (passed by the Assembly of the Republic).

There is no Portuguese jurisprudence on this restriction on the equal status principle. Opinion of the Consultative Council of the Attorney-General’s Office no. 22/1990 says that “the public functions which foreigners in general are precluded from exercising by Article 15[2] of the Constitution are those in which legal doctrine says that the exercise of public authority is predominant (GOMES CANOTILHO, VITAL MOREIRA, JORGE MIRANDA)”.

2007-2010 did not see the publication of any legislation or court ruling that admitted a restriction on the principle of the equal status of foreigners.

Response to the following question from ECSR: ***The Committee has previously found that the situation in Portugal is not in conformity with Article 1§2 of the Revised Charter because Articles 132 and 133 of the Merchant Navy Criminal and Disciplinary Code provide for sanctions against seafarers who abandon their posts, in particular prison sentences. The report contains no information on this matter. In the absence of further information, the Committee must repeat its conclusion of nonconformity on this point.***

Although Articles 132 and 133 of the Merchant Navy Criminal Code have not been expressly repealed, the management and legal services of the former Port and Maritime Institute (IMP) were of the view that these norms have been tacitly repealed by the constitutional, criminal and labour legislation that has entered into force since the 1943 Code.

The current Port and Maritime Transport Institute (IPTM, IP) – which has authority over maritime administration and security, recreational sailing and port operations and work, and is responsible for implementing and verifying compliance with the applicable laws, regulations, norms and technical requisites – was consulted about the negative conclusion drawn by ECSR. In response, it declared that most of the Merchant Navy Criminal Code has been repealed by a variety of legislative acts, and that technical work on codifying the existing legislation is underway (the respective legislative proposal will have to be resubmitted to the new Government).

With regard to the penal sanctions resulting from the abovementioned Articles, the IPTM, IP management told us that they are set out in a 1943 law, have not been applied for more than 30 years (namely after the Constitution of 1975), and do not comply with the principles of subsidiarity of the criminal law, which states that a penalty must be necessary and adequate, in accordance with the 1975 Constitution and its subsequent amendments – particularly Article 18 related to the fundamental rights and guarantees regarding individual freedom and security.

What is more, the understanding is that the grounds set out in Constitutional Court Ruling no. 527/95, which declared part of Articles 132 and 133 unconstitutional, are also applicable to both those Articles taken as a whole and to the situation referred to by ECSR.

Finally, the management of IPTM, IP emphasised that most of the disciplinary and labour regime applicable to maritime workers is set out in collective labour agreements, which also define the disciplinary statute governing such workers and, in accordance with the CRP and the principle of the most favourable treatment of workers, exclude hierarchically superior laws like Articles 132 and 133 that lay down regimes which contradict constitutional principles and establish an illegal and/or less favourable treatment for workers. The IPTM, IP management is available to meet ECSR if this is thought necessary.

Response to the following question from ECSR: **The Committee asks for information to enable it to determine how far human freedom and dignity are protected by legislation and the courts against intrusions into personal or private life that may be associated with or result from the employment relationship (see observations on Article 1§2, general introduction to Conclusions 2006, §§13-21).**

The Civil Code lays down the regime governing individual personality rights, while Articles 14 to 22 of the Labour Code address the special personality rights pertaining to workers – namely the freedom of expression and opinion that accrues to workers and employers (Art.14), the right to physical and moral integrity (Art. 15), the protection of the privacy of personal life (Art. 16), the protection of workers' personal and biometric data (Arts. 17 and 18), the regulation of medical tests and examinations (Art. 19), the use and means of remote surveillance (Arts. 20 and 21), and the confidentiality of messages and access to information (Art. 22).

Any restriction on these rights is exceptional and must be interpreted in accordance with two fundamental principles – those of proportionality and appropriateness: restrictions can only be permitted as far as is strictly necessary and higher legal assets cannot be sacrificed.

Violation of these rights constitutes a serious or very serious administrative offence. In 2010, ACT's IT system began to collect information about infractions and inspection activities in this area autonomously for statistical purposes. The results were as follows:

TABLE 25

Personality Rights	Warnings	Reported Infractions	Fines (minima)
Remote surveillance devices	0	11	52,020.00
Information / installation of remote surveillance devices	8	13	4,692.00
Other	0	0	0
Total	8	24	56,712.00

Source: ACT/2011

Response to the following question from ECSR: **“The Committee again invites the Government to reply to its question in the General Introduction to Conclusions 2006 as to whether any legislation against terrorism precludes persons from taking up certain types of employment.”**

Article 26(4) of the CRP states that deprivation of citizenship and restrictions on civil capacity can only occur as provided for by law, and can never be based on political motives. Article 30(4) says that no penalty may automatically involve the loss of any civic, professional or political rights. This regime means that restrictions on taking up employment can only be imposed on persons who have served prison sentences for reasons linked to terrorist activities if they result from a formal

Law (passed by the Assembly of the Republic) that is specific, exceptional and respects the principles of proportionality and necessity.

During the reference period, no legislation imposing restrictions on access to employment by persons who have been convicted of terrorism was published.

Response to the question which ECSR raised about work done by citizens who are in prison, especially:

➤ ***Can a prisoner be invited to work (irrespective of consent)***

A. for a private undertaking/enterprise?

- i) Within the prison?**
- ii) Outside the prison?**

B. for a public/state undertaking/enterprise?

- i) Within the prison?**
- ii) Outside the prison?**

Answer.

A – i), B –i) Prisoners can be placed in work inside prisons doing jobs that are arranged in collaboration with private enterprises/entities. Labour placements of this kind always presuppose the inmate's consent. Inmates are always free to choose whether to accept or refuse offers of work. Article 42(1) of the Code governing the Execution of Penalties and Measures Depriving Persons of their Freedom (CEP) approved by Law no. 115/2009 of 12 October 2009 says that work can be done inside prisons, with the collaboration of private entities and under the supervision and coordination of the Prison Service.

A – ii), B –ii) Prisoners can be authorised to work outside prison, under an open regime, for private enterprises/entities, always subject to each prisoner's consent and when all the preconditions provided for in Article 14(1) of Law no. 115/2009 of 12 October 2009 are met. These are that:

- a) It is not to be feared that the prisoner will escape execution of the measure depriving him/her of his/her freedom, or take advantage of the possibilities that such a regime will offer him/her in order to commit criminal acts; and
- b) The regime must prove appropriate to the prisoner's behaviour in prison, to the need to safeguard order, security and discipline in prison, and to the need to protect victims and defend social order and peace.

Placement in an open regime outside prison also requires the prisoner to have served at least a quarter of his/her sentence, that he/she have already successfully completed a temporary jurisdictional licence, and that there are no pending proceedings which would imply his/her remand in custody.

The competence to place a prisoner in an open regime outside prison, and to terminate that regime, pertains to the Director-General of the Prison Service, whose decision must be homologated by the Sentence Execution Court.

Answers to the following questions:

➤ **What types of work may a prisoner be obliged to perform?**

Prisoners are not obliged to engage in any economically productive labour activity that grants the right to economic compensation. With regard to the obligatory performance of work/tasks, the Legal Statute governing Prisoners says that prisoners are **subject to a duty** to take part in the activities pertaining to daily life – i.e. the cleaning, tidying and upkeep of their accommodation and the prison facilities and equipment, as laid down in Article 8(j) of the CEP approved by Law no. 115/2009.

➤ **What are the conditions of employment and how are they determined?**

Labour organisation and working methods are similar to those outside prison. Both the work organised by prisons and that organised in collaboration with public or private entities are subject to the principles and conditions laid down in Chapter II of Title VIII of the **Code governing the Execution of Penalties and Measures Depriving Persons of their Freedom** (Law no. 115/2009) and the **General Prison Regulations** approved by Executive Law no. 51/2011 of 11 April 2011.

Within the framework of these two normative acts, work is done in accordance with the superior interest of the prisoner, taking into account his/her motivations, capacities, skills, previous work experience, physical and psychological condition and the existing needs and/or shortfalls regarding employability and socio-economic support, always subject to the limitations imposed for reasons of order and security and the protection of life, health and personal integrity.

The working conditions within prisons include setting working hours that correspond to a normal day's work, and the attribution of a monthly salary in accordance with the number of days worked, which is set out on the current salary table for prison work and varies depending on professional category and performance. Prisoners are entitled to a weekly rest period on Saturdays and Sundays, plus public holidays, and to the benefits regarding work-related accidents and occupational illnesses.

The DGSP formalises **working conditions outside prison** by entering into a collaboration protocol/agreement with the entity offering the work. This clearly defines the working conditions, particularly with regard to assiduity, punctuality, working hours and place of work, rest periods, hygiene and safety, salary, meal allowance or the provision of lunch, transport allowance when required, and other benefits. It also sets out any vocational training that is considered necessary. The salary attributed to prisoners working under an open regime outside prison is

calculated in accordance with the degree of difficulty and complexity of the tasks concerned, and is equal to the amount of the national minimum wage or is set under terms that are analogous to those applicable to the rest of the entity's workers.

Prisoners can ask to be placed in a job inside prison, in workshops, prison farms or working on their own account. Such requests are addressed to the warden of the prison where the prisoner is an inmate, using a specific form and at any point during the sentence. Placements can also be suggested as an appropriate part of a prisoner's Individual Re-adaptation Plan (*PIR*), depending on how important this is likely to be to his/her future life after release from prison, particularly in the light of the potential and opportunities for getting a job in his/her home community.

Data on the number of prisoners in work placements during the period covered by the Report (01-01-2007 to 31-12-2010):

TABLE 26

No. of prisoners in work 2007 to 2010		
YEAR	Total no. of Prisoners Working	No. of Prisoners Working for Outside Entities
2007	5,750	730- Work in and outside prison
2008	4,936	524- Work in and outside prison
2009	4,544	695- Work in and outside prison
2010	4,599	896- Work in and outside prison

Source: MJ/DGRS

ARTICLE 9 RIGHT TO VOCATIONAL GUIDANCE

1), 2) and 3)

2007 saw the creation of the National Agency for Qualification (*ANQ, IP*), whose priority objective is to promote the generalisation of the secondary level as the minimum qualification of the Portuguese population.

The ANQ is a public institute that forms part of the State's Indirect Administration and is subject to the oversight of the Ministries of Labour and Social Solidarity, and Education. Its mission is to coordinate the implementation of the youth and adult education and vocational training policies, ensuring the development and management of the Competency Recognition, Validation and Certification (*RVCC*) System, and supporting the achieving of the goals set in the New Opportunities Initiative (*INO*)

ANQ, IP's functions are to:

- Coordinate the offer of dual-certification vocational training and education for young persons and adults and make it more dynamic.
- Consolidate the diversification of offers of youth and adult education and training within the overall framework of the fight against exclusion, dropping out and early insertion into the working life,
- Participate in the definition of quality-incentive mechanisms and integrated evaluation mechanisms with regard to the offers of youth and adult education and training.
- Participate in the definition of the strategic guidelines, political options and legal regime applicable to the offers to youth and adult in education and vocational training systems, according to the Competency Recognition, Validation and Certification System.
- Develop and manage the academic and vocational Competency Recognition, Validation and Certification System, including the coordination of the Network of New Opportunities Centres (*CNOs*).
- Design the National Qualifications Catalogue (*CNQ*) with the support of the Sectoral Councils for Qualification (*CSQs*), and keep the Catalogue up to date, ensuring the design of flexible, modular education and training paths for young persons and adults.
- Mobilise the search for new lifelong learning opportunities in cooperation with other actors,
- Promote innovation with regard to curricula, methodologies and pedagogical resources.
- Establish cooperative or associative relationships with other public and private entities in Portugal and abroad within the framework of its mission.

Representatives from ministries, the social partners and education and training entities take part in ANQ, IP's General Council, which possesses consultative functions.

Normative Order no. 36/2007 of 08/10/2007, as amended by Normative Order no. 29/2008, made the choice of a training path more appropriate and flexible. It also regulated the process of redirecting the training paths of students taking scientific-humanistic or technological courses, specialised artistic courses in the visual and audiovisual arts areas, including those in the recurrent education/training field, or vocational courses, by allowing them to benefit from the regimes that permit Permeability and/or Equivalence between subjects.

Of particular note in the information and guidance field were the creation in 2009 of the *Mundo das Profissões* (World of Professions) website and the *Professions Kit* (in Portuguese).

The *World of Professions* website (<http://anqmundoprofissoes.ml.pt/>) enables young people to clear up doubts about professions they may want to exercise after completing a secondary-level professionalising course, and helps them to begin a project for managing their future career, based on their interests and expectations.

The *Professions Kit* is an instrument for providing academic and vocational guidance information and support. One of its particularities is the fact that it uses actual professions (more specifically their characteristics and the tasks and responsibilities they entail) as the starting point for defining the course that will then enable people to exercise them.

The *Professions Kit* is actually made up of two instruments: the *Professions Guide* and the *Vocational Exploration Manual* (both in Portuguese). The former presents 100 professions grouped into five major areas of interest (Working with Machinery, Working in Technology, Working in the Arts, Working with People, and Working in Management and Services). For each profession, the Guide describes the main activities involved, the training that gives access to it, and the resulting certification.

The *Vocational Exploration Manual* is primarily aimed at guidance professionals and class teachers, inasmuch as it includes vocational exploration activities that can be undertaken with young people in either a classroom or a training activity context. The idea is to enable them to access and explore information related to occupational areas and opportunities and to the world of work in general.

These instruments are very important when it comes to choosing a training path, so ANQ, IP promoted awareness meetings designed to help operationalise them, first at the various Regional Directorates of Education (DREs) in 2009, and then for guidance professionals, class teachers, New Opportunities Centre specialists, namely those with responsibility for carrying out diagnoses and forwarding users to

other resources, and representatives from parents' associations, over the course of 2010.

At the same time, the Institute of Employment and Vocational Training (*IEFP*) strengthened its intervention in the guidance area by: (i) diversifying the channels through which it provides services (e-guidance instrument); (ii) implementing motivation programmes for the unemployed, with a view to promoting occupational reconversion and lifelong learning; (iii) entering into partnerships with business associations, with a view to ensuring the early development of competencies and human resources that enterprises need to recruit and adapting them to the latter's needs; and (iv) in partnership with ANQ, IP and the Ministry of Education, defining a common referential for lifelong guidance competencies that facilitates the portability of guidance processes undertaken in different contexts (academic, training and public employment service).

IES2010 (see Article 1.1) created forms of support for improving the qualification and employability of citizens in general and the unemployed in particular. This took the shape of the creation of Professional Insertion Offices (*GIPs*), which replaced the Working Life Insertion Units (*UNIVAs*) and the Job Clubs (*CEs*) and concentrated their work in a single organisational structure. *GIPs* also engage in vocational guidance and counselling activities.

GIPs can be public entities or not-for-profit private ones – namely local authorities, private charities (*IPSSs*) or other associative bodies that are relevant to increases in local dynamics and local development, trade unions, employers' associations, and schools that offer secondary-level professionalising paths. Their *modus operandi* was developed in such a way as to improve the support given to the unemployed, and is based on the contractualisation with the promoting entities of quantitative and qualitative objectives and the regular evaluation of each *GIP's* work. The Institute of Employment and Vocational Training (*IEFP, IP*) is the body with responsibility for authorising *GIPs* to operate. It is also tasked with developing information systems that are appropriate to the effective development and implementation of the activities that are contractualised with *GIPs*.

The number of *IEFP, IP* staff who performed vocational guidance counselling functions was: 252 in 2007; 248 in 2008; 248 in 2009; and 246 in 2010.

The financial execution of the measures regarding vocational information and guidance was: 24,744.5€ in 2007; 79,672.82€ in 2008; 97,836.00€ in 2009; and 111,252.46€ in 2010.

The above data are taken from *IEFP, IP's* activity reports, which do not give detailed information about the profile of the people who benefited from the measures. The Ministry of Education does not provide information about the work of the Psychology and Guidance Services (*SPOs*), inasmuch as the provision of this service is autonomous and decentralised. There are thus no national data that would enable us to answer *ECSR's* question about the expenditure on, the number

of specialist staff who provide, and the people who receive vocational guidance in the education system.

**ARTICLE 10
RIGHT TO VOCATIONAL TRAINING**

1), 2) and 3)

The Labour Code (Articles 130 to 134) establishes a right to vocational training on the part of workers and a number of duties on the part of employers. Where the right to lifelong training is concerned, it says that each worker is entitled to a minimum of 35 hours per annum (there are exceptions to this minimum: if a worker is hired for a fixed term of three months or more, he/she is entitled to a minimum number of hours that is proportional to the duration of the contract in the year in question). Every enterprise must provide lifelong training for at least 10% of its staff each year. Workers who do not receive training provided by their employer can use the resulting credit to seek training at their own initiative.

In 2010, ACT's IT system treated data related to vocational training autonomously for the first time. This data was as follows:

Table 27

Vocational Training 2010	Warnings	Infractions Reported	Fines (minima)
Lifelong training	0	48	42,228.00
Minimum no. of hours of lifelong training	0	5	10,302.00
Other	0	8	9,894.00
Total		61	62,424.00

Source: ACT/2011

In March 2007, the Government and the majority of the social partners signed an **Agreement for the Reform of Vocational Training**. This document set out the guidelines for the development of training in Portugal and defined the strategic objectives, goals and measures needed to implement them.

In this Agreement the parties said that: *"The New Opportunities Initiative is an essential pillar of the strategy for the qualification of the Portuguese population, establishing the generalisation of the secondary level as an objective of reference for the qualification of both young persons and adults and including the strengthening of the role of vocational training as a qualification path"*.

In pursuit of this strategy it was decided to take an approach that entails a qualification based on cross-cutting and specialised competencies that are developed in both the education and training system and people's professional and personal lives. At the European level this approach is embodied in the *European Qualifications Framework (EQF)* and the *European Credit System for Vocational Education and Training (ECVET)*. At the national level it was reflected in

the creation and implementation of two fundamental instruments: the **National Qualifications System (SNQ)** (as a framework of reference for the whole national education and training system); and the **System for Regulating Access to Professions (SRAP)** (as a framework for structuring access to and the exercise of professions in Portugal).

In parallel to the Reform of Vocational Training, Portugal also undertook a set of initiatives designed to broaden and improve **basic and secondary education/training** in such a way as to promote both convergence between the education system and the training system and an increase in the level of compulsory education in Portugal (raised to the secondary level by *Law no. 85/2009 of 27/08/2009*).

The SNQ has adopted objectives that had already been set for the New Opportunities Initiative – particularly that of increasing the basic training received by **young people**, by diversifying the offers of education and training and strengthening the professionalising paths, and in the case of **adults**, via the availability of flexible offers of qualification, especially those structured on the basis of the competencies that people have acquired over the course of their lifetime. It was considered essential to increase the value attached to, and recognise, the competencies that adults have already acquired through education, training, professional experience and/or by other means. The SNQ was financed by the Human Potential Operational Programme, within the overall framework of NSRF 2007-2013 (referred to earlier).

The SNQ's dual-certification formats encompass the following courses/training:

- a) Vocational courses: designed to provide young persons with initial training in a way that privileges their insertion into the working life while enabling them to pursue their studies.
- b) Learning courses: intended to give young persons initial training and allowing them to alternate between studying and working.
- c) Education and training courses for young persons: initial vocational training for young persons who have left, or are at risk of leaving, the regular education/training system.
- d) Education and training courses for adults aged 18 or over who have not completed basic or secondary education/training, with a view to their insertion into and advancement in the labour market.
- e) Technological specialisation courses: non-higher, secondary-level courses designed to provide a qualification based on specialised technical training.
- f) Other modular forms of training included in the overall lifelong training framework of the National Qualifications Catalogue (CNQ).

With the appropriate modifications, these various formats apply to groups with particular difficulties in achieving insertion. In addition, the Government approved the Programme for Employment and Support for the Qualification of Persons with Disabilities or Incapacities (Executive Law no. 290/2009 of 12/10/2011), which sets out the regime governing the grant of technical and financial support for the

development of the policies regarding employment and support for the qualification of persons with disabilities or other forms of incapacity.

The SNQ is a flexible system and permits the creation of other dual-certification training formats – particularly ones with a sectoral scope – undertaken by enterprises and incorporated into business innovation, modernisation and reconversion processes, as well as formats that are targeted at the modernisation of the Public Administration.

The SNQ is coordinated by the members of the Government with responsibility for the vocational training and education areas and includes a variety of organisational structures whose task is to supervise it. These structures include representatives from the social partners – especially the National Vocational Training Council (CNFP, Executive Law no. 39/2006 of 20/02/2006⁶), the New Opportunities Initiative Monitoring Commission (CAINO), and the General Council of the National Agency for Qualification (Ministerial Order no. 980/2009 of 01/09/2009).

The National Agency for Qualification (ANQ) is one of the entities that are charged with supervising the SNQ. The ANQ manages: (i) the network of New Opportunities Centres (authorising their creation, regulating their *modus operandi* and constantly evaluating and monitoring them); (ii) the drawing up and updating of the National Qualifications Catalogue; (iii) the ordering and rationalisation of the training offers developed within the framework of the Catalogue; and (iv) the monitoring of and support for qualification and employment-related information and guidance activities.

The entities with responsibility for developing the SNQ are: the New Opportunities Centres (CNOs); basic and secondary education/training establishments; vocational training and rehabilitation centres (both those managed directly by the IEFP and those with which the latter has protocols); other entities certified by the training entity certification system; and enterprises that promote the training of their own workers.

The SNQ has created various instruments. Of particular note are:

(i) The **National Qualifications Catalogue** (CNQ, Ministerial Order no. 781/2009 of 23/07/2009) is an instrument for the strategic management of non-higher-level qualifications. It is designed to facilitate the transparency of comparisons between qualifications at the national and international levels, thereby promoting the mobility, transfer, capitalisation and recognition of the results of lifelong learning. The CNQ promotes the regulation of the offer of dual-certification training, whether it is undertaken in an initial training context or as part of a trainee's lifelong learning. The Catalogue is organised by education/training area, in accordance with the National Classification of Education and Training Areas (CNAEF), and

⁶ Amended by Article 23 of Executive Law no. 396/2007 of 31 December 2007.

defines the referentials for each qualification: the Professional Profile, the Training Referential, and the Competency Recognition, Validation and Certification (basic and technological component) Referential. The referentials also apply to the recognition and certification of competencies that have been acquired by non-formal and informal means over the course of their holder's lifetime.

The Catalogue is an open instrument that is always being updated, so it is essential to ensure that the main economic and social agents actively and constantly participate in drawing it up and managing it. This process particularly takes place in the Sectoral Councils for Qualification (CSQs), whose mission is to constantly identify the needs for updates in the Catalogue. These Councils include specialists appointed by the ministry with oversight of the area in question, representatives from trade unions, employers' associations, reference enterprises and training entities, and independent experts.

When a person obtains a qualification that is included in the Catalogue, he/she receives a diploma, regardless of the path (formal, non-formal or informal) he/she took in order to obtain the qualification. People who complete a training action that is not included in the Catalogue receive a vocational training certificate and the action is recorded on their individual competency certificate. The latter enables people to show what training they have taken and what competencies they have acquired over their lifetime, and makes it easier for employers to know what competencies jobseekers possess.

(ii) The **National Qualifications Framework** (QNQ, Ministerial Order no. 782/2009 of 23/07/2009) defines the structure of the various levels of qualification, including requisites for access to them and the necessary academic qualifications. The QNQ incorporates the national qualification subsystems and adopted the European Qualifications Framework principles with regard to the number of levels (eight) and the description of the various qualifications in terms of learning results. The QNQ covers basic, secondary and higher education/training, vocational training, and the processes involved in the recognition, validation and certification of competencies acquired via formal and informal paths taken within the framework of the National Qualifications System.

The SNQ's quality is ensured by the system for certifying the training entities and the qualification of the trainers and other training specialists involved. Training entities must obligatorily be certified in order to receive public funding for their training activities, and this certification is subject to annual external audits.

The SNQ receives public funding attributed to the vocational training area.

Ministerial Order no. 475/2010 of 08/07/2010 approved the model for the Individual Competency Certificate (CIC) for use within framework of the SNQ. This certificate serves to record both all the competencies and training for which the National Qualifications Catalogue contains referentials, and other training actions that the holder takes over the course of his/her lifetime, even though they are not included in the Catalogue.

In order to integrate the various national qualification subsystems and improve access to, advancement in and the quality of qualifications for labour market and civil society purposes, as well as to facilitate the mobility of citizens within the European area, a new National Qualifications Framework with eight levels of qualification entered into force in October 2010 (Ministerial Order no. 782/2009 of 23/07/2009).

Table 28
STRUCTURE OF THE NATIONAL QUALIFICATIONS FRAMEWORK

Qualification level	Qualification
Level 1	2 nd basic education cycle
Level 2	3 rd basic education cycle obtained in basic education itself or via dual-certification paths
Level 3	Secondary education with a view to the pursuit of higher-level studies
Level 4	Secondary education/training obtained via dual-certification paths or secondary education with a view to the pursuit of higher-level studies plus a vocational internship lasting at least 6 months

Qualification level	Qualification
Level 5	Non-higher post-secondary level with credits towards pursuit of higher-level studies
Level 6	Bachelor's degree (<i>Licenciatura</i>)
Level 7	Master's degree
Level 8	Doctoral degree / PhD

Source: Ministerial Order no. 782/2009 of 23 July 2009 (see [http://www.catalogo.anq.gov.pt/Home/QNQ in Portuguese](http://www.catalogo.anq.gov.pt/Home/QNQ_in_Portuguese))

Within this context, in its role as the national coordination point for the implementation of the European Qualifications Framework, in 2010 the National Agency for Qualification (ANQ, IP) began the process of adapting all the referentials included in the National Qualifications Catalogue to the levels in the EQF⁷. This process was conducted in accordance with the criteria and procedures defined by the European Commission's Advisory Group for the Implementation of the European Qualifications Framework, which includes representatives from the Member States and the European social partners.

⁷ In January 2010, the National Qualifications Catalogue was expanded to include the first nine training referentials adapted to the needs of persons with disabilities and other forms of incapacity, in an approach designed to help increase this target group's qualification and employability .

In January 2011, it was decided that all the certificates and diplomas which provide a qualification included in the National Qualifications Framework and which were/are issued on or after 1 October 2010 must include a reference to the respective level of qualification (Order no. 978/2011 of 12/01/2011).

Of the measures designed to attract new audiences to lifelong learning, of particular note in 2010 were the fact that the Job Centres began to forward unemployed persons to the national network of New Opportunities Centres, the Basic Competency Training Programme (*PFCB*), and the Training Initiative for Entrepreneurs (*IFE*).

The first of these measures is intended to strengthen the qualifications of the unemployed population and thereby expand the possibilities for its employability. Since November 2010, unemployed persons who are registered with Job Centres, who possess qualifications below the 12th grade and whose profile is not really suited to the available job offers must be forwarded to the New Opportunities Centres for integration into the most appropriate qualification format (Order no. 17658/2010). The data show that more than 9,500 persons registered with New Opportunities Centres had been forwarded there by Job Centres by 31 January 2011 (source: SIGO platform, provisional data).

In 2011, there were 448 New Opportunities Centres (CNOs), with a total 9,036 people on their technical/pedagogical teams. The financial execution for the CNOs was 10,541,213.81€ in 2008, 11,143,040.89€ in 2009, and 12,208,592.36€ in 2010. The available indicators for the work of the CNOs are taken from an evaluation in July 2009, although in some cases it is possible to update figures to 2010:

**TABLE 29
CNO ACTIVITY**

CNOs	2007	2008	2009	2010
No. of registrations	281,981	283,460	277,578	243,620
No. of persons forwarded in response to offers	48,834	64,231	62,481	68,188
Total no. of persons forwarded	93,000			
No. of persons certified	55,096	74,419	112,366	90,974
Total no. of persons certified	160,770			

Source: ANQ, IP/2011

TABLE 30
CHARACTERISATION OF JOBSEEKERS REGISTERED WITH CNO'S, 2007 TO 2009

	Registrations		Persons Forwarded		Certifications	
	No.	%	No.	%	No.	%
Sex						
Male	326,727	46.4	35,645	38.4	72,540	44.1
Female	377,084	53.6	57,142	61.6	91,889	55.9
Total	703,811	100	92,787	100	164,429	100
Age group						
18-24 years	95,141	13.5	21,238	22.9	9,365	5.7
25-34 years	215,386	30.6	31,084	33.5	41,641	25.3
35-44 years	221,527	31.5	24,054	25.9	64,165	39.0
45-54 years	134,689	19.1	13,261	14.3	38,873	23.6
55-64 years	33,728	4.8	2,883	3.1	9,540	5.8
65 years and over	3,340	0.5	267	0.3	845	0.5
Total	703,811	100	92,787	100	164,429	100
Level of schooling						
No level of schooling completed	8,195	1.2	1,703	1.8	1,279	0.8
1 st Basic Cycle	100,174	14.2	7,138	7.7	34,951	21.3
2 nd Basic Cycle	234,535	33.3	19,179	20.7	102,414	62.3
3 rd Basic Cycle	358,010	50.9	64,135	69.1	25,782	15.7
Secondary	2,897	0.4	632	0.7	3	0.0
Total	703,811	100	92,787	100	164,429	100
Working situation						
Employed	457,119	65.0	41,441	44.7	122,282	74.4
Unemployed	218,481	31.1	47,601	51.3	34,960	21.3
Domestic work	1,352	0.2	67	0.1	53	0.0
Retired	1,602	0.2	54	0.1	46	0.0
Other	25,042	3.6	3,624	3.9	7,088	4.3
Total	703,596	100	92,787	100	164,429	100

Source: 2009 Evaluation of the New Opportunities Initiative (in Portuguese)

The following table shows the variation in dual-certification vocational training

TABLE 31
VARIATION IN THE NUMBER OF YOUNG PERSONS ON DUAL-CERTIFICATION COURSES
WITH REFERENCE TO THE TOTAL IN SECONDARY EDUCATION/TRAINING

Type of Course	2006/07	2007/08	2008/09	2009/10
Technological Courses	40,335	23,075	13,096	4,365
Vocational Courses	44,466	66,494	88,515	126,723
Learning Courses	18,459	15,931	14,629	14,629
Education and Training Courses for Young Persons	6,678	7,941	6,602	3,284
Specialised Artistic Education/Training Courses	1,838	1,809	1,809	1,809
Hotel and Tourist Trade School Courses	1,951	*	*	2,043**
Total young persons enrolled on dual-certification courses	123,292	126,683	137,673	147,120
<i>Total students in secondary education/training</i>	319,315	322,899	333,003	342,500

Source: ANQ / NEW OPPORTUNITIES

*Included under Vocational Courses

**Estimated figure

ANQ, IP and IEFP, IP entered into various cooperation protocols regarding the involvement of workers with qualifications below the 12th grade at a variety of employers. In 2009, 44 protocols were in force with 8 public bodies, 26 enterprises or business associations and 9 NGOs, with a total of 31,022 persons registered.

In addition to the New Opportunities Initiative, the vocational training measures designed to enhance human resources that were referred to in previous Reports remained in force. We are in a position to provide IEFP, IP data on the following initiatives:

- **Learning courses:** created by Ministerial Order no. 1497/2008 of 19/12/2008, their purpose was to achieve dual certification for young persons below the age of 25 who had completed the 3rd basic education cycle and had experience in a working context:

TABLE 32
LEARNING SYSTEM – VARIATION

	2008	2009	2010
No. of persons covered	14,125	18,135	21,287
Financial execution	627,627.33€	553,812€	1,021,266.07€

Source: 2008/2009/2010 IEFP Activity Reports (in Portuguese)

- **Education and Training Courses for Young Persons:** aimed at young persons below the age of 23 who were at risk of dropping out, whether or not they had completed their compulsory education:

TABLE 33
EDUCATION AND TRAINING COURSES FOR YOUNG PERSONS – EXECUTION

	2008	2009	2010
No. of persons covered	8,308	7,214	6,749
Financial execution	13,203,344.20€	9,741,954.19€	9,854,815.80€

Source: 2008/2009/2010 IEFP Activity Reports (in Portuguese)

- **Technological Specialisation Courses (CETs):** post-secondary courses leading to level-4 vocational qualification:

TABLE 34
TECHNOLOGICAL SPECIALISATION COURSES – EXECUTION

	2008	2009	2010
No. of persons covered	143	46	118
Financial execution	192,712.22€	38,461.09€	€163,434.50

Source: 2008/2009/2010 IEFP Activity Reports (in Portuguese)

- **Grants for Training at the Worker's Initiative:** aimed at both employed and unemployed persons who want to increase their qualifications:

TABLE 35
IT TRAINING GRANTS – EXECUTION

	2008	2009	2010
No. of persons covered	143	46	118
Financial execution	192,712.22€	38,461.09€	163,434.50€

Source: 2008/2009/2010 IEFP Activity Reports (in Portuguese)

- **Portugal Welcomes (ACOLHE):** training in Portuguese Language and Technical Portuguese with a view to the hosting and socio-professional insertion of immigrants:

TABLE 36
PORTUGAL WELCOMES – EXECUTION

	2008	2009	2010
No. of persons covered	2,867	2,236	1,674
Financial execution	407,023,17€	417,320,64€	308,181,32€

Source: 2008/2009/2010 IEFP Activity Reports (in Portuguese)

- **Modular Training:** diversified training offer designed to promote the adaptability of both employed and unemployed persons:

TABLE 37
MODULAR TRAINING – EXECUTION

	2008	2009	2010
No. of persons covered	30,682	95,961	99,393
Financial execution	2,866,732.63€	11,716,355.11€	16,095,370.60€

Source: 2008/2009/2010 IEFP Activity Reports (in Portuguese)

- **Qualification-Employment Programme:** created in 2009 and targeted at workers of enterprises (textile, construction, tourism and automobile sectors) at risk of closure as a result of the economic recession. The Programme takes advantage of periods when working hours are temporarily reduced to invest in the workers' training:

TABLE 38
QUALIFICATION-EMPLOYMENT PROGRAMME – EXECUTION

	2009	2010
No. of persons covered	9,474	6,695
Financial execution	12,449,176,00€	10,938,290,6€

Source: 2008/2009/2010 IEFP Activity Reports (in Portuguese)

- **Education and Training Courses for Unemployed Adults:** dual-certification courses for adults with low qualifications:

TABLE 39
ADULT EDUCATION AND TRAINING PROGRAMME – EXECUTION

	2008	2009	2010
No. of persons covered	25,115	33,869	33,309
Financial execution	65,914,153.99€	85,398,850.24€	90,936,023.31€

Source: 2008/2009/2010 IEFP Activity Reports (in Portuguese)

- **Vocational Traineeships:** designed to articulate leaving the education and training system with experience in a working context. The measure was revised in 2009:

TABLE 40
VOCATIONAL TRAINEESHIPS – EXECUTION

	2008	2009	2010
No. of persons covered	19,260	12,812	16,172
Financial execution	49,488,110.41€	39,452,285€	60,886,699.97€

Source: 2008/2009/2010 IEFP Activity Reports (in Portuguese)

- **Vocational Internships in the Public Administration:** this measure for young graduates who were unemployed or looking for their first job was launched in 2010. In that year it covered 161 young persons and involved 790,356.93€ in funding.
- **Qualification-Employment Vocational Traineeships:** designed to support the transition from the qualification system to the labour market by unemployed persons who have recently improved their qualifications. The traineeships last 9 months.

3.

The Technological Specialisation Courses (CETs), which were created in 2006, have now been incorporated into the SNQ as one of the dual-certification formats. Their training referentials are partly integrated into the National Qualifications Catalogue, providing a level of qualification determined by the National Qualifications Framework (level five) and a technological specialisation diploma.

In 2007-2010, operational authorisation was granted to 537 CETs – 420 at higher education establishments and 117 at non-higher education establishments.

With regard to Paragraph 5 – **Facilities**, the ECSR concluded that there is a situation of non-conformity because nationals of other States who reside or regularly work in Portugal do not enjoy equal treatment in relation to the guarantee of financial assistance for vocational training (including training grants and other subsidies). This conclusion is unfounded, inasmuch as although the principle of equal treatment is not expressly referred to in the previous Report, it is fully implemented in the funding of vocational training in Portugal. We are not aware of any norm or rule which discriminates between persons in terms of access to funded vocational training or which lays down any criterion for eligibility based on the applicant's nationality.

ARTICLE 15

RIGHT OF PERSONS WITH DISABILITIES TO AUTONOMY, SOCIAL INTEGRATION AND PARTICIPATION IN ACTIVE COMMUNITY LIFE

Paragraphs 1 and 2

1), 2), 3)

INITIAL AND LIFELONG TEACHER TRAINING

During the period covered by the present Report, the characterisation of persons with disabilities continued to be based on the 2001 Census. The 2011 Census was the first to incorporate the questions inspired by the International Functional Classification (ICF) which the WHO had proposed for the disability module in national censuses. The available statistics on persons with disabilities are very limited, inasmuch as the results of the use of the variable "disability" in surveys are deemed confidential data that can only be used with the express authorisation of the National Commission for Data Protection (CNPD). In 2008, Statistics Portugal (INE) published a module on the employment of persons with disabilities in 2002, which forms part of the Eurostat Labour Force Survey (Ad-hoc Module).

It should be noted that the Superior Council for Statistics (CSE) passed a Resolution on the adoption of the concept of disability based on the ICF for the purposes of gathering statistical information. A Working Group for Statistics on Disability and Incapacity (GTEDI) was formed within Statistics Portugal in 2010.

There are no official data that would enable us to provide the information on this Article which ECSR requested in this context.

Portuguese legislation has progressively adopted the **definition of disability** based on the ICF and on Law no. 38/2004. This is particularly the case of the legislation on education (Executive Law no. 3/2008), reparation for work-related accidents and occupational illnesses, including occupational rehabilitation and reintegration (Law no. 98/2009, 04/09/2008), and employment, vocational training and employment support for persons with disabilities (Executive Law no. 290/2009). A particular investment was made in training the human resources of schools, IEFP, IP and ISS, IP with regard to the ICF/WHO.

The National Institute for Rehabilitation (INR, IP) replaced the National Secretariat for the Rehabilitation of Persons with Disabilities (SNRPD). The new Institute is still part of the Ministry of Labour and Social Solidarity, which is the national authority with responsibility for setting the disability policy.

By means of Decrees of the Assembly of the Republic nos. 56/2009 and 57/2009, Portugal ratified both the Convention on the Rights of Persons with Disabilities, as adopted in New York on 30 March 2007, and its Optional Protocol. Implementation of the Convention was one of the objectives of the annual funding programme (c.

3 million euros/year) which the National Institute for Rehabilitation provides to civil society.

During the period covered by the present Report, INR, IP published various studies on areas that are important improvements in the disability policy, namely: "*Guia de recomendações e orientações para a desinstitucionalização das crianças e jovens*" (a study and the resulting Guide to recommendations and guidelines for the deinstitutionalisation of children and young persons with disabilities); an Evaluation study on the impact of the financial costs of disability; a Study on the impact of disability in women; a Guide to Accessible Tourism in Portugal; and "*Construção de uma Casa para a Vida – Aplicação do Design Inclusivo à Habitação*" (Construction of a House for Life – Application of Inclusive Design to Housing).

The information provided in the previous Report is still valid. Here, we would only note the measures that were adopted in the period covered by the present Report, during which the 1st Action Plan for the Integration of Persons with Disabilities (PAIPDI, Council of Ministers Resolution no. 120/2006) remained in force. PAIPDI was the first strategic instrument of a legal nature in the field of the fight against disability-based discrimination, the incorporation of disability into the various public policies, and the guarantee of the accessibility of buildings, public spaces, information and communication, as a fundamental condition for equal opportunities for persons with disabilities. PAIPDI was revised in 2008 by Council of Ministers Resolution no. 88/2008, which redefined a number of measures and defined the indicators for gauging the Plan's execution.

PAIPDI set out measures designed to implement 5 strategic objectives:

1. The promotion of human rights and the exercise of citizenship.
2. The integration of the questions of disability and incapacity into sectoral policies.
3. The accessibility of services, facilities and products.
4. The qualification, training and employment of persons with disabilities or incapacities.
5. The qualification and training of the professionals who provide services to persons with disabilities or incapacities.

In parallel, a monitoring commission coordinated by INR, IP was created and evaluated and monitored PAIPDI's implementation. PAIPDI was evaluated on an annual basis in 2007 and 2008, and on a half-yearly basis in 2009. The reports are available at: <http://www.inr.pt/content/1/26/paipdi> (in Portuguese).

According to the last evaluation of PAIPDI (2009), of the 99 measures that were defined in the education, health, transport, higher education, employment and vocational training, sport and accessibility areas, 68 had been implemented, 12 were in the implementation phase and 19 had not been implemented.

Data on the implementation of the PAIPDI measures that were made public in 2010:

TABLE 43
STATE OF IMPLEMENTATION OF THE PAIPDI MEASURES TO DECEMBER 2009

		STRATEGIES	COMPLETED MEASURES	MEASURES IN PROGRESS	MEASURES NOT IMPLEMENTED / NO INFORMATION	TOTAL
			●	◐	○	
CHAPTER I Intervention and strategies for quality of life	AXIS I Accessibility and Information	Accessibility	13	1	1	15
		Communication	4	1	1	6
		Culture, Sport and Leisure	5	1	3	9
		Awareness and Information	5	0	1	6
		Subtotal	27	3	6	36
	AXIS II Education, qualification and promotion of labour inclusion	Education	6	0	2	8
		Qualification and Employment	6	2	3	11
		Information and Training of Professionals	3	2	0	5
	Subtotal	15	4	5	24	
	AXIS III Provide and ensure dignified living conditions	Social Protection and Solidarity	16	3	3	22
Quality and Innovation in Services and Organisations		1	0	1	2	
Subtotal		17	3	4	24	
CHAPTER II Conditions needed for Intervention and Implementation of the Plan	Research and Development	5	1	4	10	
	Exchange of Experiences and Cooperation with Community and international organisations	4	1	0	5	
	Subtotal	9	2	4	15	
TOTAL			68	12	19	99

Source: PAIPDI/2009/INR, IP

December 2010 saw the approval of the National Strategy for Disability (*ENDEF 2011-2013*), which was based around five priority axes: (i) Disability and multiple discrimination; (ii) Justice and the exercise of rights; (iii) Autonomy and quality of life; (iv) Accessibility and Design for all; and (v) Administrative modernisation and Information systems. ENDEF's implementation will be described in the next report on Article 15.

Anti-discrimination legislation

Law no. 46/2006 of 28/08/2006 prohibits and imposes penalties for disability-based discrimination and was regulated by Executive Law no. 34/2007 of 15/02/2007. This legislation forbids both direct and indirect discrimination in access to property and

products, economic activity, property rentals, buildings and public spaces, information and communication, transport, health services, education/training and employment. Both individuals who are the object of discriminatory conduct and associations who represent persons with disability can bring charges against those responsible for the conduct before the following entities: the member of the Government with responsibility for the disability area; the National Institute for Rehabilitation (*INR, IP*); the National Council for the Rehabilitation and Integration of Persons with Disability (*CNRIPD*); and the entities with the competence to inspect and verify the situation and draw up the applicable administrative-offence proceedings. An online complaint form is available on the INR, IP website.

Disability-based discriminatory conduct is unlawful in every area, including employment: recruitment, promotion, remuneration and dismissal. Both individuals who are victims of discriminatory conduct and associations who represent persons with disability can make complaints to the Inspectorate-General of Labour (*IGT*) with a view to initiating administrative-offence proceedings, or to a court for the purposes of judicial proceedings. Complaints against acts of the Public Administration can also be submitted to the Ombudsman. By 2011, two administrative-offence cases based on discrimination had been finalised – one in the education area, and one with regard to an insurance contract. Dismissal from employment on grounds that are discriminatory is unlawful and invalid.

A report on the implementation of Law no. 46/2006 is published annually. 119 complaints were made in 2007; 74 in 2008; 47 in 2009; and 68 in 2010. No complaints were made by NGOPDs – NGOs that represent persons with disabilities.

Accessibility, when defined as the guarantee that persons with disabilities have access to goods and services, is itself guaranteed by Executive Law no. 163/2006. This Law defined the technical standards for accessibility in public spaces and buildings and housing spaces. Accessibility is also guaranteed, by the National Plan for the Promotion of Accessibility (*PNPA*), which set out the national strategy with regard to transport, information and communication, and by the fact that all websites belonging to public departments and services must respect the rules of universal accessibility. Portugal was considered to have very good practices in this field.

In the **EDUCATION** field we should note that Executive Law no. 3/2008 of 07/01/2008 laid down the specialised forms of support that must be provided in preschool education and basic and secondary education/training in the public, private and cooperative sectors, with the goal of promoting inclusive schools for all students and the creation of conditions suited to students with permanent special educational needs. The educational measures in the special education field include:

- (i) The provision of personalised pedagogical support (such as reading and writing in Braille, or vision training, among others).

- (ii) Individual curricular adaptations (persons with permanent special educational needs can go to kindergartens or schools outside the area where they live).
- (iii) Adaptations in the school registration and assessment processes.
- (iv) A specific individual curriculum (sets out and states the grounds for specialised support and the ways in which the students will be assessed, and initiates an Individual Transition Plan (*PIT*) for students who do not follow the common curriculum).
- (v) Support technologies.

Portugal also created Reference Schools for students with impaired sight or blindness and for deaf students who opt for bilingual teaching. School clusters have been "given the possibility" of organising specific differentiated responses at this level, via the creation of Structured Teaching Units (*UEEs*) aimed at students with autism spectrum disorders, and the creation of Specialised Support Units (*UAEs*) for students with multiple disabilities and congenital deaf-blindness. This was complemented by also giving the same clusters the ability to develop partnerships with private charities (*IPSSs*) and Specialised Resource Centres (*CREs*).

Law no. 21/2008 of 12/05/2008 enabled parents and other persons with responsibility for students' education to ask to change the (public) school at which their student is enrolled, and requires the drawing up of an Individualised Report at the end of each academic year for students who have been assessed under the World Health Organisation's International Classification of Functionality, Incapacity and Health (*ICF*).

The new legislation ordered the beginning of the processes involved in accrediting Resource Centres for Inclusion (*CRIs*). These Resource Centres are intended to support schools under a partnership regime. The most significant of their specific objectives are: (i) to support the drawing up, implementation and monitoring of Individual Educational Programmes (*PEIs*); (ii) to promote and monitor transition processes involved from school to post-scholastic life; (iii) to promote academic and vocational qualification by supporting both schools and students; and (iv) to support the evaluation of incapacity situations with reference to the *ICF*.

Where the process of refocusing special schools and turning them into Resource Centres (which is expected to take until 2013) is concerned, the Ministry of Education entered into a number of cooperation protocols with special education institutions.

Statistical data regarding the Special Education System (SEE):

TABLE 44

Policy Measure	Updated Description of the Measure	Target Group	Execution of Goal			
			Indicator(s)	2009	2010	
Revision of the Special Education System in public schools	Create units that specialise in multiple disability and autism	Persons with disability and other incapacities	No. of students covered		2,115	2,946
			No. of units		479	551
			Place 2,000 new teachers on the special education roster by 2010	No. of teachers on the roster at present	4,779	6,225
	Create a network of reference schools for the Education of Deaf Students	Deaf students in preschool education and basic and secondary education and training	Create a network of 23 reference schools (School Clusters – 11; Secondary Schools – 12)	No. of students covered	526	641
				No. of teachers from recruitment group 920	–	155
	Create a network of reference schools to provide Support for Students who are Blind or have Impaired Sight	Students who are blind or have impaired sight in preschool education and basic and secondary education and training	Create a network of 52 reference schools (School Clusters – 25; Secondary Schools – 27)	No. of students covered	227	231
				No. of teachers from recruitment group 930	–	70
	Create a network of reference schools for Early Intervention in Childhood	Children aged 0 to 6 years with disability or incapacity or in a high-risk situation, and their families	Create a network of 129 reference School Clusters	No. of students covered	4,335	4,143
				No. of kindergarten teachers	500	452

Source: GEPE and DGIDC/ME, March 2011

TABLE 45

Policy Measure	Updated Description of the Measure	Target Group	Execution of Goal		
			Indicator(s)		
Portuguese Sign Language Programme for Deaf Students	Draw up and begin implementation of the Portuguese Sign Language Programme for Deaf Students by the end of 2010	Deaf students	No. of deaf students identified and covered	900	814
Portuguese Language 2 Programme for Deaf Students	Design a programme of Portuguese as a non-mother tongue for deaf students	Deaf students	No. of deaf students	900	814
Adapted schoolbooks for persons with incapacities / visual disability	Produce adapted schoolbooks for students with sensory and visual limitations	Persons with incapacities / visual disability	No. of situations identified and provided with a response	20,612	22,150
Training in special education: - Teachers and other specialists - Operational assistants	Train teachers and other specialists to apply the International Classification of Functionality, Incapacity and health (ICF) and the new legal framework governing special education and specialised training in specific areas of disability	Teachers and other specialists	No. of teachers trained	3,000	
			No. of other specialists trained	3,000	
	Train operational assistants for specialised support units	Operational assistants	No. of operational assistants trained	700	
Resource Centres for Inclusion (CRIs)	Refocus private and cooperative special education schools in such a way as to form resource centres for inclusion designed to support public schools	Persons with disability and other incapacities	% of institutions refocused on CRI	56% (the target, which was based on initial expectations of participation by institutions, was significantly exceeded)	

Source: GEPE and DGIDC/ME, March 2011

The **Special Education Resource Centre (CREE)** was also created in order to supply materials for students with special educational needs who attend basic or secondary education and training, along with supporting materials for their teachers. Requests for materials for students with special educational needs must be made using an online requisition form. They include: Schoolbooks in Braille; Schoolbooks in large print; Audible schoolbooks; Schoolbooks in the daisy format; Schoolbooks on CD-ROMs; Raised figures; Videos; and Multimedia products.

The public school network was developed in such a way as to possess human and material resources that can respond to the need to include students with Special Educational Needs. The public network includes:

- Specialised Support Units for the Education of Students with Multiple Disabilities and Congenital Deaf-Blindness
- Structured Teaching Units for the Education of Students with Autism Spectrum Disorders
- Reference Schools for the Education of Students who are Blind or have Impaired Sight
- Reference Schools for the Bilingual Education of Deaf Students
- Reference Schools for Early Intervention in Childhood
- ITC Resource Centres for Special Education

Alongside the public network there is also a network of private special education institutions, which will tend to be refocused on becoming Inclusion-support Resource Centres. 74 Resource Centres for Inclusion (CRIs) have been created around the country. The CRIs are designed to support the inclusion of children with disabilities and incapacities by making it easier for them to access education, training, work, leisure, participation in society and an autonomous life, promoting each individual's maximum potential, in partnership with community structures.

Employment and Vocational Training

The employment and vocational qualification of persons with disabilities continued to be one of the goals of the National Employment Plan (*PNE*). The economic and financial situation, corporate relocation and low economic growth prejudiced the rise in the number of jobs for everyone, including persons with disabilities.

Executive Law no. 290/2009 of 12/10/2009 created the Programme for the Employment and Support for the Qualification of Persons with Disabilities or Incapacities (*PEAQPDI*), which is managed by the IEFP. In addition to the set of forms of support it attributes within the framework of the general active employment programmes and measures (some of which include additional amounts or specific conditions for persons with disabilities and incapacities), this Programme offers a range of specific forms of technical and financial support in the following areas:

- **Specialised Information, Evaluation and Guidance for Qualification and Employment:** support for taking vocational decisions that are better suited to such persons' professional insertion and the definition of their life project. This covers initial vocational training (promoted by certified training entities with organisational structures that are especially aimed at the disability area) and lifelong vocational training (promoted by certified training entities with organisational structures that are especially aimed at the disability area, or by employers).
- Placement Support: help looking for a job.
- Post-Placement Monitoring: help keeping the job.

- Vocational Qualification Support: support for the development and implementation of initial and lifelong training actions, with a view to the acquisition of knowledge and competencies needed to obtain a qualification that in turn makes it possible to be active in the labour market, keep a job and progress professionally.
- The Insertion Traineeship for Persons with Disabilities and Incapacities: designed to improve the competencies of persons with disabilities and incapacities and enhance their professional performance, in such a way as to facilitate their recruitment and their integration into the labour market. These traineeships come with grants that are based on the Social Support Index Value (IAS) and vary depending on the beneficiary's level of qualification. They also include a meal allowance.
- **The Employment-Insertion Contract for Persons with Disabilities and Incapacities:** intended to support the transition to the labour market by arranging for persons with disabilities and incapacities to take part in socially useful activities with a view to strengthening their relational and personal competencies, enhancing their self-esteem and stimulating working habits. The support takes the form of grants that are either based on the IAS for unemployed workers, or on 20% of the IAS, which can then be accumulated with the unemployment benefit; transport costs and a meal allowance are also paid in both cases.
- The Adaptation of Workplaces and Elimination of Architectural Barriers: financial support paid to employers in order to support the adaptation of equipment or the workplace to employees' functional difficulties and/or eliminate physical obstacles that make the latter's access to the workplace or mobility within the premises difficult or impossible.
- Supported Employment: support for the exercise of a professional or socially useful activity with a view to the development of the employee's personal and professional competencies, in such a way as to facilitate the transition (when possible) to a normal working regime. The supported employment regime can be implemented through: Insertion Traineeships; Insertion-Employment Contracts; Protected Employment Centres (CEPs); Supported Employment contracts for activities at the employer's facilities.
- Exemption from Employers' Social Security Contributions and/or Reduction in Tax Rates.

Within the framework of these measures, the costs of professional accident insurance are funded by the IEFP. The adoption of a pedagogical training referential for trainers who train persons with disabilities was designed to fight discrimination and qualify professional and specialists. Training about the ICF was also given to IEFP, IP staff. The following data are available in this field:

TABLE 46
NO. OF PEOPLE COVERED BY VOCATIONAL INFORMATION, EVALUATION AND GUIDANCE ACTIONS IN ACCORDANCE WITH THE INTERNATIONAL CLASSIFICATION OF FUNCTIONALITY, INCAPACITY AND HEALTH (ICF)

	2006	2007	2008	2009
No. of Persons Covered	1,034	1,155	1,133	556 ^{a)}

Source: PAIPDI / Finance and Management Control Department (IEFP)

a) Data to October

With the objective of ensuring that the academic and vocational competencies of persons with disabilities are recognised, validated and certified (*RVCC* process), IEFP, IP, the Resource Centres (*CRs*), ANQ, IP, the Directorate-General of Innovation and Curricular Development (*DGIDC*) and INR, IP entered into protocols for the creation of New Opportunities Centres (*CNOs*) for persons who could not access any other centre in the national network due to the characteristics of their disabilities. By 2010, eight of these Inclusive *CNOs* had been created and were covering 1,208 persons with disabilities, and 201 persons had received total or partial certification. However, the majority of persons with disabilities were served by the regular *CNOs*, which provided them with the physical accessibilities and the communication and information resources they needed. The *CNO* network also ensured specialised trainer training and training manuals adapted to the functional limitations of persons with disabilities. The 2009 PAIPDI report offers the following data:

TABLE 47
NO. OF PERSONS WITH DISABILITIES WHO ATTENDED INITIAL OR LIFELONG TRAINING COURSES OR ACTIONS AIMED AT THE GENERAL POPULATION

	2007	2008 a)	2009 b)
No. of persons covered	1,032	1,078	1,550

Source: Finance and Management Control Department (DFCG-IEFP)

a) Data to October

b) Data to October

Law no. 98/2009 of 04/09/2008 regulated Article 284 of the Labour Code (*CT*) on the regime governing reparation for work-related accidents and occupational illnesses. It says that workers who are the victims of accidents at work are guaranteed occupational rehabilitation and reintegration and the adaptation of their workplaces, and that employers are responsible for ensuring that they are given work and for creating the conditions needed to integrate them into that

activity. The Law also grants victims an allowance to enable them to attend occupational rehabilitation actions.

Data on the investment in the occupational rehabilitation of persons with disabilities:

OCCUPATIONAL REHABILITATION OF PERSONS WITH DISABILITIES

The variation in the Occupational Rehabilitation measures was as follows:

TABLE 48

OCCUPATIONAL REHABILITATION	2008		2009		2010	
	Persons Covered	Euros	Persons Covered	Euros	Persons Covered	Euros
Vocational Evaluation and Guidance of Persons with Disabilities	1 331	245 167,33	638	55 233,88	92	86 809,54
Pre-professionalisation	235	316 413,20	149	23 016,40		0,00
Training for Persons with Disabilities – Cooperative Actions	6 134	44 287 929,80	5 551	18 947 290,82	1 952	13 476 582,08
Re-adaptation to Work	55	7 310,79	51	0,00		0,00
Incentives for the Employment of Persons with Disabilities	602	3 057 976,40	546	3 371 824,65	66	1 040 597,44
Support for Self-Employed Activities	13	186 421,10	4	43 271,65	1	22 120,76
Protected Employment – Protected Employment Centres	257	1 626 358,17	242	1 217 391,94	236	1 205 506,34
Protected Employment – Enclaves	169	580 314,87	169	639 689,42	159	631 959,12
Merit Bonus		49 957,59		8 699,53		114 037,14
Placement Support and Post-Placement Monitoring	1 156	403 485,44	1 016	282 948,79	1 070	578 776,15
Operation - Employment for Persons w/Disabilities (OED) Lisbon		145 539,43		139 180,17		136 959,05
Technical Support and Tricycles	592	2 126 728,91	506	2 385 471,46	385	2 603 422,94
Occupational Rehabilitation Centres and Units		36 209,45		26 000,00		81 000,00
IEFP (CE's+CGD)	10 544	53 069 812,48	8 872	27 140 018,71	3 961	19 977 770,56
Participatory Management Centres – Rehabilitation Intermediate Body (*)	2 373	7 073 093,00	2 558	7 253 991,75	2 401	7 253 857,70
		0,00	5 673	44 386 214,59	5 356	50 025 209,38
TOTAL	12 917	60 142 905,48	17 103	78 780 225,05	11 718	77 256 837,64

Source: IEFP/2010 Activity Report (in Portuguese)

(*) Involves reclassifying advance payments made to entities in 2007 and 2008, in such a way as to correctly record those payments in the accounts.

As mentioned under Article 1, IEFP, IP's operational activity in the Occupational Rehabilitation field was as follows:

TABLE 49

IEFP, IP – OPERATIONAL ACTIVITY, 2007-2009						
Measures	2007		2008		2009	
	Persons Covered	Financial Execution	Persons Covered	Financial Execution	Persons Covered	Financial Execution
Occupational Rehabilitation	12 158	60 142 905,48	12 917	60 142 905,48	17 103	78 780 225,05
-IEFP, IP	10 365	59 875 679,29	10 544	53 069 812,48	8 872	27 140 018,71
-Participatory Management Centres	1 793	6 839 853,75~	2373	7 073 093,00	2 558	7 253 991,75
- Intermediate Body	0	0,00	0	0,00	5 673	44 386 214,59

Source: IEFP. IP

The available data from the National Rehabilitation Institute (INR), which is responsible for coordinating the public disability policy, are as follows:

TABLE 50
NUMBER OF PERSONS WITH DISABILITIES REGISTERED WITH JOB CENTRES

No. of persons registered	December 2007	December 2008	October 2009
	6,490	7,157	8,587

TABLE 51
PERSONS WITH DISABILITIES IN EMPLOYMENT – VARIATION

Year	Individuals		Employers	
	No.	% increase	No.	% increase
2006	3,748	2.8%	2,324	4.1%
2007	3,888	3.7%	2,415	3.9%
2008	3,930	1.1%	2,426	0.5%

IEFP, IP entered into Cooperation Agreements with **71 occupational rehabilitation entities** that were accredited as resource centres, for the development and implementation of actions designed to support placement and provide post-placement monitoring.

The most up-to-date information on the disability policy in Portugal can be found on the ANED website: <http://www.disability-europe.net>.

Paragraph 3

Following on from the implementation of the disability policy and PAIDI, the ratification of the Convention on the Rights of Persons with Disabilities and the adoption of the National Strategy for Disability, Portugal has consolidated its approach to the human rights of persons with disabilities and to guaranteeing their integration into and participation in their communities and society as a whole.

Various strategic Plans have set out policy or action measures with impacts on the social participation of persons with disabilities. Of particular note are: the National Employment Plan (*PNE*); the National Inclusion Plan (*PNI*); the Action Plan for Tourism (*PAT*); the National Plan for Growth and Employment (*PNCE*); the National anti-Domestic Violence Plan (*PNVD*); and the Sustainable Development Strategy (*EDS*).

The participation of civil society in general and disabled persons' organisations in particular was ensured by a public discussion process and by consultation of the National Council for the Rehabilitation and Integration of Persons with Disabilities (*CNRIPD*), in its role as a Ministry of Labour and Social Solidarity consultative body.

A whole range of social responses designed to favour the autonomy and social integration of persons with disabilities are pursued by private charities (*IPSSs*), virtually all of which are funded by the Social Security Service under cooperation agreements. These responses, which have been characterised in previous Reports, are: Occupational Activity Centres (*CAOs*); Support Homes; Residential Homes; Reception/Monitoring and Entertainment Centres (*CAAs*) for persons with disabilities; Family Accommodation for Persons with Disabilities; the Domiciliary Support Service (*SAD*); Early Intervention (*IP*, described in detail below); and the Transport of Persons with Disabilities (*TPD*).

The data on the implementation of the social responses referred to above are as follows:

TABLE 52

	2007		2008	
	No. of persons covered	Social Security funding	No. of persons covered	Social Security funding
CAOs	9,447	52,169,820 €	10,115	55,806,854 €
Support Homes	347	2,762,853 €	353	2,831,983 €
Residential Homes	3,394	36,010,520 €	3,563	38,658,860 €
Reception Centres		2,158,557 €		5,120,315 €
Family Accommodation	420	1,792,364 €	435	2,410,652 €
Domiciliary Support	372	1,122,769 €	361	1,178,640 €
Early Intervention	2,539	4,664,873 €	3,620	5,595,196 €
Transport	300	608,372 €	300	597,864 €

	2009		2010	
	No. of persons covered	Social Security funding	No. of persons covered	Social Security funding
CAOs	10,299	58,992,933 €	10,595	60,621,822 €
Support Homes	409	2,726,200 €	386	2,646,070 €
Residential Homes	4,044	40,300,044 €	4,149	41,728,954 €
Reception Centres	1,930	5,361,562 €	1,769	5,744,238 €
Family Accommodation	434	2,549,061 €	449	2,911,110 €
Domiciliary Support	379	1,143,660 €	539	1,123,441 €
Early Intervention	3,795	5,766,309 €	4,069	6,480,251 €
Transport	300	910,034 €	333	1,221,878 €

Source: ISS,IP (GP), IGAS, 2007, 2008, 2009, 2010

In parallel to the Residential Homes, Order no. 432/2006 of 3 May 2006 created a new social response in the form of the Autonomous Residences. These are designed to accommodate persons with disabilities who are capable of living autonomously as long as they receive support. 44 autonomous residences had been created by 2009 (data from PAIPDI/2009)

The autonomous residences, the residential homes, domiciliary support and the CAOs form part of the Programme for the Expansion of the Network of Social Facilities (PARES), which was created in 2006 with the objective of expanding the network of facilities and creating new places in social responses. The PAIPDI/2009 Report tells us that the support network for persons with disabilities covered by PARES evolved as follows:

TABLE 53
NEW PLACES CREATED AND IN THE PROCESS OF CREATION UNDER PARES I AND PARES II

Type of Social Response	Places under creation prior to and during PARES	PARES Phase 1	PARES Phase 2	Total	% Goal achieved in relation to Installed Capacity in 2004	Difference between Goal Achieved and Original Goal
Occupational Activity Centres	502	192	0	694	6.85%	-3.15%
Residential Homes + Autonomous Residences	262	198	607	1,067	28.49%	+ 10.99%
Domiciliary Support Service	0	80	170	250	41.19%	+ 11.19%
TOTAL	764	470	777	2,011		

Source: PAIPDI/2009 (in Portuguese)

2009 saw the creation by Executive Law no. 281/2009 of 06/10/2009 of a new **National Early Intervention System for Childhood (SNIFI)**.

The need to develop ways of responding to children's needs at early ages led to the 'early detection' concept, for application not only in health, but also in the education and social security fields.

SNIFI is coordinated jointly by the Ministries of Labour and Social Solidarity, Education, and Health and also involves families and the community. SNIFI has defined a number of integrated support measures centred on the child and the family, including preventive and rehabilitative actions in the education, health and social action fields.

SNIFI's operationalisation is based on the interaction between families and institutions – first and foremost health institutions – so that every case is appropriately identified and flagged as quickly as possible.

The fundamental objectives are to:

- Ensure that children's rights are protected and that their capacities are developed.
- Detect and flag every child who needs early intervention.
- Intervene directly with the children and their families, in accordance with the needs that are identified and in such a way as to prevent or reduce risks that their development will be delayed.
- Support families in gaining access to the social security, health, and education systems' services and resources.
- Involve the community, by creating articulated social support mechanisms.

The three ministries have the following competences:

Ministry of Labour and Social Solidarity

- To actively cooperate with private charities (*IPSSs*), through cooperation agreements under which the latter receive funding to recruit professionals in the social service field, psychologists and therapists.
- To ensure the provision of crèche or child-minder services, or other domiciliary support to be supplied by multidisciplinary teams from institutional entities, thereby ensuring the fulfilment of each child's Individual Early Intervention Plan (*PIIP*).
- To appoint professionals from the District Social Security Centres (*CDSSs*) to the Regional Coordination teams.

Ministry of Health

- To detect the need for, flag and implement each Early Intervention for Childhood (IPI) case.
- To forward children to healthcare or development centres for diagnosis or specialised guidance, thereby ensuring that fulfilment of the child's PIIP is feasible.
- To recruit qualified health professionals to form IPI teams within the primary healthcare networks and in hospitals.

Ministry of Education

- To organise the network of clusters of reference schools for the IPI system, which must include qualified teachers.
- To articulate health and social security services via the network of clusters of reference schools.
- Acting via the teachers in the network of clusters of reference schools, to implement the educational measures included in each PIIP.

The concern to ensure the quality of the social responses in the disability field as a means of protecting and promoting the rights of persons with disability was one of the areas in which investment was greatest, in the shape of the implementation of the **Social Response Qualification System (SQRS)**. The System is based on a set of criteria and requisites which give institutions that comply with them the opportunity to hold a legally registered Quality Mark (MQ), which proves that their services are in conformity with those requisites. This is a quality management system that is designed for a range of different social responses, including occupational activity centres, residential homes and the domiciliary support service for persons with disabilities. This was one of the systems that were specifically introduced in the disability field through POPH/NSRF funding for the implementation of EQUASS quality systems at IPSSs.

The system for attributing forms of technical support continued to be universal and free of charge and the amount of funding allocated to them remained stable in 2007, 2008, 2009 and 2010. The Ministry of Education Budget took responsibility for the system and began to finance it following the entry into force of Executive Law no. 3/2008. Executive Law no. 93/2009 of 16/04/2009 set out the legal framework for the new Support Product Attribution System (SAPA), which replaced the previous suppletive system for providing technical aids and support technologies. The latter are now known as Assistive Products, in conformity with ISO 9999:2007. Only assistive products that are homologated in accordance with ISO standards can be included on the list of financed products. The new SAPA is still in the implementation phase. The annual cost of Technical Aids in 2007, 2008, 2009 and 2010 was around 12.6 M€.

The accessibility of Information and Communication was one of the PAIPDI priority areas and led to the application of the W3C/AAA accessibility rules to webpages,

above all those included on Portuguese Public Administration websites. The following table shows the results obtained by 2009:

**TABLE 54
ACCESSIBLE E.GOV**

Information Websites		Transactional Websites	
Compliant	Non-Compliant	Compliant	Non-Compliant
310 (93%)	23 (7%)	113 (83%)	28(17%)

We would especially note that a study which appeared in the scientific publication *Journal of Information Technology & Politics* rated the websites of the various Portuguese ministries in second place among all the UN countries in terms of their accessibility for persons with special needs.

The number of hours of television with sign language also increased between 2006 and 2009.

**TABLE 55
SIGN LANGUAGE ON PUBLIC TV – ANNUAL HOURS**

YEAR	RTP1	RTP2
2006	277h	908h
2007	378h	982h
2008	462h	935h
2009	777h	892h

**TABLE 56
SIGN LANGUAGE ON PRIVATE TV – ANNUAL HOURS**

YEAR	SIC	TVI
2009	343h	557h

Source: PAIDI/2009

The PAIPDI/2009 Report shows that there was also an increase in both audio-description on public television and TV programmes with subtitles:

**TABLE 57
AUDIO-DESCRIPTION ON PUBLIC TV**

YEAR	RTP1
2008	39h
2009	86h

**TABLE 58
TELEVISION PROGRAMMES WITH SUBTITLES**

	RTP1	RTP2	SIC	TVI
2008	Subtitles 810h	Subtitles 185h	702h	390h
	Automatic subtitles 349h	Automatic subtitles 19h		
	Total 1,160h	Total 205h		
2009	Teletext subtitles 812h	Teletext subtitles 140h	531h	387h
	Automatic subtitles 1299h	Automatic subtitles 314h		
	Total 2,111h	Total 454h		

Source: PAIPDI/2009

Where the accessibility of public spaces was concerned, INR, IP published and disseminated the “*Guia Acessibilidade e Mobilidade para Todos*” (Guide: Accessibility and Mobility for All, in Portuguese), which served as the basis for a Training Programme for Local Authority Agents with regard to accessibility and universal design. The implementation of Executive Law no. 163/2006 on the regime governing the accessibility of public spaces, including sporting spaces, means that local authorities can now only authorise construction that respects the technical accessibility rules.

There was also an increase in both the information and awareness actions targeted at transport agents and the accessibility of transport in general. This was accompanied by the creation of specific services (support offices) for persons with reduced mobility.

Regulation (EC) no. 1107/2006 of the European Parliament and the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, Regulation (EC) no. 1371/2007 of the European Parliament and the Council of 23 October 2007 on rail passengers’ rights and obligations, which sets out rules and standards regarding persons with disabilities, and Regulation (EU) no. 1177/2010 of the European Parliament and the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway all came into force in Portugal.

We should note that the lack of accessibility in public transport is deemed to constitute direct or indirect discrimination against persons with disabilities. As such, all operators must ensure that their transport is accessible to all.

In the cultural field INR, IP maintained its support for the artistic and cultural activities of persons with disabilities by means of the financial programme “For All” and by providing public support for inclusive art exhibitions.

Article 18
RIGHT TO ENGAGE IN A GAINFUL OCCUPATION IN THE TERRITORY OF OTHER PARTIES

Paragraphs 1 and 2

TABLE 59
THE FOREIGN COMMUNITY IN PORTUGAL – VARIATION 2007-2010

Country	2007	2008	2009	2010
Brazil	66,354	106,961	116,220	119,363
Ukraine	39,480	52,494	52,293	49,487
Cape Verde	63,925	51,353	48,845	43,979
Romania		27,769	25,618	36,830
Angola	32,728	27,619	26,557	23,494
Guinea Bissau	23,733	24,390	22,945	19,817
UK				17,196
China				15,699
Moldavia		21,147	20,773	15,641
São Tomé and Príncipe				10,495

Source: SEF 2007/2008/2009/2010 Activity Reports (in Portuguese)

Law no. 23/2007 of 04/07/2011 expressly repealed Executive Law no. 244/98, as amended by Law no. 97/99, Executive Law no. 4/2001 and Executive Law no. 34/2003.

The new Law created **a single type of visa for people who want to enter Portugal in order to take up residence here** – the visa for the purpose of obtaining a residence permit (Article 45[e]) (hereinafter “residence visa”). This visa is granted in order to pursue specific objectives: to engage in a gainful occupation, to regroup a family, or to study.

It **replaces the previous 6 types of long-term visa**: i) the residence visa; ii) the study visa; and iii) 4 types of work visa.

The new Residence visa for the purpose of engaging in a subordinate gainful occupation (Article 59) replaced the previous regime governing the grant of work visas. The system was simplified and now permits the legal entry of not only foreigners with a labour contract or the promise of one, but also foreigner citizens) who want to apply for jobs that are available and possess qualifications that are suited to existing job opportunities. We should note that under the earlier legislation, the work visa was only granted to foreigners who had the promise of a labour contract that had already been signed by both parties, and even then

subject to opinions from IEFPP, IP, the Inspectorate-General of Labour (ACT), and the Immigration and Borders Service (SEF).

After first consulting the Permanent Social Concertation Commission (CPCS), each year the Council of Ministers approves a Resolution that sets an indicative overall contingent for job opportunities that are presumably not going to be filled by Portuguese workers or by foreign workers who already reside in this country. IEFPP, IP maintains a constantly updated information system with public internet access, which lists the available job offers. Either on its own initiative or at the request of the employers or the associations with seats on the Consultative Council for Immigration Affairs (COCAI), IEFPP, I.P. also publicises these offers among Portugal's embassies and career consulates around the world (Article 59[4] of Law no. 23/2007 of 4 July 2007).

This means that in principle, as long as they hold a residence permit for the purpose of engaging in a gainful occupation – be it a subordinate or independent occupation, or a research or highly qualified activity – foreign citizens are entitled to work (Articles 88, 89, 90)⁸.

There are citizens who can work in Portuguese territory if they hold the appropriate temporary stay visa⁹ – namely nationals of the States Party to the World Trade Organisation. This kind of visa includes: the Temporary stay visa for the purpose of engaging in Portuguese territory in a subordinate or independent gainful occupation of a temporary nature whose duration does not (as a rule) exceed six months; the Temporary stay visa for the purpose of engaging in Portuguese territory in a scientific research activity at one or more research centres, a teaching activity at a higher education establishment, or a highly qualified activity, for a period of less than one year (Article 54[1][d] and Article 57); and the Visa for a temporary stay in Portuguese territory for a period of more than three months in exceptional, duly justified cases.

We should also point to an advantageous innovation in the form of the **residence permit for immigrant workers** (Article 88), which is granted under terms and conditions that are similar to those which used to apply to the legal regime governing the authorisation to remain in Portuguese territory.

The fact is that the Law exceptionally (Article 88[2]) provides for the **grant of residency to workers who do not possess a residence visa, but have entered Portugal and remained here legally**, have a labour contract (or a labour relationship attested to by a trade union or an immigrants' association on a list which the Consultative Council for Immigration Affairs has approved for that purpose), and whose Social Security situation is in order.

⁸ It should be noted, however, that as long as they receive due prior authorisation from the Borders and Immigration Service, students can also engage in a subordinate gainful occupation (Article 97[2]).

⁹ The new Law created a specific legal regime to govern merely temporary immigration under a temporary stay visa.

The purpose of this norm was to allow the State to grant a residence permit to foreigners who are effectively already inserted into the labour market.

Finally, we would point out that the new Law created an official legal status for residence-permit holders, with recognition of a range of rights that particularly include the right to engage in a gainful occupation (Article 83).

The unification of the legal statuses applicable to foreigners who reside in Portugal legally Portugal – who now hold a Residence Permit¹⁰ – means that it is now possible for immigrants who used to be legally precluded from working to engage in a gainful occupation (e.g. holders of a Class IV Work Visa, who were previously not allowed to engage in an independent occupation, can now do so).

2) Administrative measures

Regulatory Decree no. 84/2007 of 05/11/2007 regulated Law no. 23/2007. Council of Ministers Resolutions nos. 28/2008 and 50/2009 approved the indicative overall contingent of job opportunities under which foreign citizens from Third-Party States were allowed to enter Portuguese territory in order to engage in a subordinate gainful occupation in 2008, 2009 and 2010.

Ministerial Order no. 1563/2007 of 11 December 2007 established the means of subsistence that foreign citizens are required to possess in order to enter and remain in Portuguese territory, for the purposes of the grant of visas and extensions of authorisations to remain and of the grant and renewal of residence permits. The criteria for determining means of subsistence are established with reference to the Guaranteed Monthly Minimum Remuneration (RMMG), as per Article 266 of the Labour Code.

In the light of the country's current economic and financial situation, Ministerial Order no. 760/2009 of 16/06/2009 adopted exceptional measures with regard to the regime which lays down the means of subsistence that foreign citizens are required to possess in order to enter and remain in Portuguese territory. These measures prevented the automatic termination of the authorisation to remain in Portuguese territory of workers affected by salary reductions or unemployment and their families. The requirement was reduced to 50% of the RMMG.

Law no. 23/2007 made some changes to the procedure for bringing the situation of foreigners who are already working in Portugal into line with the law. These particularly included enabling immigrants' associations and trade unions to attest the existence of a labour relationship for the purposes of obtaining a residence permit.

It is now possible to grant a residence permit for the purpose of engaging in a subordinate gainful occupation to persons who do not already hold a residence

¹⁰ Under Law no. 23/2007, persons who had thus far held a residence permit, a work visa, a temporary stay visa with authorisation to work, a renewal of authorisation to work, or a study visa were considered holders of a residence permit.

visa for the same purpose (Article 88[2]). In such cases the foreign citizen must not only fulfil the general conditions which the Law imposes on the grant of a temporary residence permit, but also all the following conditions:

1. He/she must possess a labour contract, or be in a labour relationship that is attested to by a trade union, or by an association on a list that has been approved for this purpose by the Consultative Council for Immigration Affairs (COCAI) or by the Working Conditions Authority (ACT);
2. He/she must have entered Portuguese territory and be remaining here legally; and
3. He/she must be registered with the Social Security Service and his/her social security situation must be in conformity with the social security requirements.

The procedure under which employers must notify the Working Conditions Authority (ACT) within 15 days after the signature of a labour contract with a foreign citizen has been changed to allow electronic communication, whereas previously this always had to be done on paper.

Action Plans

We should note the creation by Council of Ministers Resolution no. 63-A/2007 of 3 May 2007 of the First Immigrant Integration Plan (PII), for implementation in 2007-2009.

This Plan involved 13 Ministries in 122 measures in 20 sectoral and cross-cutting areas. It was the object of constant monitoring and regular evaluation, with two interim evaluation reports and a final public Report¹¹.

The First PII officially recognised the importance of the role that public servants play in the process of welcoming and integrating immigrants. To this end it sought to build their professional skills to assist immigrants in areas like interculturality, citizenship and the fight against all forms of discrimination.

In this respect the country's Job Centres – the reference units in the labour integration field – were the object of a specific capacity-building measure (Measure 5) for their professionals.

We should especially mention the training regarding the new Immigration Law, which included a specific module for Technical Specialists at Job Centres, 179 of whom took part in actions promoted by IEFP, IP.

In 2008 and 2009, ACIDI, IP's training team held 94 training actions on the Immigration Law, for a total of 350 hours attended by 2,099 participants:

¹¹ These Reports can be downloaded from the ACIDI website: <http://www.acidi.gov.pt>

Table 59

Year	No. of Actions	No. of Hours	No. of Trainees
2008	36	141	1,086
2009	58	209	1,013

Source: ACIDI

ACIDI, IP and the Immigration and Borders Service (SEF) invested in publicising the Immigration Law (PII Measure 110) by holding training actions, producing specific information items and material, and also making the SOS Immigrant Line and the Immigrant Contact Centre available for this purpose.

ACIDI, IP published the “*Imigração em Portugal – Informação Útil 2007-2008*” (Immigration in Portugal – Useful Information 2007-2008) brochure, which included a chapter on the “New Immigration Law” (15,000 copies printed and distributed); on the training level, 155 trainees were involved in actions. SEF created the “New Foreigners Law – Better Portugal” information campaign, which was promoted on the television, the radio and the internet, and also placed adverts in the press and produced related information material.

In 2007, SEF conducted 5 training actions on immigrants' rights (including one by videoconference) that involved a total of 172 trainees; in 2008 there were 8 actions with 107 trainees.

In 2008, SEF created the SEF TV programme and the Intelligent Information System for the Citizen (SIIC), which is a new tool that is broadcast on SEF TV and offers information, in Portuguese and English, to answer common questions.

Acting in conjunction with ACIDI, IP, the National Association of Parishes (ANAFRE), the National Association of Portuguese Municipalities (ANMP) and the Ministry of Education, SEF also placed spots on the internet, and distributed information leaflets and posters – 1,087 thousand leaflets, 15,450 posters and 15,300 displays.

All the goals of PII Measure 110 regarding the campaign to publicise the new Immigration Law were thus achieved.

Fees and Charges

Ministerial Order no. 7/2006 of 03/01/2006 (amended the table of consular charges approved by Ministerial Order no. 19/2003) adapted the system to the new legislation and to the need to provide a legal framework for using the internet to relate to citizens. It is now possible to request a number of consular services online.

Ministerial Order no. 727/2007 and Ministerial Order no. 1334-E/2010 set the fees and costs for the administrative procedures provided for in Law no. 23/2007:

- Issue of a residence permit: 80€ (2007); 100€ (2010).
- Renewal of a residence permit: 100€ (2007), 120€ (2010).

- Issue of a temporary residence permit: 52€ (2007); 65€ (2010).
- Extension of a temporary residence permit: 20-65€ (2007); 30-80€ (2010).
- Residence permits for victims of human trafficking or illegal immigration actions: completely free of charge.

Average decision time for visa / residence permit requests

The maximum time limits provided for in **Law no. 23/2007** are 60 days, and the limit is 30 days in some cases:

- Temporary stay visas* – 30 days (Article 54[3]).
- Residence visas* – 60 days (Article 58[4]), except for residence visas for the purpose of engaging in a research or highly qualified activity, when the time limit for a decision is 30 days (Article 61[3]). The grant of these visas is subject to a mandatory prior opinion from SEF.
- Residence permits – 60 days (Article 82[1]).
- Renewals of a residence permit – 30 days (Article 82[2]). In this regard, and particularly where the simplification of formalities is concerned, it is important to note the provisions of Article 78(7), which says that the receipt for the application for a residence permit itself constitutes valid title to reside for 60 days, and can be renewed; and those of Article 82(2), which says that the absence of a decision within 30 days for reasons that are not attributable to the applicant constitutes tacit approval of the application, and results in immediate issue of the permit.

Paragraph 3

1) Access to the national labour market

The new Labour Code maintained the previous legislation's provisions with regard to the regime governing the right to equality in access to employment and at work (Article 24).

Exercise of the right to employment

The holder of a residence permit (in this case, for the purpose of engaging in a gainful occupation) is entitled to engage in a subordinate or an independent occupation (Article 83[1][b] and [c]), without any need for a special authorisation due to the fact that he/she is a foreigner. He/she can always change the type or place of occupation without the need for a special authorisation. However, in such cases he/she must ask for a replacement residence permit.

The Law does not expressly refer the situation of the holder of a residence permit for the purpose of engaging in a subordinate occupation when he/she changes to an independent occupation. However, this possibility is covered by the law because it is deduced from the Legal Status of the holders of residence permits

(Article 83). It is processed in the same way as the situation covered by Article 89(3) and thus implies replacing the residence permit.

Loss of employment

Executive Law no. 220/2006 of 03/11/2006, as amended by Executive Law no. 72/2010, 18/06/2010, says that foreign citizens are entitled to the unemployment benefit, under the same terms as those described in the chapter of the present Report on Article -1.

We should note that Ministerial Order no. 1563/2007 (see above) says that proof of sufficient means of subsistence can be provided by the fact that the applicant for the grant or renewal of the right to reside receives social benefits under any of the Social Security System regimes equal to at least the minimum amount required to prove subsistence (Article 7[3] and Article 8[2]).

2) Measures adopted – Support for gaining access to the labour market

The Network of Professional Insertion Offices (GIPs) for Immigrants

The GIP Network for Immigrants was created in 2007 by means of a protocol between ACIDI, IP. and IEFP, IP. Originally known as the Network of Working-Life Insertion Units (UNIVA) for Immigrants¹², in 2007 it comprised 24 UNIVAs, which together dealt with 12,341 requests.

The network currently includes 25 GIPs. Between its creation and 31 December 2010, it received a total of 50,454 visits involving 17,238 clients. Results include the placement of clients in at least 4,728 jobs (the actual number may be higher, inasmuch as clients are not always followed up) and 2,753 training actions.

The Immigrant Entrepreneurship Promotion Programme (PEI)

In recognition of the fact that entrepreneurship is a form of occupational integration, in 2009 ACIDI IP created the Immigrant Entrepreneurship Promotion Programme (PEI). The first phase of this Programme involved 10 partners, which promoted Professional Insertion Offices for Immigrants and Choices projects.

In overall terms, in 2009-2010 the PEI already involved 501 potential entrepreneurs, 293 of whom completed the "Business Creation Support" course.

The Legal Support Office for Immigrants

The Legal Support Office for Immigrants (GAJI), which is represented at the National Immigrant Support Centres (CNAI Lisbon, CNAI Porto, and the Extension of

¹² Ministerial Order no. 127/2009 of 30 January 2009 replaced the UNIVAs with the Professional Insertion Offices (GIPs).

CNAI Lisbon at the Citizen's Shop in Faro), provides free legal support to any immigrant who seeks it. The support can include information, legal advice, forwarding to other bodies, mediation and facilitation in different areas related with Work and Labour, Nationality, Social Security, Minors, and Access to the Law and the Courts.

In 2007, 2008 and 2009, GAJI received a total of 46,211 visits (10,035 in 2007, 11,614 in 2008, and 12,281 in 2009).

Working Conditions Authority – ACT

The Working Conditions Authority (currently ACT, formerly IGT) has had a presence at the CNAIs since they first opened. At present, it is the recipient of notifications of the signature of new contracts with foreigners which employers are required to send under the Labour Law.

It has been possible to schedule meetings with ACT by telephone since June 2007; people can also go to the ACT desks at the CNAIs without an appointment.

In 2007, 2008 and 2009, ACT received a total of 46,146 visits (17,898 in 2007, 13,730 in 2008, and 14,518 in 2009).

The following table gives data on infractions which were detected as part of the inspection work that was directly linked to breaches of the above Articles:

Table 61

YEAR	2007	2008	2009	2010
Infractions reported: Foreigners	371	325	284	340

The Immigrant Victim and Racial or Ethnic Discrimination Support Unit (UAVIDRE)

Since May 2005, ACIDI has been a party to a protocol with the Portuguese Victim Support Association (APAV), under which they have jointly implemented UAVIDRE. The latter's purpose is to provide free, confidential, specialised support to immigrants involved in labour-related administrative offence proceedings. The Unit is composed of legal advisor and a psychologist, both on a full-time basis.

Paragraph 4

There is nothing to add to the previous Report.

ARTICLE 20
RIGHT TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT IN MATTERS OF
EMPLOYMENT AND OCCUPATION WITHOUT DISCRIMINATION ON THE GROUNDS OF
SEX

Paragraphs a, b, c and d

1)

List of legislation (2007-2010) adopted with regard to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex:

2007

- *Law no. 4/2007 of 16/01/2007: approved the general bases of the Social Security System.*
- *Executive Law no. 164/2007 of 03/05/2007: approved the organisational structure of the Commission for Citizenship and Gender Equality (CCIG).*
- *Council of Ministers Resolution no. 82/2007, 22/06/2007: approved the Third National Plan for Equality – Citizenship and Gender (2007-2010).*
- *Executive Law no. 308-A/2007 of 05/09/2007: recognised the right to the prenatal family allowance and increased the family allowance for children and young persons in the case of families with two or more offspring.*

2008

- *Law no. 14/2008 of 12/03/2008: prohibits and imposes sanctions on gender-based discrimination in the access to and supply of goods and services, transposing Directive no. 2004/113/EC.*
- *Council of Ministers Resolution no. 59/2008 of 01/04/2008: approved the National Strategy for Health and Safety at Work (ENSST 2008-2012).*
- *Executive Law no. 105/2008 of 25/06/2008: strengthened social protection for maternity, paternity and adoption.*
- *Law no. 59/2008 of 11/09/2008: approved the Regime governing the Labour Contract for Public Functions.*
- *Council of Ministers Resolution no. 161/2008 of 22/10/2008: adopted measures to promote the cross-cutting nature of the gender perspective throughout the State's Central Administration, and approved the statute applicable to equality counsellors and of the members of the interdepartmental teams for equality.*

2009

- *Law no. 7/2009 of 12/02/2009: approved the revised Labour Code.*
- *Executive Law no. 91/2009 of 09/04/2009: established the legal regime governing social protection during parenthood.*

- Executive Law no. 131/2009 of 01/06/2009: legally established the right of lawyers to have procedural acts in which they are required to intervene postponed in cases of maternity, paternity and bereavement.
- Law no. 102/2009 of 10/09/2009: regulated the legal regime governing the promotion of health and safety at work – particularly the protection of workers who are pregnant, have recently given birth or are breastfeeding, in the case of activities that are capable of posing a specific risk of exposure to agents, processes or working conditions.
- Law no. 103/2009 of 11/09/2009: approved the legal regime governing civil sponsors (“godparents”).
- Executive Law no. 295/2009 of 13/10/2009: amended the Code of Labour-related Procedure (CPT) – gave urgent procedural status to the legal actions with regard to dismissals of workers who are pregnant, have recently given birth or are breastfeeding or who are on parental leave, as well as to actions regarding equality and non-discrimination on the grounds of sex. This Executive Law also added a new chapter entitled “Equality and non-discrimination on the grounds of sex”.

2010

- Resolution of the Assembly of the Republic no. 32/2010 of 13/04/2010 on the issue of emigrant women.
- Resolution of the Assembly of the Republic no. 46/2010 of 21/05/2010 on the right to information about women's sexual and reproductive rights throughout their lifecycle.
- Council of Ministers Resolution no. 39/2010 of 25/05/2010: approved the reference framework for the Statute applicable to Local Equality Counsellors.
- Resolution of the Assembly of the Republic no. 80/2010 of 30/07/2010: in which the Assembly recommended that the Government take measures to fight the various forms of discrimination between women and men in sports competitions.
- Council of Ministers Resolution no. 74/2010 of 17/09/2010; approved the Second Plan for the Integration of Immigrants (PII 2010-2013).
- Ministerial Order no. 1113/2010 of 20/10/2010: set the amounts of the family allowance for children and young persons, the prenatal family allowance, and the respective increases with regard to second and subsequent offspring and single-parent situations.
- Executive Law no. 124/2010 of 17/11/2010: approved the organisational structure of the Commission for Equality at Work and in Employment (CITE).

The regime governing equality and non-discrimination in employment referred to in the 1st Report on the European Social Charter (revised) has essentially remained the same and is now included in Articles 23 to 32 of the new Labour Code (CT). The only amendments were of a formal nature and concerned discrimination on the grounds of sex.

The definition of harassment in Article 29(1)¹³ of the CT was expanded and now covers situations that are not specifically related to any discriminatory factor.

A procedure has been created to assess and produce a reasoned opinion as to whether collective agreements respect the law on equality and non-discrimination (see the answer given in the present Report with regard to paragraph 2 of Article 1). This procedure can lead to a judicial declaration of the nullity of collective-agreement norms that are contrary to the principle of equality and non-discrimination (Article 479 of the CT).

Within a time limit of 30 days counting from the publication of a negotiated collective-agreement regulatory instrument or a decision in arbitration proceedings that are classified as obligatory or necessary, the competent department or service of the ministry with responsibility for the labour area (in this case, CITE) must assess and produce a reasoned opinion as to whether the instrument or decision's provisions regarding equality and non-discrimination comply with the law. If it finds that discriminatory provisions exist, it must send the document to the public prosecutor attached to the competent court (Article 479[1] of the CT).

If the public prosecutor finds that any of the provisions in question are indeed unlawful in this respect, he/she then has 15 days in which to seek a judicial declaration that they are null and void (Article 479[3] of the CT).

In the event it declares the nullity of one or more provisions, the court then sends its decision to the competent department or service of the ministry with responsibility for the labour area, for publication in *Boletim do Trabalho e Emprego* (the Labour and Employment Bulletin) (Article 479[4] of the CT).

Article 381 of the CT has now expressly made failure by an employer to ask the entity with competence in the area of equal opportunities for men and women (CITE) for its prior opinion before dismissing a worker who is pregnant, has recently given birth or is breastfeeding or who is on initial parental leave in any of its formats, grounds for the unlawfulness of the dismissal.

Where the right to appeal against dismissal is concerned, it is worth noting that the amendments which Law no. 295/2009 of 13/10/2009 made to the Code of Labour-related Procedure approved by Executive Law no. 480/99 gave urgent procedural status to legal actions regarding the dismissal of workers who are pregnant, have recently given birth or are breastfeeding or who are on initial parental leave (Article 26). In addition, the same Law created specific actions with regard to equality and non-discrimination on the grounds of sex, which also possess urgent status and the objective of which is to ensure that it is possible to quickly appeal to

¹³ *Harassment' means undesired behaviour, particularly that based on a discriminatory factor, engaged in at the time of access to employment or during employment itself, work or vocational training, with the objective or effect of disturbing or constraining the person in question, affecting his or her dignity, or creating an environment that is intimidating, hostile, degrading, humiliating or destabilising for him or her.*

the courts in order to protect the right to equal treatment at work and in employment and in vocational training (Article 186-G).

The new Labour Code's general provisions on equality and non-discrimination retain the essence of the concepts of 'equal work' and 'work of equal value', and wage discrimination (Article 31), as per the Constitution of the Portuguese Republic (CRP) and Directive 75/117/EEC. The law also applies the same rules to the Regime governing the Labour Contract for Public Functions (RCTFP).

Differences in remuneration are only lawful when they are based on objective criteria that are the same for men and women – namely distinctions depending on the merit, productivity, assiduity or length of service of the male or female workers in question. Comparative elements that are arbitrary and discriminatory are not permitted.

Nor can leave, absences and other forms of time off work related to parenthood serve as grounds for wage differences; and non-payment of assiduity bonuses to workers of either sex who have been absent from work for justified reasons constitutes a violation of the principle of equality.

The implementation of the principle of equality also entailed the creation and implementation of other national instruments. Some, such as the Third National Plan for Equality – Citizenship and Gender (2007-2010), were cross-cutting in nature, while others were specific to other areas, but incorporated the gender dimension. The latter included the National Employment Plan (PNE 2005-2008)¹⁴ which, within the specific framework of the various employment policies, addresses equal opportunities not only from a cross-cutting point of view, but also includes this issue in a specific directive and considers it to be one of its overall priorities.

In pursuit of the priority 'Promote equal opportunities for men and women in the labour market', which is included in **PNE 2005-2008** Directive no. 18, Portugal has defined a range of lines of intervention. The most important of these are¹⁵:

- 'Quantitatively and qualitatively promote women's participation in the labour market, reducing the differences between genders in the rates of employment and unemployment, wages and sectoral and occupational segregation, and favouring the reconciliation of work and family life.'
- 'Deepen the social dialogue and the process of raising the awareness of the social partners with regard to the reanalysis of the content of collective agreements from a gender perspective, within the framework of the process of making collective bargaining more dynamic.'

Provision was made for a set of specific instruments designed to pursue these lines of intervention in practice. These instruments entail:

¹⁴ Included in the National Action Programme for Growth and Employment 2005-2008 (PNACE) approved by Council of Ministers Resolution no. 183/2005 of 28 November 2005.

¹⁵ PNE 2005-2008, Ministry of Labour and Social Solidarity, 2005.

- 'Plans for Equality in Enterprises'.
- 'Reanalysis of the content of collective agreements from a gender perspective'.
- 'Projects incorporated into the priority Equal Opportunities for Men and Women within the framework of the EQUAL Community Initiative, with a view to promoting the reconciliation of work and family life and eliminating discrimination at work'.
- 'The toll-free specialised legal helpline for matters linked to rights regarding equality for men and women'.
- 'Awareness-raising and training actions in the field of equality for men and women'.

The question of *equal pay for work of equal value* is also included in the priority 'Favour the generalisation of remuneration policies designed to reconcile competitiveness with a reduction in unemployment, poverty and gender inequalities and with a sustained improvement in the quality of employment, particularly by means of collective bargaining and the updating of the National Minimum Wage (SMN)' contained in PNE 2005-2008 Directive no 22.

The importance of the intervention 'Deepen the social dialogue and the process of raising the awareness of the social partners with regard to the reanalysis from a gender perspective of the content of collective agreements, within the framework of the process of making collective bargaining more dynamic' has been so great that it is worth mentioning it again.

Priority 4 of the **EQUAL** Community Initiative Programme (co-financed by the European Social Fund under CSF III) was 'Equal Opportunities for Men and Women'. The objective was to deepen the principle under which the equality factor must be incorporated into all policies. This priority entailed two lines of intervention:

- 4.1.1. – Reconcile work and family life.
- 4.2.1. – Eliminate discrimination at work.

PNI 2007-2010 provided for measures designed to raise awareness of the need to fight wage disparities between men and women. Of particular note is Measure N: 'Promote the carrying out or updating of studies on wage disparities between men and women'.

Inasmuch as the right to equal pay for work of equal value that is enshrined in Portuguese legislation is not yet fully implemented in practice, either in Portugal or in the other EU Member States, and because there remain obstacles of a cultural nature to the application of the principle of 'equal pay for work of equal value', despite its recognition and incorporation into the law, Portugal undertook the Project '**Revalue Work in order to Promote Equality**'. This Project was designed to develop a methodology for analysing functions with a focus on the value of the work involved that would make it possible to apply the above principle without any gender bias.

The Project was undertaken by a development partnership comprising the General Confederation of Portuguese Workers (CGTP-IN) (interlocutory entity), the Commission for Equality at Work and in Employment (CITE), the Centre for Social Intervention Studies (CESIS), the International Labour Organisation (ILO), the Portuguese Restaurant and Similar Trades Association (ARESP), the Portuguese Federation of Trade Unions in the Agriculture, Foodstuffs, Beverages, Hotel and Tourism Sectors (FESAHT), and the Working Conditions Authority (ACT).

In addition to the training activities targeted at trade-union managers and officials and the members of the partners' organisations, the Project developed a methodology for assessing the value of work without any gender bias, and constructed training referential for the application of the methodology.

This methodology makes it possible to compare the value of the professions that essentially occupy both men and women, as well as to evaluate and compare the characteristics of each job in a given enterprise, organisation or sector of activity, using precise and detailed common criteria to calculate the relative value of each one. This instrument is also effective in identifying and eliminating gender preconceptions and stereotypes when men and women's pay is determined. The methodology was tried out in the Restaurant, Beverage and Similar Trades sector.

As part of the European Year for Combating Poverty and Social Exclusion, in 2010 Portugal developed and implemented the Project 'Occupational Desegregation in the Fight against Poverty', the objective of which was to help reduce poverty and social exclusion among unemployed women and men in the Castelo Branco District. The Project targeted awareness-raising actions and demonstrations of good practices at employers, business associations, public employment services and organisations representing workers that promote the sectoral and occupational gender-based desegregation of the labour market in ways that incorporate the principles of Social Responsibility.

Between 01/01/2007 and 31/12/2010, CITE issued four opinions regarding remuneration and wage supplements.

Failure to comply with these administrative opinions is deemed unlawful, unless a court decides otherwise.

Executive Law no. 164/2007 of 03/05/2007 created the Commission for Citizenship and Gender Equality (CIG) which, following a general restructuring of the Portuguese Public Administration, replaced the former Commission for Equality and Women's Rights.

CIG's mission is to ensure the implementation of the Government's citizenship policies and to promote and defend gender equality. It acts under the auspices of the Secretary of State for the Presidency of the Council of Ministers, and its duties also include promoting citizenship, making general recommendations on good

practices for fostering gender equality, and receiving and referring complaints about gender-based discrimination or violence.

Third National Plan for Equality

In 2007, the Government approved the Third National Plan for Equality – Citizenship and Gender (Council of Ministers Resolution n°. 82/2007). The Plan was designed to strengthen the fight against gender inequality in every area of social, political, economic and cultural life and covers a wide range of fields – namely health, education, employment, the balance between work and family life, the prevention of violence against women, and social protection.

The five strategic areas of intervention were: 1) Incorporating a Gender Perspective into every policy field as a requirement for good governance; 2) Incorporating a Gender Perspective into priority policy fields; 3) Citizenship and gender; 4) Gender violence; and 5) Incorporating a Gender Perspective in the European Union, on an international level and in development cooperation. Their goals include setting up a gender equality observatory.

In the *Economic Independence* field, the objectives were to: develop entrepreneurship for women; promote the integration of men and women in new fields of professional activity; and promote equal treatment and opportunities for men and women in the labour market. There were two objectives in the field of *Reconciling professional, family and private lives*: to promote the reconciliation of work and family and personal life; and to promote responsible maternity and paternity.

Some of the measures in the Economic Independence field were:

- To diminish horizontal segregation in the labour market by encouraging companies to promote the active creation of job opportunities for the underrepresented sex, particularly in gender-marked professions.
- To reinforce the occurrence of lifelong training, namely in information and communication technologies, with a view to increasing women's capabilities with regard to labour market conditions.
- To promote the carrying out and updating of studies regarding salary disparities between men and women.
- To promote the effective implementation of the principle of equal treatment for women and men in areas such as career progression and access to employment and in decision-making positions.
- To promote the strengthening of fiscal mechanisms which the Working Conditions Authority applies in the identification of cases of discrimination on the grounds of sex – namely in collective bargaining and agreements, as well as in forms of precarious and parallel labour.
- To promote the inclusion of a module concerning Gender Equality in initial and continuous vocational training courses.
- To motivate and make social partners aware of the advantages of integrating the gender development factor in the job market.

- To publicise the contents of Article 23(3) of the Labour Code, as a way of strengthening the fight against moral and sexual harassment in the workplace.

Council of Ministers Resolution no. 86/2007 approved the National Strategic Reference Framework (QREN) and established 'Gender Equality' as Priority Axis, 7. The primary goal of this axis is to spread a culture of equality through mainstreaming gender strategies in a variety of areas, such as education and training, equal opportunities in access to and participation in the labour market, reconciliation of work and family life, prevention of gender violence, and promotion of efficient public policy instruments for promoting gender equality and the empowerment of relevant stakeholders to support them.

The Government continued to give priority to promoting women's employability and entrepreneurship, including through improved mechanisms for supporting female entrepreneurship, promoting measures for the elimination of gender segregation in the labour market and measures to combat the gender pay gap, and encouraging and supporting the preparation of plans for equality in public companies.

Council of Ministers Resolution no. 49/2007 ordered the adoption of equality plans by all state-owned companies. These plans are intended to promote equal treatment and opportunities for women and men, eliminate discrimination, including with regard to the representation of women in decision-making, eliminate the gender pay gap and promote the reconciliation of work and families' personal lives, with respect for the principles of public service, satisfaction of needs of the community, social responsibility and sustainable development.

The following table presents the available information on the implementation of the various Plans:

Table 62
Gender Equality Plans

Type of Entity / Projects Approved and under Implementation	No. of Projects Approved	No. of Projects under Implementation	No. of Plans under Implementation
Central Public Administration	1	1	1
Local Public Administration ¹⁶	14	14	10
Associations of Municipalities	1	1	8
Public Enterprises	2	2	2
Universities and Innovation Centres	2	2	2
Enterprise Associations	17	14	132
Private Enterprises	4	3	3
Private Charities and Development Associations	8	7	7
Total	49	44	165

Source: QREN/POPH – Measure 7.2 (September 2010)

Since 2009, CIG has been part of the national network of Corporate Social Responsibility Organizations (RSPOT).

On April 29 2010, the Commission for Citizenship and Gender Equality, the Directorate-General of Prison Services (DGSP), the National Right-to-Credit Association and the National Association of Women Entrepreneurs signed a protocol with a view to enhancing the integration of female former prisoners in employment, to include the possibility of access to bank loans.

Employment and Training

Between 2009 and 2010 the female employment rate fell less than the male rate in every age group except the 55 to 64-year band, where the female rate rose (while its male counterpart fell). The Portuguese female employment rate exceeded the goal set at the Lisbon Summit (60% by 2010).

The gender equality dimension was particularly important in the Structural Fund actions undertaken during the 2007-2013 programming period. This importance was in turn especially reflected in the interventions which the European Social Fund (ESF) supported at the level of the commitment to integrate the mainstreaming perspective into both the supported projects and the development of specific projects focusing on the gender dimension. In overall terms, the ESF's intervention over the course of this programming period has been maintaining the tendency

¹⁶ Plans under implementation (CM = Municipal Authority): CM Fafe, CM Matosinhos, CM Gondomar, CM Braga, CM Fundão, CM Castro d'Aire, CM Oeiras, CM Montijo, CM Cartaxo, CM Tarouca;
Concluded: CM Vouzela and CM Vila Franca de Xira;
Drop-off: CM Tabuaço and CM Tavira.

towards an increase in the indicator for the number of participants covered each year, for which the feminisation rate has remained stable at 54%.

The high level of participation by women in the employment, vocational training and rehabilitation programmes can be seen in Table 69. The data for previous years were not made available to us.

New Opportunities Initiative

At the IEFP, IP level, a set of measures that are directly or indirectly helping to promote equality for men and women has been implemented. The following are of particular interest:

- The sociocultural component of the vocational training formats incorporates both the gender equality topic in its own right and trainer training on the same subject.
- The grant of an accommodation allowance to unemployed persons who attend training actions with theoretical and practical components designed to reduce the obstacles to socio-professional (re) insertion, especially in the case of women and particularly of those who are responsible for single-parent families. This allowance is intended to cover the costs of accommodating descendants and dependent adults when the person is engaged in training activities.

Where the incorporation of the gender dimension into training practices is concerned, IEFP, IP's National Trainer Qualification Centre (CNQF) continued to pursue the strategy that has been defined for it since 2003, by including various actions in its activities that tend to lead to the integration of the gender dimension into training practices. The underlying idea is to contribute to the development of a high-quality training that matches the values of a democratic society.

The New Opportunities Initiative was linked to the creation of the academic and vocational competency recognition, validation and certification and/or training process. Between 2007 and 30 June 2010, 960,430 adults were covered by this Initiative. The majority were female, with feminisation rates of 53.3% of all registered adults (53.9% in Basic Education and 52.7% in Secondary Education), and 65% of trainees on adult education and training courses.

Table 63

– Total Number of Certifications / Number of Total Certifications at the New Opportunities Centres since 2007, by sex

Sex	2007		2008		2009		2010		Total	
	No.	%	No.	%	No.	%	No.	%	No.	No.
Male	22 797	41.4	33 699	45.3	52 213	46.5	46 050	46.6	154 759	45.4
Female	32 293	58.6	40 705	54.7	60 135	53.5	52 757	53.4	185 890	54.6
Total	55 090	100	74 404	100	112 348	100	98 807	100	340 649	100

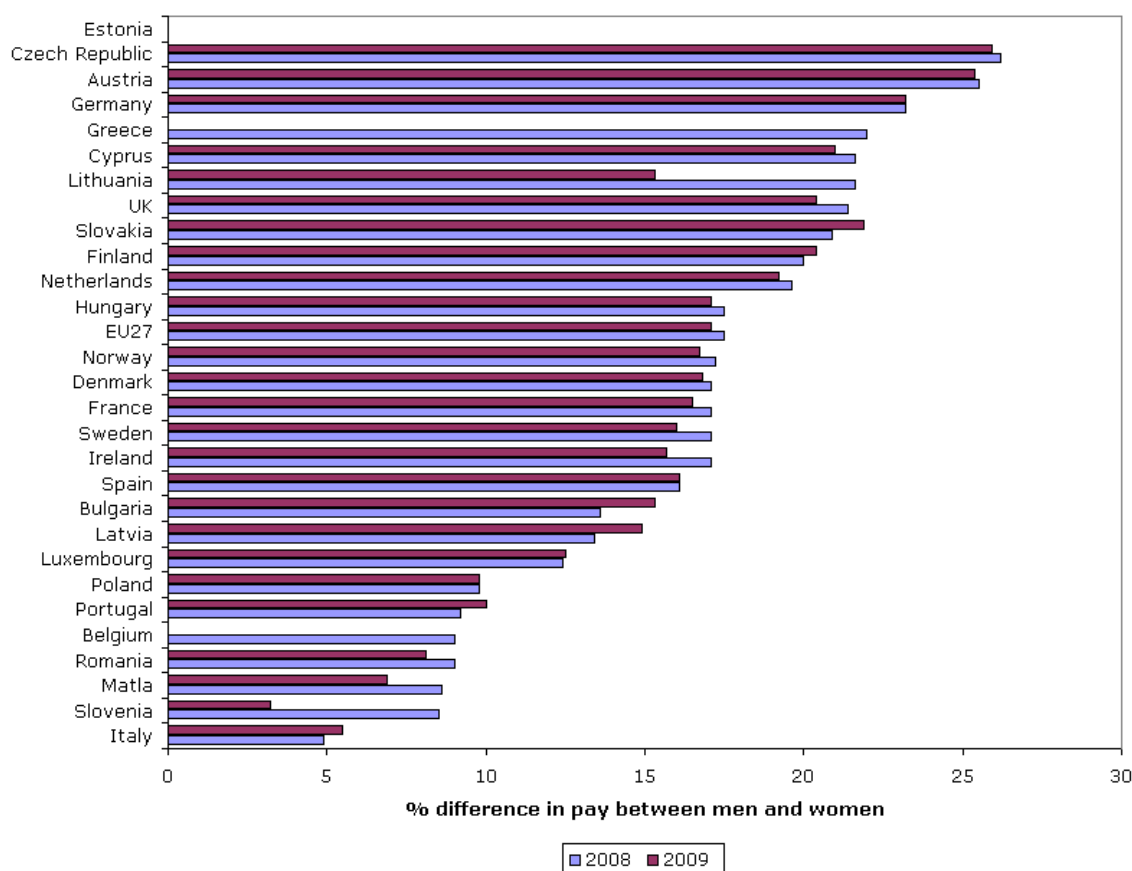
Source: SIGO Platform, provisional data at 30 April 2011

Other information

Since 2007, CIG and the Commission for Equality at Work and in Employment have jointly awarded the annual 'Equality is Quality' prize to enterprises that have distinguished themselves in the promotion of gender equality in the workplace.

It is also important to note that the Global Gender Gap Report 2009/EUROSAT ranked Portugal 32nd of a total of 134 countries – a rise of 14 places compared to the previous year that was due mainly to the increased participation of women in the labour market and in ministerial positions.

Table 64
Gender pay gap in unadjusted form, 2008–2009 (%)



Source: Eurostat, 2011, based on Structure of Earnings Survey

IN RESPONSE TO THE QUESTIONS RAISED BY ECSR

The Committee asks the next report to indicate what is covered in Portuguese law by the notion of “remuneration”, for the purposes of applying the principle of equal pay. In this respect, it recalls that Article 20 applies to all the elements of remuneration and that the notion of remuneration in the Charter, from the standpoint of the principle of equality between the sexes, covers “basic or minimum wages or salary plus all other benefits paid directly or indirectly in

cash or kind by the employer.

Under the heading "General principles regarding remuneration", Article 258 of the CT defines the notion of remuneration and its component elements:

"1 — Remuneration is deemed to be the payment to which the worker is entitled in compensation for her or his work under the terms of the contract, the norms that govern it or common usage.

2 — Remuneration comprises the basic remuneration and other regular and periodic payments directly or indirectly made in cash or in kind.

3 — Any payment made to the worker by the employer shall be presumed to constitute remuneration.

4 — Payments qualified as remuneration are subject to the corresponding guarantee regime provided for in the present Code."

Under the heading "Payments included in or excluded from remuneration", Article 260 says:

1 — The following are not deemed remuneration:

a) Amounts which are received under the heading of expense allowances, travel allowances, transport expenses, relocation allowances and other equivalent amounts and which are due to the worker as a result of travel, new locations or expenses incurred in the employer's service, save when the said travel or expenses are frequent and the part of the said amounts that exceeds the normal sums therefore were provided for in the contract or should be deemed in accordance with common usage to be an integral element of the worker's remuneration;

b) Gratuities and extraordinary payments which the employer grants as a reward or bonus for good results secured by the enterprise;

c) Payments derived from facts related to professional performance or merit, as well as to the worker's assiduity, where making them during the respective reference periods is not guaranteed in advance;

d) Sharing in the enterprise's profits, on condition that the worker's contract provides that she or he receives a fixed, variable or mixed remuneration that is appropriate to his work.

2 — The provisions of subparagraph (a) of the previous paragraph apply, mutatis mutandis, to the cash handling allowance and the meal allowance.

3 — The provisions of subparagraphs (a), (b) and (c) of paragraph (1) do not apply:

a) To gratuities which are due under the contract or the norms that govern it, even if their award is subject to the provision of good service by the worker, or to those whose amount and regular, permanent nature mean that common usage deems them to be an integral element of the worker's remuneration;

b) To payments related to the results obtained by the enterprise, when either the grounds for their award or the fact that they are awarded on a regular, permanent basis means that they are of a stable nature, regardless of whether their amount varies.

The ECSR asks for more information in the next report on how equal treatment for women and men is being promoted by means of collective agreements.

We would note the mechanism for considering the legality where equality and non-discriminatory matters are concerned of collective agreements and arbitration decisions, as referred to under paragraph 2 of Article 1 and paragraph 2 of the present Article.

One of CITE's main competences is to promote social dialogue in relation to the questions of equality for men and women at work and in employment. CITE is currently undertaking various awareness-raising actions designed to include gender-equality matters in collective contracts and agreements, as well as to promote the adoption of positive measures that are especially oriented to combat endemic situations involving occupational segregation with regard to recruitment, training and promotion.

Another aspect that is being addressed in social dialogue is the sharing of family responsibilities between men and women and the creation of incentives for parents who share parental responsibilities through the various forms of parental leave, time off work for feeding small children and time off work to provide assistance to children. The idea is to reverse a thus-far persistent tendency towards the feminization of family responsibilities related to the reconciliation of work and family life which accentuates inequality. Finally, we should also mention the awareness-raising work that is being done in the social dialogue context, in the latter's role as a privileged stage for both taking positions on wage disparities and negotiating ways of eliminating those differences.

The Committee wishes to know if any occupational activities are excluded from the application of the principle of equal treatment, and if so, to indicate which are the activities concerned.

No occupational activities are excluded.

The Committee concludes that the situation in Portugal is not in conformity with Article 20 of the Revised Charter on the grounds that it is not possible to make a comparison of jobs outside the company directly concerned in unequal pay claims.

The Portuguese authorities (CITE and DGERT) disagree with this conclusion and consider it to be a position that goes beyond the letter of the provisions of Articles 4§3 and 20 of the Charter. It is not considered possible to oblige an employer to pay its employees on the basis of comparisons with other employers' employees. Nevertheless, the principle of equal pay between men and women is a main priority of the labour and employment policies and there are several ongoing actions to combat the violation of this principle and the related laws. The measures adopted have been referred to within the information provided under this article, and have been implemented in cooperation with social partners and other relevant organizations. The situation has improved and efforts will continue to be made to combat discrimination in this field.

3) Relevant data regarding equal opportunities in employment and occupations can be found on the CITE and CIG websites:

<http://www.cite.gov.pt/pt/acite/relatproig.html>

http://195.23.38.178/cig/portalcig/bo/documentos/III_PNI_Cidadania_e_Genero_2007_2010_Relatorio_Externo_de_Execucao_Final_baixa.pdf

There follows a variety of relevant statistical information:

Table 65
Employed Population by activity field

POPULAÇÃO EMPREGADA, POR SECTORES DE ACTIVIDADE

Portugal

Descrição	2008	2009	2010	2008	2009	2010
	Valores Absolutos (Milhares)			GAP (H-M)		
Agricultura, produção animal, caça, floresta e pesca	581,2	564,8	524,1	12,1	22,7	28,8
H	296,7	293,7	276,5			
M	284,5	271,0	247,7			
Indústrias extractivas	17,9	17,8	20,2	15,0	14,9	15,6
H	16,5	16,4	17,9			
M	1,5	1,5	2,3			
Indústrias transformadoras	894,0	851,6	826,6	157,6	159,0	155,8
H	525,8	505,3	491,2			
M	368,2	346,3	335,4			
Electricidade, gás, vapor, água quente e fria e ar frio	23,2	21,5	15,7	14,2	11,8	11,9
H	18,7	16,6	13,8			
M	4,5	4,9	1,9			
Captação, tratamento e distrib. água; saneamento	34,8	29,1	32,5	21,4	16,8	16,3
H	28,1	22,9	24,4			
M	6,7	6,1	8,1			
Construção	555,1	505,6	482,4	506,8	452,1	420,5
H	531,0	478,8	451,5			
M	24,1	26,8	31,0			
Comércio por grosso e a retalho	766,1	762,9	736,7	86,3	74,2	90,5
H	426,2	418,5	413,6			
M	339,9	344,3	323,1			
Transportes e armazenagem	177,7	177,9	177,0	117,4	114,8	111,0
H	147,6	146,3	144,0			
M	30,1	31,6	33,0			
Alojamento, restauração e similares	319,4	295,1	291,5	-63,3	-57,9	-63,7
H	128,0	118,6	113,9			
M	191,4	176,5	177,6			
Actividades de informação e de comunicação	93,2	92,2	105,5	23,4	29,3	37,9
H	58,3	60,8	71,7			
M	34,9	31,4	33,8			
Actividades financeiras e de seguros	96,3	88,2	88,0	9,0	11,1	12,4
H	52,6	49,7	50,2			
M	43,7	38,5	37,8			
Actividades imobiliárias	27,1	34,0	27,6	2,2	-3,8	-3,0
H	14,7	15,1	12,3			
M	12,5	18,9	15,3			
Actividades de consultoria, científicas, técnicas e similares	174,8	167,4	156,4	-12,3	-12,8	-18,4
H	81,2	77,3	69,0			
M	93,5	90,1	87,4			
Actividades administrativas e dos serviços de apoio	134,8	137,7	155,7	-6,1	-1,1	6,3
H	64,3	68,3	81,0			
M	70,5	69,4	74,7			
Adm. Púb. Defesa; Segurança Social Obrigatória	341,8	334,7	313,3	99,7	86,7	84,4
H	220,8	210,7	198,8			
M	121,0	124,0	114,4			
Educação	344,3	357,6	368,4	-183,4	-195,0	-198,7
H	80,5	81,3	84,9			
M	263,8	276,3	283,6			
Actividades de saúde humana e apoio social	302,9	322,0	349,5	-202,2	-222,6	-231,2
H	50,4	49,7	59,1			
M	252,6	272,3	290,3			
Act. artísticas, espectáculos, desportivas e recreativas	46,0	46,4	36,9	8,4	3,3	3,2
H	27,2	24,8	20,0			
M	18,8	21,5	16,8			
Outras actividades de serviços	89,4	95,4	104,0	-39,1	-33,8	-44,4
H	25,1	30,8	29,8			
M	64,2	64,6	74,2			
Activ. famílias empreg. pessoal doméstico	175,5	149,8	144,0	-171,4	-148,4	-139,2
H	2,0	0,7	2,4			
M	173,4	149,1	141,6			

Fonte: INE, Inquérito ao Emprego

Characterisation of persons covered by IEFP Measure and by gender
Table 66
Unemployment rates
RÁCIOS DO DESEMPREGO

Portugal

Descrição	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
	Taxa (%)													GAP (H-M)												
DLD/DT																										
HM	45,6	41,3	43,8	40,0	37,2	37,8	46,3	49,9	51,7	48,9	49,8	46,5	54,3	-1,9	-3,2	2,8	-0,4	-2,3	-5,2	-2,2	-1,9	1,8	0,4	1,2	-6,5	0,2
H	44,5	39,6	45,3	39,8	35,9	35,0	45,1	48,9	52,7	49,2	50,5	43,2	54,4													
M	46,4	42,9	42,6	40,2	38,2	40,2	47,3	50,8	50,9	48,7	49,2	49,7	54,2													
Desemp.Jovens/Desemp.Total																										
HM	29,9	27,3	28,3	29,8	28,7	26,1	24,4	21,5	20,7	19,1	19,5	17,7	15,8	-1,3	-3,7	-3,2	0,3	2,8	-0,1	1,6	0,3	3,4	0,8	-1,0	0,07	2,0
H	29,2	25,4	26,4	30,0	30,2	26,1	25,3	21,6	22,6	19,6	19,0	17,7	16,9													
M	30,4	29,1	29,7	29,6	27,5	26,2	23,7	21,3	19,1	18,8	20,0	17,6	14,9													
Desemp.Homens/Desemp.Total	43,9	48,2	43,5	42,9	44,9	47,0	47,4	46,9	45,5	43,9	45,5	49,4	47,7	-12,2	-3,6	-13,1	-14,2	-10,3	-6,0	-5,3	-6,2	-9,0	-12,3	-9,0	-1,2	-4,6
Desemp.Mulheres/Desemp.Total	56,1	51,8	56,5	57,1	55,1	53,0	52,6	53,1	54,5	56,1	54,5	50,6	52,3													

Fonte: INE, Inquérito ao Emprego

Table 67

Average remunerations and wages of full time workers by hour

Remunerações médias horárias base e ganho dos trabalhadores por conta de outrem a tempo completo que trabalharam o horário completo no período de referência

Portugal

		2002	2003	2004	2005	2006	2007	2008	2009
Total	Base	4,03	4,18	4,44	4,60	4,69	4,76	4,97	5,16
	Ganho	4,81	4,99	5,27	5,46	5,57	5,69	5,94	6,16
Homens	Base	4,37	4,54	4,82	4,99	5,09	5,16	5,37	5,57
	Ganho	5,29	5,51	5,81	6,01	6,14	6,27	6,52	6,74
Mulheres	Base	3,54	3,66	3,89	4,07	4,15	4,24	4,43	4,64
	Ganho	4,12	4,25	4,50	4,70	4,79	4,92	5,17	5,39

Fonte: MTSS/ GEP, Quadros de pessoal

Table 68

Feminisation rate of subordinate work according to level of qualification

**Taxa de feminização dos trabalhadores por conta de outrem segundo os níveis de qualificação
2009**

	<i>Total</i>	<i>Homens</i>	<i>Mulheres</i>	<i>Taxa feminização</i>
	Milhares			%
Total	2.879,0	1562,7	1.316,3	45,7
Quadros superiores	201,5	114,0	87,5	43,4
Quadros médios	143,3	79,0	64,3	44,9
Encar. mestres, chefe equipa	102,3	73,6	28,7	28,1
Prof. altamente qualificados	223,7	118,1	105,7	47,2
Prof. qualificados	1.079,6	661,2	418,3	38,7
Prof. semi qualificados	498,9	197,8	301,1	60,4
Prof. não qualificados	341,8	154,3	187,5	54,8
Praticantes e aprendizes	121,1	58,1	63,0	52,0
Nível desconhecido	166,8	106,6	60,1	36,1

Fonte: GEP/MTSS, Quadros de pessoal

Table 69

Employed Population, by Level of Qualification and Degree of Education

Portugal	Descrição	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	
		Valores absolutos													GAP (t/m)													
	HÍVENS DE QUALIFICAÇÃO ⁽¹⁾	4806,9	4873,7	4808,2	6076,2	5167,4	5883,8	5887,0	5894,1	5136,4	5134,7	5166,8	5824,8	4952,6	115,0	146,6	128,9	127,1	134,2	130,8	150,7	144,1	114,9	114,3	87,3	91,9	71,7	
	<i>High Skill (Ref.UE)</i>	1022,8	1056,7	1054,9	1000,1	1105,2	1185,5	1316,4	1346,8	1299,1	1240,1	1268,8	1208,1	1268,1														
	<i>Ativamente Qualificados</i>	652,3	692,9	675,1	711,3	726,4	799,1	893,2	907,2	846,0	707,1	786,3	810,3	790,0	100,0	115,4	89,3	70,8	90,7	72,3	88,8	86,7	72,2	70,7	66,8	66,7	35,2	
	<i>Quadros superiores de adm. pública, dirigentes e quadros superiores de empresa</i>	376,1	404,2	382,2	395,1	405,5	435,7	491,9	495,9	459,1	428,9	426,6	434,5	422,5														
	<i>Specialistas das prof. intelectual e científicas</i>	353,3	368,7	339,7	348,5	375,9	427,6	458,0	469,5	397,2	344,5	321,7	333,4	298,0	128,7	136,4	123,1	131,2	153,8	155,0	157,6	150,7	136,4	127,3	121,1	124	109,2	
	<i>Técnicos e profissionais de nível intermédio</i>	241,9	248,5	231,4	239,9	264,8	291,3	308,2	309,6	268,8	235,9	221,4	228,7	203,1														
	<i>Low Skill (Ref.UE)</i>	152,3	155,7	158,9	155,4	153,7	144,4	102,9	107,3	192,3	193,9	205,2	205,6	249,5	-28,6	-20,9	-33,7	-52,8	63,1	-82,7	-68,8	-64,0	-64,2	-56,6	-64,3	-65,3	-73	
	<i>Pessoal administrativo e similares</i>	209,9	332,3	335,5	362,9	359,5	371,5	434,5	439,7	448,6	442,6	464,6	476,9	482,9														
	<i>Pessoal dos serviços e vendedores</i>	177,8	166,3	170,1	165,3	167,8	164,0	176,7	191,1	205,2	204,7	230,0	222,3	220,8														
	<i>Operários,artífices e trabalhadores similares</i>	304,9	301,9	303,3	306,9	302,2	300,1	370,8	374,7	393,3	384,5	398,0	378,7	384,5	396,5	329,4	351,2	349,4	335,4	296,2	267,4	240,1	281,3	269,9	263,6	286,4	228,4	
	<i>Oper. de instal. e máq. e trab. da montagem</i>	183,9	177,5	182,7	181,7	186,6	192,6	195,1	196,8	191,4	179,5	187,3	170,3	166,4														
	<i>Trabalhadores não qualificados</i>	257,4	278,2	306,1	303,2	305,1	313,7	339,1	319,9	301,9	300,2	284,7	307,4	284,5	-143,2	-176,7	-188,2	-195,8	-225,1	-249,3	-242,9	-247,1	-272,6	-280,7	-277,7	-289,2	-274,7	
	<i>Agric. e trab. qualif. da agric. e pesca</i>	301,8	421,8	421,6	443,0	463,3	464,0	459,7	471,4	507,7	523,9	533,7	543,9	533,5	6,5	3,0	1,0	0,2	6,7	19,7	12,5	-6,9	8,9	13,4	8,9	28,3	47	
	<i>Operários,artífices e trabalhadores similares</i>	280,0	276,2	279,4	285,1	286,8	287,9	274,7	283,5	275,2	274,4	279,4	262,0	237,7														
	<i>Oper. de instal. e máq. e trab. da montagem</i>	82,9	81,0	83,0	83,4	84,6	88,6	75,8	74,8	80,0	80,5	81,5	74,7	72,1	640,8	540,6	574,5	575,4	604,0	580,0	549,9	543,7	585,3	589,8	614,7	578,3	647,5	
	<i>Trabalhadores não qualificados</i>	415,0	466,4	435,2	424,5	441,3	430,1	419,0	399,3	411,0	402,0	399,3	406,0	401,9	223,8	247,4	241,0	244,2	237,6	244,8	169,0	262,6	256,2	266,8	268,9	240,6	225,8	
	<i>Agric. e trab. qualif. da agric. e pesca</i>	319,8	311,9	338,1	334,3	339,4	342,0	296,9	329,8	333,8	334,8	329,6	326,5	313,9														
	<i>Trabalhadores não qualificados</i>	86,9	84,5	97,8	80,2	81,9	97,4	87,4	87,6	80,7	80,9	67,6	80,7	80,8	151,0	-164,1	-166,0	-164,0	-169,2	-168,9	-160,1	-179,1	-186,0	-198,7	-223,9	-214,4	-207,1	
	GRAU DE INSTRUÇÃO	4843,8	4915,5	5826,8	6111,7	6137,3	6147,9	6122,8	6122,6	5159,5	5169,7	5197,8	5854,1	4978,2														
	<i>Até ao ensino básico - 3º ciclo</i>	3889,3	3884,7	3949,0	3983,9	3986,9	3887,4	3748,6	3688,1	3680,1	3629,4	3629,4	3405,6	3244,0	598,4	553,1	563,8	579,9	586,7	564,8	559,6	621,0	629,7	608,6	608,6	448,0	460,1	
	<i>Secundário</i>	2243,4	2218,9	2206,4	2281,9	2286,9	2216,1	2154,1	2107,9	2099,8	2093,9	2089,1	1827,2	1825,9														
	<i>Superior</i>	1645,4	1665,8	1692,6	1729,2	1700,1	1651,3	1594,5	1586,9	1588,3	1566,2	1568,3	1476,4	1391,9	17,4	19,1	16	16,8	20,1	6,9	14,7	14,1	4,0	9,8	29,3	24,9	22,2	
	<i>Até ao ensino básico - 3º ciclo</i>	269,4	293,6	307,2	323,1	331,7	338,4	356,3	377,5	398,6	393,2	410,5	436,9	463,3														
	<i>Secundário</i>	252,9	274,5	292,2	306,3	311,6	331,5	341,6	364,4	386,6	383,4	391,2	412	441,1														
	<i>Superior</i>	433,1	461,7	488,4	497,1	488,6	493,3	488,6	473,1	478,1	473,9	477,6	478,7	478,1	-70,7	-64,3	-88,2	-88,8	-111,3	-115,5	-128,8	-126,9	-115,5	-128,6	-141,8	-152,6	-171,4	
	<i>Até ao ensino básico - 3º ciclo</i>	181,2	196,7	201,6	204,9	197,9	232,6	273,8	280,0	299,3	302,2	317,4	323,5	329,2														
	<i>Secundário</i>	251,9	261,0	270,8	293,7	309,2	338,1	402,5	406,9	414,0	430,9	459,2	476,1	600,6														
	HÍVENS DE QUALIFICAÇÃO																											
	<i>High Skill (Ref.UE)</i>																											
	<i>Ativamente Qualificados</i>																											
	<i>Quadros superiores de adm. pública, dirigentes e quadros superiores de empresa</i>																											
	<i>Specialistas das prof. intelectual e científicas</i>																											
	<i>Técnicos e profissionais de nível intermédio</i>																											
	<i>Low Skill (Ref.UE)</i>																											
	<i>Pessoal administrativo e similares</i>																											
	<i>Pessoal dos serviços e vendedores</i>																											
	<i>Operários,artífices e trabalhadores similares</i>																											
	<i>Oper. de instal. e máq. e trab. da montagem</i>																											
	<i>Trabalhadores não qualificados</i>																											
	<i>Agric. e trab. qualif. da agric. e pesca</i>																											
	<i>Operários,artífices e trabalhadores similares</i>																											
	<i>Oper. de instal. e máq. e trab. da montagem</i>																											
	<i>Trabalhadores não qualificados</i>																											
	<i>Agric. e trab. qualif. da agric. e pesca</i>																											
	GRAU DE INSTRUÇÃO																											
	<i>Até ao ensino básico - 3º ciclo</i>																											
	<i>Secundário</i>																											
	<i>Superior</i>																											

Fonte: INE, Inquérito ao Emprego

Nota (1): não foram considerados na população empregada as Forças Armadas

Table 70
Average remunerations and wages of full time worker by level of qualification

Remunerações médias mensais base e ganho dos trabalhadores por conta de outrem a tempo completo por níveis de qualificação

Portugal

Níveis de qualificação	2002								2003											
	Base				Ganho				Base				Ganho							
	Total	Homens	Mulheres	RM/RH (%) RH-RM (€)	Total	Homens	Mulheres	RM/RH (%) RH-RM (€)	Total	Homens	Mulheres	RM/RH (%) RH-RM (€)	Total	Homens	Mulheres	RM/RH (%) RH-RM (€)				
Total	685,01	744,19	599,52	80,6	144,67	817,39	901,10	696,49	77,3	204,61	711,38	775,94	620,12	79,9	155,82	849,56	941,53	719,55	76,4	221,98
Quadros superiores	1982,49	2200,41	1552,67	70,6	647,75	2281,15	2529,16	1791,97	70,9	737,18	1959,99	2173,60	1549,75	71,3	623,85	2260,78	2512,86	1776,69	70,7	736,17
Quadros médios	1340,25	1408,17	1232,96	87,6	175,22	1580,95	1682,54	1420,49	84,4	262,05	1316,42	1378,71	1216,77	88,3	161,94	1556,83	1658,64	1393,94	84,0	264,71
Encar. mestres, chefe equipa	909,25	932,27	833,96	89,5	98,31	1101,14	1137,56	982,04	86,3	155,53	928,90	961,25	829,80	86,3	131,45	1124,61	1174,03	973,19	82,9	200,84
Prof. altamente qualificados	999,04	1032,57	955,48	92,5	77,10	1235,14	1306,47	1142,51	87,4	163,97	1015,76	1063,49	956,00	89,9	107,48	1242,66	1329,57	1133,84	85,3	195,73
Prof. qualificados	584,12	607,68	541,81	89,2	65,87	702,65	741,54	632,85	85,3	108,68	599,79	624,29	557,13	89,2	67,16	724,53	766,09	652,19	85,1	113,90
Prof. Semi qualificados	471,96	517,96	437,51	84,5	80,45	562,31	644,89	500,47	77,6	144,43	483,74	529,90	449,80	84,9	80,10	577,70	661,39	516,14	78,0	145,25
Prof. não qualificados	425,02	441,73	403,83	91,4	37,90	504,22	536,72	462,96	86,3	73,76	436,56	457,61	410,97	89,8	46,64	516,96	556,14	469,32	84,4	86,82
Praticantes e aprendizes	404,87	414,69	395,58	95,4	19,11	465,70	480,81	451,39	93,9	29,42	413,79	423,86	404,17	95,4	19,70	477,72	493,72	462,42	93,7	31,31
Nível desconhecido	666,16	698,08	591,79	84,8	106,29	808,93	864,42	679,61	78,6	184,81	623,00	658,61	521,94	79,2	136,66	761,20	817,00	602,82	73,8	214,18

Níveis de qualificação	2004								2005											
	Base				Ganho				Base				Ganho							
	Total	Homens	Mulheres	RM/RH (%) RH-RM (€)	Total	Homens	Mulheres	RM/RH (%) RH-RM (€)	Total	Homens	Mulheres	RM/RH (%) RH-RM (€)	Total	Homens	Mulheres	RM/RH (%) RH-RM (€)				
Total	738,81	805,48	645,32	80,1	160,16	877,46	971,33	745,82	76,8	225,51	764,74	832,55	671,97	80,7	160,58	907,24	1003,01	776,19	77,4	226,82
Quadros superiores	1963,97	2159,44	1593,26	73,8	566,19	2242,02	2471,57	1806,66	73,1	664,91	2120,29	2376,74	1677,46	70,6	699,29	2420,18	2719,02	1904,17	70,0	814,85
Quadros médios	1343,86	1421,95	1222,11	85,9	199,84	1577,03	1693,68	1395,15	82,4	298,53	1382,85	1465,48	1272,06	86,8	193,42	1622,61	1751,89	1449,25	82,7	302,64
Encar. mestres, chefe equipa	952,80	986,90	851,67	86,3	135,22	1146,01	1196,36	996,66	83,3	199,70	989,61	1027,08	890,19	85,7	146,88	1186,65	1240,66	1028,90	82,9	211,76
Prof. altamente qualificados	1060,86	1115,71	992,44	89,0	123,27	1306,23	1407,33	1180,11	83,9	227,21	1095,79	1156,12	1020,87	88,3	135,25	1341,93	1444,93	1214,02	84,0	230,92
Prof. qualificados	618,15	643,88	572,66	88,9	71,23	742,95	785,02	668,59	85,2	116,43	630,46	655,56	596,91	89,5	68,66	757,38	799,65	664,05	85,5	115,60
Prof. Semi qualificados	508,41	554,61	475,58	85,7	79,04	602,95	686,37	543,67	79,2	142,70	518,55	566,15	485,82	85,8	80,33	615,02	700,76	556,06	79,4	144,69
Prof. não qualificados	449,28	471,41	423,13	89,8	48,29	528,36	568,29	481,20	84,7	87,10	458,19	480,94	431,76	89,8	49,18	537,98	578,58	490,81	84,8	87,77
Praticantes e aprendizes	422,31	432,95	411,91	95,1	21,05	484,46	500,98	468,33	93,5	32,65	436,05	449,07	423,08	94,2	25,99	500,90	521,03	480,83	92,3	40,20
Nível desconhecido	626,45	664,25	544,90	82,0	119,35	756,21	816,51	626,07	76,7	190,44	647,94	676,85	586,75	86,7	90,10	775,17	823,35	673,17	81,8	150,18

Níveis de qualificação	2006								2007											
	Base				Ganho				Base				Ganho							
	Total	Homens	Mulheres	RM/RH (%) RH-RM (€)	Total	Homens	Mulheres	RM/RH (%) RH-RM (€)	Total	Homens	Mulheres	RM/RH (%) RH-RM (€)	Total	Homens	Mulheres	RM/RH (%) RH-RM (€)				
Total	786,56	857,58	691,39	80,6	166,19	933,96	1034,48	799,27	77,3	235,21	806,07	876,75	712,72	81,3	164,03	963,28	1065,97	827,65	77,6	236,32
Quadros superiores	2109,04	2369,23	1671,69	70,6	697,55	2419,79	2721,11	1913,32	70,3	807,79	2062,97	2342,84	1660,90	70,9	681,94	2378,59	2719,45	1888,88	69,5	830,57
Quadros médios	1395,90	1490,13	1275,81	85,6	214,32	1638,48	1786,31	1450,06	81,2	336,25	1412,53	1512,30	1276,50	84,4	235,80	1682,33	1833,56	1476,13	80,5	357,43
Encar. mestres, chefe equipa	1020,73	1060,02	910,57	85,9	149,45	1228,35	1284,08	1072,08	83,5	212,01	1053,04	1094,01	938,87	85,8	155,14	1277,24	1336,99	1110,75	83,1	226,23
Prof. altamente qualificados	1108,42	1167,29	1036,91	88,8	130,38	1339,19	1438,19	1218,96	84,8	219,23	1137,54	1206,74	1054,78	87,4	151,96	1379,50	1487,99	1249,76	84,0	238,23
Prof. qualificados	643,20	670,73	596,09	88,9	74,64	773,57	819,88	694,31	84,7	125,57	659,52	688,18	610,94	88,8	77,25	800,20	849,82	716,10	84,3	133,72
Prof. Semi qualificados	544,93	594,26	510,44	85,9	83,82	650,57	738,98	588,76	79,7	150,22	557,13	605,83	523,86	86,5	81,96	665,75	754,38	605,19	80,2	149,19
Prof. não qualificados	469,03	493,95	441,18	89,3	52,77	552,03	596,10	502,79	84,3	93,31	481,14	506,40	452,86	89,4	53,53	570,96	616,28	520,22	84,4	96,06
Praticantes e aprendizes	448,96	461,76	436,45	94,5	25,31	521,49	543,16	500,30	92,1	42,86	467,55	482,49	453,08	93,9	29,41	542,45	566,45	519,23	91,7	47,22
Nível desconhecido	647,15	683,05	578,77	84,7	104,28	778,95	839,86	662,92	78,9	176,94	660,62	694,91	590,99	85,0	103,93	796,47	854,16	679,34	79,5	174,83

Níveis de qualificação	2008								2009											
	Base				Ganho				Base				Ganho							
	Total	Homens	Mulheres	RM/RH (%) RH-RM (€)	Total	Homens	Mulheres	RM/RH (%) RH-RM (€)	Total	Homens	Mulheres	RM/RH (%) RH-RM (€)	Total	Homens	Mulheres	RM/RH (%) RH-RM (€)				
Total	843,20	916,34	747,71	81,6	168,63	1008,00	1112,45	871,65	78,4	240,80	867,54	940,52	773,47	82,2	167,05	1034,19	1138,85	899,30	79,0	239,55
Quadros superiores	2120,20	2413,92	1707,91	70,8	706,01	2444,78	2797,60	1949,54	69,7	848,06	2158,08	2451,30	1753,26	71,5	698,04	2485,65	2837,78	1999,49	70,5	836,29
Quadros médios	1454,48	1565,02	1310,37	83,7	254,66	1754,56	1922,47	1535,66	79,9	386,81	1466,19	1575,18	1328,95	84,4	246,23	1760,31	1929,79	1546,93	80,2	382,87
Encar. mestres, chefe equipa	1089,70	1130,93	977,98	86,5	152,96	1316,79	1376,72	1154,42	83,9	222,30	1106,40	1149,00	994,33	86,5	154,67	1332,92	1392,47	1176,25	84,5	216,22
Prof. altamente qualificados	1165,23	1231,29	1087,86	88,4	143,43	1408,18	1509,14	1289,93	85,5	219,22	1177,31	1245,01	1099,55	88,3	145,47	1420,02	1525,99	1298,32	85,1	227,67
Prof. qualificados	685,87	715,60	635,87	88,9	79,73	831,89	882,34	747,06	84,7	135,29	699,12	727,39	653,00	89,8	74,39	846,24	895,32	766,16	85,6	129,16
Prof. Semi qualificados	570,31	616,94	538,42	87,3	78,52	682,81	765,71	626,12	81,8	139,59	576,99	620,98	546,40	88,0	74,58	689,11	769,35	633,31	82,3	136,04
Prof. não qualificados	499,68	525,97	470,36	89,4	55,61	592,21	638,31	540,77	84,7	97,54	522,83	552,55	489,64	88,6	62,91	615,45	665,03	560,08	84,2	104,95
Praticantes e aprendizes	489,45	505,04	474,44	93,9	30,59	570,22	595,39	546,00	91,7	49,39	510,01	525,38	495,06	94,2	30,31	590,28	613,56	567,65	92,5	45,91
Nível desconhecido	691,50	724,88	623,31	86,0	101,57	831,81	886,71	719,65	81,2	167,06	719,68	749,89	646,51	86,2	103,38	861,14	909,50	744,00	81,8	165,50

Fonte: MTSS/GEP, Quadros de pessoal

Table 71
Average remunerations and wages of full time worker by economic activity

Remunerações médias mensais base e ganho dos trabalhadores por conta de outrem a tempo completo por actividade económica do estabelecimento

Portugal		2007										2008									
CAE - rev. 3	Total	Base					Ganho					Total	Homens	Base			Total	Homens	Ganho		
		Homens	Mulheres	RM/RH (%)	RH-RM (€)		Total	Homens	Mulheres	RM/RH (%)	RH-RM (€)				Mulheres	RM/RH (%)			RH-RM (€)		Mulheres
Total	806,1	876,8	712,7	81,3	164,0	963,3	1.066,0	827,7	77,6	238,3	843,2	916,3	747,7	81,6	168,6	1.008,0	1.112,5	871,7	78,4	240,8	
Agricultura, prod. animal, caça, floresta e pesca	611,9	657,2	514,4	78,3	142,9	694,6	746,0	584,3	78,3	161,7	624,2	666,6	534,4	80,2	132,3	714,5	761,8	614,5	80,7	147,4	
Indústria extractiva	786,5	781,5	835,1	106,8	-53,5	983,9	984,6	977,5	99,3	7,1	821,5	814,9	882,9	108,3	-68,0	1.030,7	1.030,8	1.029,1	99,8	1,7	
Indústria transformadora	734,2	833,7	588,8	70,6	244,9	866,2	997,1	674,8	67,7	322,3	775,0	875,8	624,2	71,3	251,5	909,2	1.040,6	712,8	68,5	327,8	
Electricidade, gás, vapor, água quente e fria e ar frio	1.630,2	1.626,5	1.654,4	101,7	-27,9	2.117,3	2.130,1	2.033,2	95,4	96,9	1.693,1	1.689,9	1.714,2	101,4	-24,3	2.191,6	2.206,5	2.093,6	94,9	113,0	
Captação, tratamento e distribuição de água, saneamento	851,5	819,8	968,2	118,1	-148,4	1.064,8	1.044,9	1.138,1	108,9	-93,2	872,5	845,4	964,6	114,1	-119,2	1.089,3	1.076,3	1.133,3	105,3	-57,0	
Construção	697,0	689,6	771,6	111,9	-82,0	829,8	825,0	878,4	106,5	-53,5	728,6	720,8	804,3	111,6	-83,5	870,3	865,3	918,4	106,1	-53,1	
Comércio grosso e retalho, reparação, veic. Automóveis e motorizados	779,0	853,9	685,1	80,2	168,7	906,2	992,8	797,5	80,3	195,3	806,8	882,7	713,3	80,8	169,5	937,5	1.025,1	829,5	80,9	195,5	
Transportes e armazenagem	922,1	895,2	1.045,4	116,8	-150,2	1.251,8	1.235,5	1.326,2	107,3	-90,7	971,8	940,8	1.109,7	117,9	-168,8	1.292,3	1.273,2	1.377,2	108,2	-104,0	
Alojamento, restauração e similares	601,6	691,7	544,6	78,7	147,1	659,7	764,5	593,4	77,6	171,1	623,4	713,0	566,6	79,5	148,4	684,6	789,5	618,1	78,3	171,5	
Actividades de informação e de comunicação	1.510,2	1.626,8	1.309,4	80,5	317,4	1.856,9	2.003,8	1.604,0	80,0	399,9	1.548,3	1.661,0	1.350,1	81,3	310,9	1.885,2	2.023,2	1.642,5	81,2	380,8	
Actividades financeiras e de seguros	1.429,0	1.583,3	1.241,3	78,4	342,0	2.074,7	2.334,9	1.758,0	75,3	576,9	1.500,9	1.677,3	1.293,0	77,1	384,3	2.224,4	2.520,3	1.875,3	74,4	645,1	
Actividades imobiliárias	886,8	1.049,2	738,1	70,3	311,1	995,1	1.172,9	832,2	71,0	340,7	914,0	1.075,8	768,0	71,4	307,8	1.029,9	1.206,5	870,8	72,2	335,7	
Actividades de consultoria, científica, técnica e similares	1.097,5	1.300,0	925,4	71,2	374,7	1.249,5	1.479,2	1.054,4	71,3	424,8	1.140,4	1.335,0	970,4	72,7	364,6	1.293,8	1.509,9	1.105,0	73,2	404,9	
Actividades administrativas e dos serviços de apoio	687,4	727,5	629,6	86,5	97,9	825,7	888,5	735,2	82,7	153,3	711,8	746,0	659,8	88,5	86,2	856,0	907,8	777,2	85,6	130,6	
Adm. pública, defesa e seg. social obrigatória	880,2	867,3	892,1	102,9	-24,8	1.006,2	1.011,6	1.001,1	99,0	10,5	907,4	906,3	908,4	100,2	-2,1	1.045,4	1.066,6	1.025,0	96,1	41,6	
Educação	931,0	1.114,8	877,3	78,7	237,5	999,3	1.223,3	933,8	76,3	289,5	986,5	1.178,0	928,5	78,8	249,4	1.066,7	1.301,2	995,7	76,5	305,5	
Actividade de saúde humana e apoio social	720,4	944,0	685,9	72,7	258,1	806,9	1.069,7	766,4	71,7	303,2	752,1	987,4	715,5	72,5	271,8	858,5	1.149,3	813,3	70,8	336,0	
Activ. Artísticas, espectáculo, desportivas e recreativas	1.179,4	1.472,0	792,5	53,8	679,4	1.341,5	1.653,5	928,9	56,2	724,7	1.281,1	1.638,7	813,1	49,6	825,6	1.447,5	1.824,7	953,8	52,3	870,9	
Outras actividades de serviços	718,9	919,8	646,5	70,3	273,3	799,3	1.036,4	714,0	68,9	322,5	746,6	957,1	670,6	70,1	286,5	832,0	1.079,7	742,6	68,8	337,1	
Actividades dos Org. internacionais e inst. extra territoriais	1.222,1	1.145,9	1.277,8	111,5	-131,9	1.282,6	1.184,1	1.354,6	114,4	-170,6	1.519,3	1.689,7	1.388,3	82,2	301,4	1.675,6	1.849,8	1.541,6	83,3	308,2	

Portugal		2009									
CAE - rev. 3	Total	Base					Ganho				
		Homens	Mulheres	RM/RH (%)	RH-RM (€)		Total	Homens	Mulheres	RM/RH (%)	RH-RM (€)
Total	867,5	940,5	773,5	82,2	167,1	1.034,2	1.138,9	899,3	79,0	239,6	
Agricultura, prod. animal, caça, floresta e pesca	644,5	684,3	557,5	81,5	126,8	738,0	784,0	637,4	81,3	146,7	
Indústria extractiva	844,4	835,6	924,1	110,6	-88,5	1.066,7	1.064,9	1.083,0	101,7	-18,1	
Indústria transformadora	796,1	895,4	644,2	71,9	251,2	929,8	1.057,6	734,3	69,4	323,3	
Electricidade, gás, vapor, água quente e fria e ar frio	1.773,0	1.771,0	1.786,0	100,8	-15,0	2.531,4	2.556,6	2.373,5	92,8	183,0	
Captação, tratamento e distribuição de água, saneamento	888,7	859,0	991,0	115,4	-132,0	1.104,2	1.088,0	1.160,0	106,6	-72,0	
Construção	756,5	747,4	844,2	113,0	-96,8	901,4	895,0	962,9	107,6	-67,9	
Comércio grosso e retalho, reparação, veic. Automóveis e motorizados	826,6	901,1	735,9	81,7	165,2	959,3	1.043,5	856,8	82,1	186,7	
Transportes e armazenagem	981,4	948,8	1.126,5	118,7	-177,7	1.304,6	1.283,1	1.400,3	109,1	-117,1	
Alojamento, restauração e similares	636,2	722,1	581,1	80,5	140,9	696,6	796,8	632,3	79,4	164,5	
Actividades de informação e de comunicação	1.561,6	1.664,4	1.374,0	82,6	290,4	1.893,5	2.021,4	1.660,1	82,1	361,3	
Actividades financeiras e de seguros	1.534,3	1.712,6	1.327,6	77,5	385,0	2.245,5	2.541,1	1.903,1	74,9	639,0	
Actividades imobiliárias	927,8	1.085,4	787,8	72,6	297,6	1.051,5	1.227,3	895,4	73,0	331,8	
Actividades de consultoria, científica, técnica e similares	1.155,7	1.349,9	986,1	73,0	363,8	1.315,3	1.530,9	1.126,9	73,6	404,0	
Actividades administrativas e dos serviços de apoio	725,9	760,0	674,3	88,7	85,7	856,8	910,1	776,2	85,3	133,8	
Adm. pública, defesa e seg. social obrigatória	854,8	906,1	796,2	87,9	109,9	990,8	1.077,4	891,9	82,8	185,6	
Educação	1.067,4	1.244,9	1.012,6	81,3	232,3	1.149,5	1.367,0	1.082,4	79,2	284,6	
Actividade de saúde humana e apoio social	777,7	1.028,1	738,5	71,8	289,6	879,4	1.176,7	833,0	70,8	343,8	
Activ. Artísticas, espectáculo, desportivas e recreativas	1.218,1	1.517,6	840,6	55,4	677,0	1.385,9	1.701,3	988,3	58,1	713,0	
Outras actividades de serviços	784,9	978,0	710,9	72,7	267,1	877,6	1.103,4	791,0	71,7	312,4	
Actividades dos Org. internacionais e inst. extra territoriais	2.032,7	2.229,3	1.879,8	84,3	349,4	2.159,1	2.394,4	1.976,1	82,5	418,4	

Fonte: MTSS/DGEEP, Quadros de Pessoal

Table 72

Average remunerations and wages of full time worker by level education and qualification

Remunerações médias mensais base e ganho dos trabalhadores por conta de outrem a tempo completo por níveis de habilitação

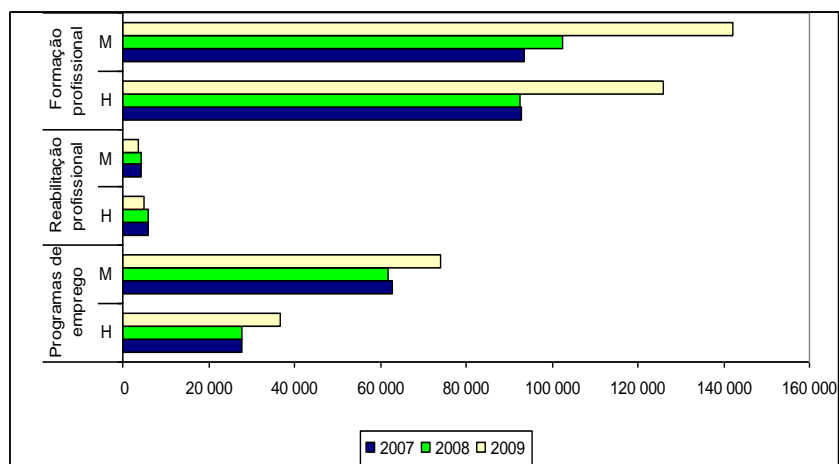
Portugal

Níveis de qualificação	2002										2003									
	Base					Ganho					Base					Ganho				
	Total	Homens	Mulheres	RM/RH (%)	RH-RM (€)	Total	Homens	Mulheres	RM/RH (%)	RH-RM (€)	Total	Homens	Mulheres	RM/RH (%)	RH-RM (€)	Total	Homens	Mulheres	RM/RH (%)	RH-RM (€)
total	685,01	744,19	599,52	80,6	144,67	817,39	901,10	696,49	77,3	204,61	711,38	775,94	620,12	79,9	155,82	849,56	941,53	719,55	76,4	221,98
1º Ciclo do Ensino Básico	471,37	495,34	425,19	85,8	70,15	560,20	600,37	482,82	80,4	117,55	485,20	512,04	436,08	85,2	75,95	572,47	616,41	492,06	79,8	124,36
2º Ciclo do Ensino Básico	517,51	562,16	436,60	77,7	125,56	616,41	684,34	493,31	72,1	191,04	534,22	583,19	449,46	77,1	133,74	635,09	708,05	508,80	71,9	199,25
3º Ciclo do Ensino Básico	522,29	570,06	447,77	78,5	122,29	621,93	691,97	512,65	74,1	179,31	537,58	597,92	458,55	76,0	129,36	639,82	713,68	523,87	73,4	189,81
4º Ciclo do Ensino Básico	634,93	692,89	550,76	79,5	142,12	769,69	853,17	648,46	76,0	204,71	644,09	705,04	554,85	78,7	150,19	780,12	869,24	649,62	74,7	219,63
Ensino Secundário	774,50	881,11	662,52	75,2	218,60	944,76	1092,86	799,20	72,2	303,66	802,26	919,22	678,93	73,9	240,29	978,46	1141,14	806,92	70,7	334,22
acharelato	1308,73	1555,40	1055,55	67,9	499,84	1517,53	1815,24	1211,95	66,8	603,29	1326,94	1581,73	1077,68	68,1	504,04	1523,21	1829,23	1223,82	66,9	605,41
licenciatura	1625,96	1936,55	1292,05	66,7	644,50	1896,47	2259,06	1506,64	66,7	752,42	1653,00	1984,08	1312,47	66,2	671,61	1936,13	2332,04	1528,94	65,6	803,10
porada	686,43	735,22	608,94	82,8	126,28	776,09	835,89	681,11	81,5	154,78	513,24	533,62	469,94	88,1	63,68	588,41	624,11	512,55	82,1	111,57
Níveis de qualificação	2004										2005									
	Base					Ganho					Base					Ganho				
	Total	Homens	Mulheres	RM/RH (%)	RH-RM (€)	Total	Homens	Mulheres	RM/RH (%)	RH-RM (€)	Total	Homens	Mulheres	RM/RH (%)	RH-RM (€)	Total	Homens	Mulheres	RM/RH (%)	RH-RM (€)
total	738,81	805,48	645,32	80,1	160,16	877,46	971,33	745,82	76,8	225,51	764,74	832,55	671,97	80,7	160,58	907,24	1003,01	776,19	77,4	226,82
1º Ciclo do Ensino Básico	504,42	532,26	452,04	84,9	80,22	588,82	632,10	507,37	80,3	124,73	497,35	524,72	446,34	85,1	78,38	578,81	620,23	501,61	80,9	118,82
2º Ciclo do Ensino Básico	550,49	601,76	462,69	76,9	139,07	650,76	725,80	522,60	72,0	203,00	564,06	617,06	475,19	77,0	141,87	666,28	743,74	536,40	72,1	207,35
3º Ciclo do Ensino Básico	553,92	606,42	471,03	77,7	135,38	655,32	731,21	535,50	73,2	195,72	566,97	620,53	482,41	77,7	138,12	670,78	748,16	548,61	73,3	199,55
4º Ciclo do Ensino Básico	654,17	715,31	563,60	78,8	151,71	787,10	875,08	656,76	75,1	218,31	662,36	725,03	570,35	78,7	154,68	795,25	885,62	662,57	74,8	223,04
Ensino Secundário	822,15	939,86	696,96	74,2	242,90	999,43	1163,37	825,06	70,9	338,31	836,65	956,01	711,14	74,4	244,87	1017,01	1183,09	842,36	71,2	340,74
acharelato	1381,63	1638,88	1128,05	68,8	510,83	1580,09	1889,43	1275,17	67,5	614,26	1408,01	1668,68	1155,86	69,3	512,82	1609,37	1921,38	1307,56	68,1	613,82
licenciatura	1687,26	2030,53	1346,09	66,3	684,43	1962,62	2369,85	1557,89	65,7	811,95	1600,78	2046,65	1361,19	66,5	685,46	1963,43	2386,29	1571,81	65,9	814,48
porada	519,18	537,61	482,41	89,7	55,20	585,48	616,39	523,85	85,0	92,54	554,21	576,98	506,76	87,8	70,22	639,11	680,47	552,89	81,3	127,58
Níveis de qualificação	2006										2007									
	Base					Ganho					Base					Ganho				
	Total	Homens	Mulheres	RM/RH (%)	RH-RM (€)	Total	Homens	Mulheres	RM/RH (%)	RH-RM (€)	Total	Homens	Mulheres	RM/RH (%)	RH-RM (€)	Total	Homens	Mulheres	RM/RH (%)	RH-RM (€)
total	786,56	857,58	691,39	80,6	166,19	933,96	1034,48	799,27	77,3	235,21	806,07	876,75	712,72	81,3	164,03	963,28	1065,97	827,65	77,6	238,32
1º Ciclo do Ensino Básico	509,07	537,13	458,38	85,3	78,74	595,66	639,06	517,25	80,9	121,81	519,89	547,19	470,97	86,1	76,22	607,87	649,23	533,79	82,2	115,45
2º Ciclo do Ensino Básico	577,48	631,74	487,59	77,2	144,15	683,09	762,57	551,41	72,3	211,16	592,85	649,40	499,42	76,9	149,98	704,97	788,26	567,40	72,0	220,85
3º Ciclo do Ensino Básico	581,52	637,76	493,54	77,4	144,22	691,82	774,07	563,15	72,8	210,92	597,87	655,53	507,06	77,4	148,46	715,42	801,25	580,22	72,4	221,03
4º Ciclo do Ensino Básico	667,88	730,61	576,11	78,9	154,50	803,89	895,31	670,14	74,9	225,17	675,56	738,81	583,82	79,0	155,00	818,28	912,80	681,18	74,6	231,62
Ensino Secundário	845,84	967,15	719,68	74,4	247,47	1027,69	1196,07	852,58	71,3	343,50	858,18	978,77	732,87	74,9	245,90	1051,08	1222,72	872,71	71,4	350,01
acharelato	1440,65	1707,31	1181,79	69,2	525,52	1655,82	1974,48	1346,49	68,2	627,99	1478,25	1754,06	1207,35	68,8	546,71	1715,35	2051,58	1385,10	67,5	668,48
licenciatura	1683,76	2044,52	1359,29	66,5	685,23	1947,58	2376,19	1562,07	65,7	814,12	1664,15	2016,06	1362,37	67,6	653,69	1934,84	2358,27	1571,72	66,6	786,55
porada	628,99	678,09	533,52	78,7	144,57	707,22	769,93	585,29	76,0	184,64	584,13	612,16	531,65	86,8	80,50	663,26	705,88	583,42	82,7	122,46
Níveis de qualificação	2008										2009									
	Base					Ganho					Base					Ganho				
	Total	Homens	Mulheres	RM/RH (%)	RH-RM (€)	Total	Homens	Mulheres	RM/RH (%)	RH-RM (€)	Total	Homens	Mulheres	RM/RH (%)	RH-RM (€)	Total	Homens	Mulheres	RM/RH (%)	RH-RM (€)
total	843,20	916,34	747,71	81,6	168,63	1008,00	1112,45	871,65	78,4	240,80	867,54	940,52	773,47	82,2	167,05	1034,19	1138,85	899,30	79,0	239,55
1º Ciclo do Ensino Básico	542,50	570,16	491,56	86,2	78,60	636,36	681,41	553,44	81,2	127,98	559,11	586,04	511,24	87,2	74,79	657,95	704,66	574,93	81,6	129,73
2º Ciclo do Ensino Básico	611,13	668,23	517,55	77,5	150,68	726,96	811,78	587,96	72,4	223,82	625,96	683,25	534,49	78,2	148,76	741,35	825,94	606,29	73,4	219,85
3º Ciclo do Ensino Básico	620,16	678,76	526,62	77,8	152,14	741,34	828,34	602,45	72,7	225,89	635,41	692,68	542,84	78,3	150,05	756,73	841,55	620,11	73,7	221,44
4º Ciclo do Ensino Básico	694,33	759,03	599,92	79,0	159,11	837,85	932,35	699,94	75,1	232,41	705,77	769,07	612,88	79,7	156,18	850,45	943,57	713,78	75,6	229,80
Ensino Secundário	884,56	1009,98	753,99	74,7	255,99	1083,88	1258,28	902,34	71,7	355,94	894,66	1018,64	764,57	75,1	254,07	1093,25	1266,67	911,26	71,9	355,41
acharelato	1533,04	1826,35	1243,02	68,1	583,33	1786,52	2137,92	1439,05	67,3	698,88	1565,47	1863,03	1274,76	68,4	588,27	1821,87	2178,43	1473,52	67,6	704,91
licenciatura	1678,28	2034,65	1380,99	67,9	653,66	1960,59	2387,59	1604,39	67,2	783,21	1679,45	2026,61	1393,66	68,8	632,95	1956,61	2374,22	1612,83	67,9	761,39
porada	616,01	651,15	549,97	84,5	101,18	705,63	756,50	610,01	80,6	146,49	630,00	664,24	569,06	85,7	95,18	720,25	769,80	632,05	82,1	137,75

Fonte: MTSS/ GEP, Quadros de pessoal

Nota: Em 2006 a classificações das habilitações sofreu uma alteração: Ensino secundário (Ensino Secundário + pós Secundário não Superior Nível IV); Licenciatura (Licenciatura + Mestrado + Doutoramento)

Graph 22 – Persons covered by employment and vocational training programmes and measures, by area of intervention, in mainland Portugal, and by sex



Source: CITE/2009 Report

Table 73
Characterisation of Persons Covered, by Measure and by Gender

	ABRANGIDOS	GÉNERO	
		Masculino	Feminino
TOTAL	286006	109 981	176 025
PROGRAMAS DE EMPREGO	110 879	37 082	73 797
Formação Emprego	35 973	13 184	22 789
Bolsas Form. Iniciativa Trabalhador	1 417	788	629
Estágios Profissionais - Port. 268/1997	196	60	136
Estágios para Luso Descendentes	0	0	0
Estágios Profissionais - PECSRL	0	0	0
Estágios Profissionais - INOV-JOVEM	5 252	2 679	2 573
Estágios Profissionais - INOV-SOCIAL	1 050	157	893
Estágios Profissionais - INOV Mundus	0	0	0
Estágios Profissionais - INOV EXPORT	0	0	0
Estágios Profissionais	16 172	5 528	10 644
Estágios Qualificação-Emprego	3 605	548	3 057
Estágios Prof. de níveis III e IV	8 281	3 424	4 857
Criação de Emprego e Empresas	12 847	5 797	7 050
PEOE - Investimento ⁽³⁾	1 741	718	1 023
ILE - CPT	2 212	948	1 264
ILE - Majorações (*)	466	207	259
APE - PEOE	129	87	42
APE - Majorações (*)	3	3	0
Apoios à Contratação	39	17	22
Apoio à Conversão de Contratos	9	9	0
APE - PAECPE	2 588	1 652	936
ILE de Apoio à Família - CPT	49	4	45
Prémio de Colocação	18	6	12
Apoios à Contratação de Jovens	4 926	2 058	2 868
Apoios à Cont. para Adultos e Públicos Esp.	2 655	906	1 749
Promoção do Artesanato - Artesãos	212	104	108
PRODESCOOP - Criação de PT	10	6	4
Mercado Social Emprego	62 059	18 101	43 958
Empresas de Inserção - Prof.	3 304	743	2 561
Empresas de Inserção - Prémio Int.	61	12	49
POCs Carenciados	66	29	37
POCs Subsidiados	2 102	764	1 338
Contrato Emprego Inserção	47 149	13 101	34 048
Contrato Emprego Inserção +	9 377	3 452	5 925
FORMAÇÃO PROFISSIONAL	171 191	70 535	100 656
Aprendizagem - Gestão Directa	11 368	6 020	5 348
Aprendizagem - Entidades Externas	9 919	5 857	4 062
Form. Qualif. c/ Vista à Int. Merc. Trab.	0	0	0
Cursos Educação Form. de Jovens	6 749	3 839	2 910
Cursos de Especialização Tecnológica	118	86	32
Portugal Acolhe	1 674	776	898
PQE - Sector Automóvel	1 574	967	607
PQE - Geral	5 121	3 060	2 061
Formação Modular	99 393	38 863	60 530
Cursos Educação Form. de Adultos	33 309	10 371	22 938
Formação de Formadores	1 926	677	1 249
Formação Especial	13	2	11
Formação para a Inclusão	27	17	10
Outras Actividades - IEFP, I.P. ⁽¹⁾	0	0	0
REABILITAÇÃO PROFISSIONAL	3 936	2 364	1 572
Avaliação e Orientação	92	50	42
Pré-Profissionalização	0	0	0
Form. Prof. - Acções em Cooperação	1 952	1 140	812
Readaptação ao Trabalho	0	0	0
Incentivos ao Emprego	66	35	31
Apoio Act. Independentes	1	1	0
Emprego Protegido - Centros	236	132	104
Emprego Protegido - Enclaves	159	105	54
Apoio à Colocação e Acomp. Pós - Colocação	1 070	659	411
Atribuição de Produtos de Apoio	360	242	118

Article 24

Right The right to protection in cases of termination of employment

1)

During the reference period the Labour Code (CT) and the Labour Procedure Code (CPT), were approved, respectively by L 7/2009, 12/02/2009 and DL 295/2009, 13/10/2009. Most of the amendments made were of a formal nature and only the substantive changes will be mentioned.

Article 338 ss regulate now the termination of employment contract which did not suffered many changes. These legal dispositions cannot be changed by collective labour agreements or individual contracts (art. 339. °, n°1). Collective labour agreements can regulate the criteria and values of compensations resulting of the termination of employment contracts as far as they respect the minimum limits defined by the Code as well as the deadline of the procedures related with the different forms of dismissal (art. 339.°, n° 2 and 3).

The competent public service of the ministry responsible for labour relations participates in the negotiation procedure between the employer and the worker in order to guarantee the regularity of the termination procedure and to promote the agreement between the parts involved (art. 362.°).

The competences of this public service were reinforced with the revised Code through the possibility of issuing an administrative warning to the employer whenever the formalities of the termination procedure are not respected. If the situation of non conformity persists, this fact will be registered in the written reports of the negotiation meetings (art. 362.° n° 2).

With the aim of shortening the duration of the collective redundancy procedure the information and negotiation period is now 5 days (it was 10) and the decision has to be taken in a period of 15 days (it was 20). These time limits are regulated, respectively, in art. 361°, n° 1 and art. 363.° n° 1.

The Code establishes different minimum time limits applicable to the termination of the contact. The new limits depend of the length of service and are 15, 30, 60 or 75 days, applicable, respectively, to contracts with a duration of less than 1 year; more than 1 year and less than 5 years; more than 5 years and less than 10 years and more than 10 years.

The Code also created a more favourable treatment when either spouses or unmarried partners are affected by the same collective redundancy procedure. In these cases, the time limit for the communication of the decision of termination is longer than the limit related with the length of service (art. 363.°, n° 2). For instance, if the length of service is less than 1 year for one of the spouses the time limit applicable is 30 days instead of 15.

If the employer does not respect the prior notice period he has to pay the remuneration due during this time (art. 363°).

The revised Labour Code and Labour Procedure Code entered in force on the 1st of January 2010, after the conclusion of the "White Book on Labour Relations" and the Tripartite Agreement reached on June 200. The new framework of the contestation proceeding of dismissal was changed according to these documents.

According to art. 387° the unlawfulness of the dismissal may only be declared by a Court if the dismissal is due to the behaviour of the worker, due to the inaptitude of the worker or due to the abolition of a post.

The new dispositions of the revised Code also aimed to facilitate the worker initiative of contesting the dismissal and it established that the complaint should be submitted to the Court in the 60 days after the reception of the dismissal communication through the filling of a specific form approved by P1460-C/2009, 31/12/2009. This judicial procedure is urgent.

The unlawfulness of the collective redundancy should also be examined by the Court (art. 388°). The contestation proceedings relative to the dismissal shall be submitted within 6 months after the date of termination of the employment contract.

In the contestation proceedings against the dismissal, the employer can only invoke the facts and grounds listed in the dismissal decision send to the worker (art. 387°, n° 3 e 388°, n° 3).

At the same time, the worker may also apply for the preventive suspension of the dismissal effects, within five working days of receipt of the dismissal notification. This ruling applies now to all forms of termination of employment contract (art. 386°) and was introduced in the revised Code in order to simplify and harmonize the dismissal procedure in all cases of termination of employment contract.

The dispositions applicable to the unlawful dismissal were maintained and in this event the employer is legally obliged to compensate the worker for all damages caused, both property and non-property damages and to re-employ the worker in his/her post (art. 389°).

Article 74° defines a new ruling related with the execution of the court decision about the reinstatement of the worker which allows him/her to apply for the application of a compulsory payment penalty to the employer.

The dismissal of fixed term workers is now regulated in article 393° and the ruling did not changed since the previous report about this article.

2)

There is nothing to refer during the reference period.

3)

There is no data or information available about these matters.

Answer to the ECSR questions

The Committee asks for a summary of significant case law showing how the aforementioned grounds for termination of employment are interpreted by the competent courts in practice. It asks in particular whether courts are empowered to review the facts underlying a dismissal that is based on financial or production-related grounds invoked by the employer.

It is important to underline that during the reference period (2007-2010) there was no High Court decision known about the subject mentioned by the ESCR.

Bearing in mind that the revision of the Labour Code maintained the rules that apply to the grounds of dismissal that are considered lawful, it is interesting to refer an example of a Supreme Court (Supremo Tribunal de Justiça) Decision, adopted in 07/10/2009 about a contestation proceedings related with a collective redundancy.

The High Court assessed the grounds of a collective redundancy and declared that article 397º (definition of collective redundancy) defines objectively the reasons considered just causes for this dismissal. The article requires. (i) a valid reason, (ii) a reason related with the enterprise and (iii) a specific procedure, regardless the fact that the enterprise belongs to a multinational group of enterprises settled within or outside the European Union. The Court also stressed that although there are particular difficulties in assessing the reasons and evidences of dismissal based on economic reasons within undertaking groups settled in a different country, this fact cannot exclude the possibility of jurisdictional control.

The Committee asks whether Portuguese law provides for termination of the employment relationship on the grounds of age. In this context it wishes to know how retirement ages (mandatory retirement ages set by statute, contract or through collective bargaining) and pensionable age (age when an individual becomes entitled to a state pension) are fixed in Portugal and what is the consequence on the employment relationship once an employee has reached retirement and/or pensionable age. The Committee asks in particular whether the law prescribes or provides for termination of the employment relationship on the grounds that an employee has reached the retirement age and whether there are specific procedures to be followed or conditions to be fulfilled once an employee reaches the retirement age or whether employees who reach this age are automatically dismissed.

Article 343º, al. c) (CT) establishes employment contract may expire in accordance with general terms and conditions, specifically in the event of retirement of the worker due to old age or disability. Nevertheless, expiration is not automatic and could be suspended if the worker maintains his/her activity in a period of 30 days after achieving the retirement age and this fact is known by of both parties – worker and employer - (art.348.º). The only change is that the contract starts to have a specified term. This ruling also applies to workers who reach 70 years of age and do not start retirement.

The contract starts to be subjected, with the necessary amendments, to the legal framework defined in the Code for contracts with fixed term. The specific dispositions that apply to this contract are:

- a) The contract need not be written;
- b) The contract shall remain in force for the period of six months, and is renewable for equal and successive periods, with no maximum limits;
- c) The termination of the contract shall be notified by the employer 60 days in advance, or 15 days in advance by the worker;
- d) The termination of the contract does not imply the payment of compensation to the worker.

According to article 25° the employer cannot discriminate, directly or indirectly, on the grounds of age. The same article only allows different treatment on the grounds of age in exceptional and temporarily situations objectively justified by a legitimate aim related with employment policy, labour relations policy or vocational training policy. In these cases the laws or the collective labour agreements establishing this exceptional ruling should be regularly evaluated and revised when the exception is not justified (art. 25°, nº 3 e 4).

The ECSR holds that in proceedings regarding unfair dismissal, the burden of proof should not rest entirely on the complainant, but should be the subject of an appropriate adjustment between employee and employer asks to specify whether Portuguese law provides for such an adjustment also in cases where there is no presumption that a dismissal has been discriminatory.

The ruling of the burden of proof is the same as explained in the second report. Nevertheless, as a result of the new dispositions of article 386^a above mentioned related with the special contesting procedure applicable to all forms of termination of employment contract, the employer has to proof the lawfulness of the dismissal (art. 98-J of the CPT).

The Committee asks the next report to provide further information on the compensation an employee may claim in the event a court has held his dismissal to be unfair. It asks in particular whether in these cases compensation is subject to a ceiling.

Once the dismissal is declared unlawfulness, the worker has right to:

- a compensation for all damages caused, both property and non-property damages(art 389.º, nº 1, al.a);
- a compensation for the remunerations due during the dismissal procedure (art. 390º);
- a compensation instead of the reinstatement, if the worker prefers this solution (art. 391º).

The compensation resulting of the unlawfulness declaration of the dismissal does not have a minimum or maximum limit and its value is defined according

to the rules of art. 390, namely a compensation for all damages caused and a compensation for the remunerations due during the dismissal procedure (from the beginning of the contestation procedure until the court final decision).

If the worker prefers a compensation instead of the reinstatement, this compensation shall be calculated using as a basis a sum equivalent to between 15 and 45 days of the worker's basic pay plus length of service bonus for each complete or fraction of a year that the worker has been in the service of the undertaking, having regard to the value of the basic pay and the degree of unlawfulness. The compensation stipulated under may not be less than the value of three months' basic pays plus length of service bonus.

ARTICLE 25

RIGHT OF WORKERS TO THE PROTECTION OF THEIR CLAIMS IN THE EVENT OF THE INSOLVENCY OF THEIR EMPLOYER

1. DESCRIBE THE LEGAL FRAMEWORK, INCLUDING JUDICIAL DECISIONS. SPECIFY THE NATURE AND SCOPE OF, AND THE GROUNDS FOR, THE REFORMS.

There have been no amendments to the previous regime, inasmuch as Articles 316 to 326 (Wage Guarantee Fund – FGS) of Law no. 35/2004 of 29 July 2004, which regulated the previous Labour Code, remain in force.

2. LIST THE MEASURES ADOPTED (ADMINISTRATIVE REGULATIONS, PROGRAMMES, ACTION PLANS, PROJECTS, ETC.) IN ORDER TO IMPLEMENT THE LEGAL FRAMEWORK.

Nothing to report. We would point out that workers can ask for payment of their claims at District Social Security Centres (CDSSs), or via the Social Security website, which provides an online version of the application form:

- <http://www.Seg-Social.pt>
and
- http://www2.seg-social.pt/preview_formularios.asp?r=14677&m=PDF.

3. PROVIDE DATA, STATISTICS AND ANY OTHER INFORMATION IF POSSIBLE ON THE AMOUNT OF CLAIMS, THE EXISTENCE OF ANY PAYMENT CEILINGS, THE PERIODS OF TIME BETWEEN MAKING THE CLAIM AND PAYMENT OF THE STIPULATED AMOUNTS. ALSO THE OVERALL PERCENTAGE GLOBAL OF WORKERS' CLAIMS THAT ARE GUARANTEED BY THE GUARANTEEING INSTITUTION AND/OR BY CREDITORS' PRIVILEGES.

In 2007-2010, the Wage Guarantee Fund (FGS)¹⁷ maintained its competences with regard to the payment of those claims arising from labour contracts and their termination that cannot be paid by the employer, due to insolvency or a difficult economic situation.

The following table shows the variation in the expenditure paid out by the Wage Guarantee Fund between 2007 and 2009. The information about the 2010 expenditure is not available yet.

¹⁷ The FGS possesses autonomy with regard to its own administration, assets and finances. It is managed by a tripartite Management Board that is made up of representatives of the State, workers and employers, and is chaired by the President of the Social Security Financial Management Institute (IGFSS).

Table 74**Wage Guarantee Fund (FGS) Expenditure, 2007 – 2009**

	2007	2008	2009	Δ 2009/2008	Δ 2009/2005
No. of applications approved	12,220	14.120	18.265	29.4%	117.8%
Amount paid	52,988.1	70,476.0	81,568.2	15.7%	104.1%
Annual average*	4.3	5.0	4.5	-10.5%	-6.3%

* Payment/Application

Source: Report on the Social Security Account 2009 / IGFSS 2011 (in Portuguese)

The following table shows the variation in the amounts paid out by the FGS, by District and Autonomous Region:

Table 75
Wage Guarantee Fund (FGS) Expenditure, by District and Autonomous Region,
2007 – 2009

(thousands of euros)

	2007	2008	2009	Δ 2009/2008	
				Absolute	%
Aveiro	6,021.1	10,442.2	5,009.3	-5,432.9	52.0%
Beja			31.1	31.1	-
Braga	15,358.5	16,645.0	22,719.4	6,074.4	36.5%
Bragança	24.5	52.3	23.8	-28.6	-54.6%
Castelo Branco	1,060.3	539.0	2,623.9	2,084.9	386.8%
Coimbra	2,237.7	1,519.5	1,729.6	210.1	13.8%
Évora	62.2	341.4	346.6	5.1	1.5%
Faro	39.5	185.9	2,847.3	2,661.4	1,431.2%
Guarda	668.5	336.0	3,238.4	2,902.4	863.7%
Leiria	1,831.1	5,220.9	4,470.0	-750.9	-14.4%
Lisbon	4,137.7	5,977.2	9,180.4	3,203.2	53.6%
Portalegre	790.9	384.9	40.5	-344.4	-89.5%
Porto	16,481.0	25,236.5	24,390.0	-846.5	-3.4%
Santarém	1,490.3	423.3	159.0	-264.3	-62.4%
Setúbal	540.6	1,419.8	1,189.2	-230.6	-16.2%
Viana Castelo	1,346.6	200.3	809.8	609.5	304.3%
Vila Real	54.2	126.5	165.7	39.2	31.0%
Viseu	756.3	922.2	2,363.6	1,441.4	156.3%
Madeira Aut. Reg.	86.9	460.1	87.2	-372.9	-81.1%
Azores Aut. Reg.		42.9	143.5	100.6	234.8%
TOTAL	52,988.1	70,476.0	81,568.2	11,092.3	15.7%

Source: Report on the Social Security Account 2009 / IGFSS 2011 (in Portuguese)

We should note that as a general rule, the number of applications made by workers matches the number of workers registered with the FGS. The following table shows the geographical breakdown of the workers covered:

Table 76
Distribution and number of workers covered by the FGS between 2007 and 2009
Mainland, Azores and Madeira, by District

	2007	2008	2009	Δ 2009/2008	
				Absolute	%
Aveiro	1,197	1,890	1,073	-817	-43.2%
Beja			5	5	n.a.
Braga	3,519	3,212	4,139	927	28.9%
Bragança	6	9	5	-4	-44.4%
Castelo Branco	212	98	471	373	380.6%
Coimbra	652	315	367	52	16.5%
Évora	11	90	57	-33	-36.7%
Faro	6	31	997	966	3116.1%
Guarda	166	80	480	400	500.0%
Leiria	570	1,292	2,645	1,353	104.7%
Lisbon	874	1,193	2,003	810	67.9%
Portalegre	567	239	10	-229	-95.8%
Porto	3,655	4,935	4,990	55	1.1%
Santarém	254	96	34	-62	-64.6%
Setúbal	95	238	201	-37	-15.5%
Viana Castelo	265	44	148	104	236.4%
Vila Real	31	23	31	8	34.8%
Viseu	126	157	553	396	252.2%
Madeira Aut. Reg.	14	166	28	-138	-83.1%
Azores Aut. Reg.		12	28	16	133.3%
TOTAL	12,220	14,120	18,265	4,145	29.4%

Source: Report on the Social Security Account 2009 / IGFSS 2011 (in Portuguese)