

Public labour administration restructured

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Over 2002-3, the Portuguese government has reformed and restructured a number of services and bodies within the Ministry of Social Security and Labour. The changes relate to areas such as conflict-resolution services, and statistics, studies and planning in the areas of employment and labour. These measures are particularly important in the light of the new Labour Code which came into force in December 2003, with implications for the areas affected by the reform.

The coalition government of the centre-right Social Democrat Party (Partido Social Democrata, PPD/PSD) and the right-wing People's Party (Partido Popular, CDS/PP) has been undertaking a reform of the public labour administration. Decree-Law no. 266/2002 of 26 November 2002, thus dissolved various Ministry of Social Security and Labour (Ministério do Trabalho e da Segurança Social, MSST) services and bodies and created new ones. The reform was further developed in January 2003 with the publication of legal statutes that provide for the restructuring of the state bodies responsible for the following areas:

- the government's responsibilities for employment, vocational training and working conditions;
- public support for labour conflict resolution;
- studies, planning and statistics on labour, employment and vocational training;
- European Social Fund management; and
- aspects of social welfare, such as the fight against poverty and for social development, including the management of the minimum national wage.

These new measures are particularly important given that the Labour Code ([Código do Trabalho](#)) came into effect in December 2003, with implications for these areas ([PT0305101N](#)). The Code brings together in one document a large number of aspects of labour law, while amending a number of them - Portugal previously had no such codified set of labour legislation. It contains changes to both the collective ([PT0210102F](#)) and individual aspects of labour law ([PT0211104F](#)).

Restructuring of statistical and planning services

Decree-Law no. 2/2003 of 6 January 2003 provides for the reorganisation of the MSST's Department of Studies, Prospecting and Planning (Departamento de Estudos, Prospectiva e Planeamento, DEPP) and Department of Labour, Employment and Vocational Training Statistics (Departamento de Estatística do Trabalho, Emprego e Formação Profissional, DETEFP), and the creation of an Institute of Solidarity and Social Security (Instituto de Solidariedade e Segurança Social) - which includes the Institute of Social Development (Instituto de Desenvolvimento Social), the Regional Commissariats for the Fight against Poverty (Comissariados Regionais da Luta contra a Pobreza) and the PROFISS Project Management Commission. It also provides for the creation of the European Social Fund Management Institute (Instituto de Gestão do Fundo Social Europeu). The aim, according to the law, is to confer greater economic, functional and organisational rationality in situations of overlapping and complementary responsibilities with direct regard to the public labour administration.

In specific relation to the restructuring of the bodies responsible for statistics, studies and planning in the areas of labour, employment and vocational training, Decree-Law no. 137/2003 of 28 June 2003 formally creates a Department of Studies, Statistics and Planning (Departamento de Estudos Estatísticas e Planeamento, DEEP) at MSST, with the attributions that were granted to DEPP, as well as those arising from dissolution of DETEFP. The implementation of this measure is aimed at contributing towards the improvement and updating of labour statistics in Portugal. This is a particularly important issue, given that the new department holds a large part of the necessary information for the implementation of National Action Plans (NAPs) on employment and for a better understanding of the processes of collective bargaining, training and vocational qualification schemes, accidents at work and strikes, among others.

Creation of DGERT

Decree-Law no. 266/2002 of 26 November 2002 created a new Directorate General for Employment and Labour Relations (Direcção Geral do Emprego e das Relações de Trabalho, DGERT) in MSST, a move which is related to the coming into force of the Labour Code. The aim is progressively to seek the integration of employment and labour issues, in the context of the European employment strategy and the NAP for employment.

The preparation of the restructuring to create DGERT had already begun during the previous government. It involves a merger between the former Directorate General for Employment and Vocational Training (Direcção Geral do Emprego e Formação Profissional, DGEFP) and Directorate General for Working Conditions (Direcção Geral das Condições de Trabalho), plus part of the Institute for Development and Inspection of Working Conditions (Instituto para o Desenvolvimento e Inspeção das Condições de Trabalho, IDICT) . The objectives of DGERT include the following:

- to draft legislation, participate in development strategies, consolidate policy and take part in the assessment of employment and vocational training schemes and measures;
- to draft legislation, proposals, action programmes and studies in relation to working conditions issues, such as duration of working time or social partner representative organisations and in relation to the contents of collective bargaining; and
- to provide conciliation services in the collective bargaining process and in negotiations over collective redundancies.

This restructuring will result in a change to IDICT's responsibilities in terms of public support services for conciliation and mediation, and negotiations over collective redundancies. IDICT will, however, maintain its responsibility for health, safety and the improvement of physical working conditions and the general inspection of employment. This alteration is particularly important as the Labour Code comes into effect. The areas where the Code points to a greater intervention by the public labour administration, include: technical support in the administration of collective bargaining; the duration of collective agreements; and involvement in mediation and conciliation cases. The latter appears to be strengthened by the new legislation.

Commentary

Public labour administration reform is a process that began under the previous government, in particular with a provision in the tripartite agreement on improving working conditions and health and safety at the workplace and combating accidents at work (PT0102135F), signed by the government and all social partners in February 2001. This stipulated that the IDICT's responsibilities for the promotion and monitoring of collective labour relationships and its role in the management of industrial relations services would be transferred to a new directorate-general to be set up in the future. The social partners have not assumed public positions in respect of the recent organisational changes. (António Casimiro Ferreira, Universidade de Coimbra)