

WORDS BEYOND THE PANDEMIC: A HUNDRED-SIDED CRISIS

Coord.: José Reis
A collective work by CES

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Centro de Estudos Sociais
Universidade de Coimbra



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COIMBRA



Organização
das Nações Unidas
para a Educação,
a Ciência e a Cultura



Universidade de
Coimbra - Alta e Sã
inscrita na Lista do Património
Mundial em 2013



PROGRAMA OPERACIONAL COMPETIÇÃO E INOVAÇÃO



UNIÃO EUROPEIA

Fundo Europeu
de Desenvolvimento Regional



Fundação
para a Ciência
e a Tecnologia

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Editor

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Publisher

Centre for Social Studies
University of Coimbra

Scientific Review

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December, 2020

This work is funded by ERDF Funds through the Competitiveness Factors Operational Programme - COMPETE and by National Funds through the FCT - Foundation for Science and Technology within the UIDB/50012/2020 project.

The data and opinions included in this publication are the exclusive responsibility of its authors.

ISBN

978-989-8847-28-7

AUTHORITY FOR WORKING CONDITIONS

Hermes Augusto Costa

The *Autoridade para as Condições de Trabalho* – ACT (Authority for Working Conditions) is a public service that oversees compliance with labour legislation and aims to improve working conditions in all sectors of private activity. Its mission is to prevent (the occurrence of incidents, conflicts, workplace accidents and occupational diseases), supervise (the conditions under which work is performed) and fix (by fomenting legislative improvements).

In times of pandemic, the ACT is faced with a worsening of the problems that were already there and which, to a large extent, are a challenge to its enforcement role. Problems such as: situations where workers are forced to work in poor health conditions (for example, call centre workers), to accept contract cancellations by mutual agreement, or to have their contracts terminated (even in cases where companies benefit from State support during the lay-off period); the real risk of unlawful collective dismissals; the profusion of precarious work in more vulnerable sectors of the workforce (temporary workers, outsourcing, freelancers, probation period); increasing demands from a non-regulated digital; the insecurities of teleworking, etc. These and other examples have highlighted the ACT's scarcity of human and technical resources, a long-time complaint only recently (May 2020) corrected with the inclusion of 80 inspectors admitted

by open competition (starting in 2016) and a further forty inspectors admitted by internal competition (in 2019).

The usefulness of the 19 recommendations issued by the ACT at the end of April 2020 as a means of (re)adapting to workplaces in the framework of a return to “normality” is unquestionable. But it would be desirable that the “transfer” of powers from the Labour Courts (in relation to the suspension of dismissals that show signs of illegality) to the ACT receive increased political trust rather than being treated as a merely transitory measure. Equally, the promotion of law-trained labour inspectors should take priority over the recruitment (even if temporary) of inspectors in other services. It is also crucial that the inspection actions take the form of actual visits to companies instead of being conducted by phone or email.

Since the health crisis is a global problem, it is also time to make the European Labour Authority effective. COVID-19 has stimulated processes of confinement within national borders, but transnational mobility processes (over 17 million between EU Member-states) cannot fail to mobilise governments to strengthen joint inspections, enabling safe mobility rights and unrestricted access to social protection mechanisms.