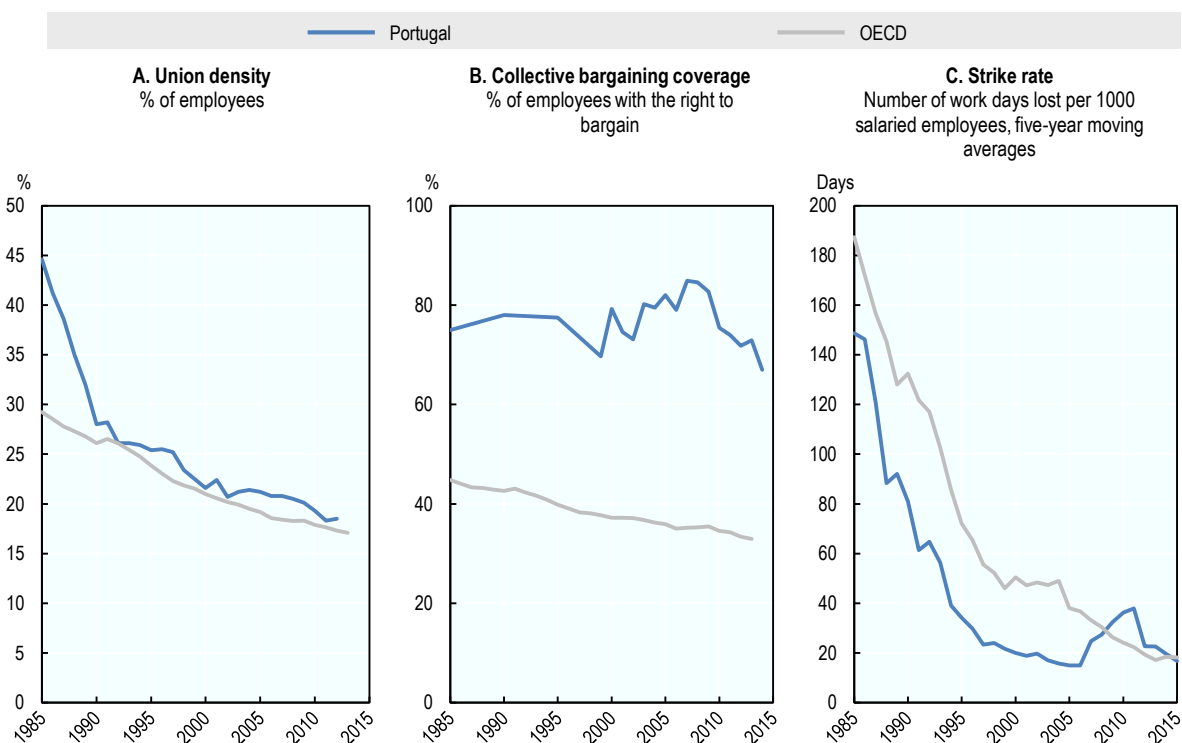


## Portugal

### KEY FEATURES OF THE COLLECTIVE BARGAINING SYSTEM IN 2015

Predominant level	Sectoral
Degree of centralisation/decentralisation	Centralised
Co-ordination	Low
Trade union density in the private sector	10-20%
Employer's organisation density	30-40%
Collective bargaining coverage rate	60-70%
Quality of labour relations	Medium

### TRENDS IN INDUSTRIAL RELATIONS IN PORTUGAL, 1985-2015



## BUILDING BLOCKS OF COLLECTIVE BARGAINING

The detailed description of the building blocks of collective bargaining mainly relies on information provided by the responses to the policy questionnaires that were sent to Labour Ministries, employer organisations and trade unions in 2016. The information reported in the questionnaires represents the situation in **December 2015**.

### Use of *erga omnes* clauses

Legal application of a sector level agreement in the absence of administrative extensions	Double affiliation principle
Legal application of a firm-level agreement	Union members and workers who opt in.

### Use and coverage of extensions

Use of extensions of sectoral collective agreements	Yes
Procedure	The Government issues the extension upon request of one of the parties.
Representativeness criteria	Employer organisation have to represent >50% of employees or >30% of members of the signing employers' association are micro, small and medium enterprises (no threshold if the request for extension excludes micro, small and medium-sized enterprises).
Public interest criteria	Based on case-by-case assessment. Extensions are granted only in the absence of another agreement and based on social and economic circumstances justifying the required extension, namely the economic and social identity or similarity of situations in the scope of extension and in the instrument.
Exemptions or possibility of appeal	Extensions can be appealed and firms can be exempted (but rare).

### Duration of collective agreements

Average duration	43 months
Maximum duration of collective agreements	No
Can contracting parties terminate an agreement before its expiry date?	Yes, but parties have to renegotiate it.

### Ultra-activity of collective agreements

Is maximum duration of after-life/ultra-activity of agreements fixed by law?	12 months unless stated otherwise in the agreement.
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### Retroactivity of agreements

Do firms have to pay arrears in case of late renewal?	No legal obligation.
Does retroactivity apply only to members of signatory parties or does it cover all parties?	To signatory parties including the non-union members in member firms of signatory employer organisation.

**Use of the favourability principle**

Application of the favourability principle is entirely a matter for the bargainers.

**Use and scope of derogations and opt-out**

Derogations from the law

No

Derogations from collective agreements

Scope

Opt-out clauses are granted by law.

Topics

Wages and working time.

Rationale

Defensive and offensive measure.

Criteria

There are no clearly defined criteria; derogations are set by agreement between signatory parties.

Other

Not relevant

**Forms of co-ordination**

Mode of co-ordination

Inter/intra-associational

Degree of co-ordination

Limited

**Enforcement of collective agreements**

Sector-level agreements

Firm-level agreements

Do agreements typically include a peace clause?

No (but some agreements do).

Yes, but not common.

Do agreements typically include a mediation/arbitration procedure?

No

Yes, but not common.

Is it compulsory?

No

No

**Worker representation at the workplace**

Work council and union or union representatives but union predominant.

**Board-level employee representation**

Public sector

Yes

Private sector

No

Scope

 State-owned companies.  
 N.B. but very rarely implemented.

Proportion/number of workers' representatives

Defined by company's articles of association.

Nomination of candidates

Work council, 100 or 20% of employees.

Appointment mechanism

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