

**ANNUAL REPORT**  
**COLLECTIVE BARGAINING:**  
**2021**

*Executive Summary*

*ANNUAL REPORT ON THE EVOLUTION OF COLLECTIVE BARGAINING IN 2021*

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**MINISTRY OF LABOUR, SOLIDARITY AND SOCIAL SECURITY**

**CENTRE FOR LABOUR RELATIONS (CRL)**

Praça de Londres, nº 2 - Piso 9

1049-056 – Lisboa, Portugal

Email: [geral@crl.mtsss.pt](mailto:geral@crl.mtsss.pt)

[www.crlaborais.pt](http://www.crlaborais.pt)

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## CENTRE FOR LABOUR RELATIONS (CRL)

### Composition:

**President:** Ana Olim (Organização Governamental | DGERT)

#### Government:

- ACT - **Jorge Manuel M. Pinhal** (efetivo); Ernestina Silva (suplente)
- DGERT – Rui Manuel do Carmo Abreu (suplente)
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- IEFP – **António Valadas da Silva (efetivo)**; Catarina Campos (suplente)

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- CTP - **Nuno da Silva Bernardo** (efetivo); António A. da Cunha Abrantes (suplente)

## AUTHORS

- **Cláudia Madaleno** (Coordenação Científica – Faculdade de Direito – Universidade de Lisboa)
- **Paula Agapito** (Coordenadora Executiva do CRL)

## Data and research team (CRL)

- **Manuel Alves** (*equipa do CRL*)
- **Micael Pereira** (*equipa do CRL*)
- **Humberto Tomás** (*equipa do CRL*)

## SCIENTIFIC COMMITTEE

- **António Monteiro Fernandes** (Faculdade de Direito da Universidade Nova de Lisboa)
- **Daniel Bessa** (Faculdade de Economia da Universidade do Porto)
- **José João Abrantes** (Faculdade de Direito da Universidade Nova de Lisboa)
- **Luís Gonçalves da Silva** (Faculdade de Direito da Universidade de Lisboa)
- **Maria do Rosário Palma Ramalho** (Faculdade de Direito da Universidade de Lisboa)

1. The Report on collective bargaining in 2021 forms part of an annual series that began in 2016 and is designed to fulfil the responsibilities entrusted to the Centre for Labour Relations (CRL) in Article 3(1)(d) of Executive Law no. 189/2012 of 22 August 2012.
2. The structure of the present Report is similar to that adopted in previous years, with the same analytical object and perspectives, ensuring the consistency of the sources used and stabilising the period covered by the description of how collective bargaining has evolved in Portugal (Chapter 1).
3. The section on the general background (Chapter 2) sets out the fundamental aspects of the economic (2.1.) and normative (2.2.) contexts that form the backcloth to collective bargaining. It summarises the major macroeconomic variables and the normative changes likely to have repercussions on collective bargaining in 2021, under the Labour Code (CT) and the General Law governing Work in the Public Service (LTFP). In 2021, the COVID-19 pandemic continues to affect the economy and the labour market in general, particularly in the first four months of the year. However, there are substantial differences compared to 2020.
4. Chapter 3 provides an overview of the development of collective bargaining in 2021, within the context of the evolution that has taken place since 2010.

In quantitative terms (3.1.1.), the upward trend in the number of Collective Labour Regulation Instruments (IRCT) - (in 2021, 282 IRCT), interrupted in 2020 (3.1.1.), is resumed in 2021, although at lower levels than in 2019. In 2021, as in the previous year, what stands out in a breakdown of the various agreements by type – Group-level Agreements (ACs), Firm-level Agreements (AEs), and Collective Agreements (CC) (3.1.1, Graph 6) - is the relative weight of firm-level agreements (AEs represent 52% of all agreements).

5. Looking at 2021, there was an increase in the number of workers covered by agreements, surpassing half a million workers, representing a 36% increase when compared to 2020. Although far from the results of previous years, it follows the upward trend in the number of collective agreements published (see Graph 7 and Table 18).
6. In 2021, the revision of the Ministerial Order governing Labour Conditions (“Portaria de Condições de Trabalho”, PCT) for administrative workers who are not covered by specific

collective regulations was also published, which revised the 2020 PCT as regards the pay table and meal allowance (3.1.3).

7. No agreements revoking a previous one or notices of expiry of an agreement were published in 2021. Between 2010 and 2021, 11 revocation agreements and 25 notices of expiry were published (3.1.4).
8. In terms of wages (3.2.), in 2021 the average length of time for which previous pay tables remained in effect before they were replaced was 21.4 months, this interval is shorter than that recorded in 2020 (22.5 months). The annualised variation in nominal wages from one table to the next continued to be positive for the sixth successive year (4%), while the real variation in wages was 3.7%, that is, the highest in the period 2010-2021 (Graph 12). It is worth noting that in 2021, the minimum monthly wage approved by law was set at €665/month, which coincided with the agreed minimum wage in most sectors of activity.
9. With regard to extrajudicial resolution of collective conflicts, there was an increase in the number of requests for conciliation (42 in 2021 and 34 in 2020) and mediation (4 in 2021 and 3 in 2020), and, in the latter, the number of cases that ended in agreement remained favourable (23 out of 37). No arbitration decisions were published in 2021 (3.3).
10. The national data on collective bargaining, covering all IRCTs published in mainland Portugal, in the autonomous region of Madeira and in the autonomous region of the Azores, shows a positive evolution from 2020 to 2021, although this growth is greater in the Azores and in mainland Portugal (3.4).
11. Chapter 4, dedicated to the characterisation of 2021 compared to 2020, highlights the general improvement of the various quantitative dimensions, including an overall picture of the data on published collective agreements (4.1) and on the widening of their scope of application, via PEs. This trend is not accompanied by the total number of Accession Agreements (AA), which fell by half in 2021 when compared to 2020 (4.2.). In the 2021 collective bargaining (4.1.), we would highlight the following:
  - With regard to collective agreements with autonomous content (which do not include AAs), 208 agreements were published, a 23% increase compared to 2020. Compared to the previous year, partial revisions and first agreements rose by about 20% and overall revisions grew by about 34.3% in 2021. The relative weight of partial revisions in the year as a whole remains high (67.5% in 2020, 65.9% in 2021) (Table 18);

- A total of 282 IRCTs were published, with an increase in the number of both negotiated and non-negotiated instruments (compared to 258 IRCTs in 2020) (Table 19);
  - Parallel agreements represented 29% of all published agreements (Table 20);
  - Three sectors of activity continue to predominate in the sectoral breakdown: “Manufacturing” (C) (59 agreements), “Transporting and storage” (H) (46 agreements), and “Wholesale and retail trade; repair of motor vehicles and motorcycles” (G), (28 agreements). Between them, they represent 64% of all agreements;
  - The average number of workers (potentially) covered by agreement and by type of agreement shows an increase compared to 2020 (Table 22).
12. In 2021, 55 extension orders were published as per Council of Ministers Resolution No. 82/2017 of 9 June. The following facts deserve a particular mention (4.2):
- The majority of extensions continued to apply to partial revisions (37 of 55);
  - Eight PEs extended parallel agreements.
  - Nine sectors of activity are covered by PE, with Manufacturing (C) (21) and Wholesale and retail trade (G) (15) being the most common. This is followed by agriculture, administrative and support services and transporting and storage (4 PE each out of 55) (Chart 13);
  - Eight proposed extensions were opposed during the public consultation phase: one by employers, 7 by trade unions.
13. Collective bargaining in the Public Business Sector (4.3.) continues to play an important role in collective bargaining as a whole for the year. In 2021, although less relevant compared to 2020 (78 IRCTs in 2020), 52 IRCTs were published (out of 208) - 44 collective agreements and 8 Accession agreements, concerning 29 enterprises (Table 27). The transport sector continues to lead the way (7 enterprises with 26 agreements), with special mention going to the 19 agreements signed by three civil aviation companies, 16 of which include partial suspension agreements. On the other hand, the predominance of partial revisions continues to be relevant (31 out of 44 agreements), with very different periods of validity (Table 28).
14. The analysis of the contents of collective bargaining published in 2021 (4.4.) covers an increasingly wide range of issues, this year expanded with the analysis of part-time work, shift work, health and safety at work and a chapter on suspension agreements.

A more far-reaching look at the contents of the collective agreements entered into in 2021 follows a line of analysis that is similar to that of previous reports (4.4.1) and is based on two types of approach:

- a more general one, which considers the major thematic blocks in question and
- another more in-depth one, examining a wide range of topics.

15. In terms of content (4.4.2) and in general terms, a map of 208 collective agreements entered into in the year in question presents a similar profile to that of preceding years. We can thus see that:

- The predominant topics are the terms and conditions governing pay and other monetary benefits, along with the regime governing the duration of the agreement in question, followed by the geographic scope of the agreement and professional categories;
- The contents found less often are related to remote employment contracts - although the number of occurrences doubled when compared to the previous year - electronic means of surveillance, working time/right to disconnect and, especially, within the scope of the organization of working time, intermittent work and concentrated working hours regime;
- There are also some topics that are essentially regulated in AEs (occupational accidents; individual accession; moral harassment; on-call regimes; supplementary social benefits; flexible working, overtime, and shift work; performance evaluation; fixed-term employment contracts; equality and non-discrimination; health and safety; articulation clauses and transitional regimes);
- The issues related to parenthood and equality and non-discrimination maintain the relevance already demonstrated in previous reports. There was an increase in provisions concerning the protection from harassment in the work context.

16. The study of collective agreements from the standpoint of Article 492 of the Labour Code (CT) (4.4.3) looks at the extent to which agreements comply with the recommendations set out in paragraphs 2 and 3 of that provision, in all first agreements and overall revisions published in 2021 (71 out of 208 agreements). The relative distribution between the nine topics discussed in this section remains variable and the depth of the topics set out in the law may be more or less complete, although, as a rule, it covers a variety of areas:

- relations between the parties, which regulates the instruments designed to resolve collective disputes arising from the implementation or revision of the collective agreements, including conciliation and mediation;
- arrangements regarding vocational training actions closely following the law, bearing in mind the needs of both workers and employers;
- health and safety at work, including the various aspects involving the planning and implementation of safety and health measures or services, for which employers are responsible;
- measures aimed at the effective implementation of the principle of equality and non-discrimination, with a wide range of subjects addressed;
- provision for other rights and duties of workers and employers, including rules on basic pay for all occupations and professional categories; as well as rights relating to personality, in particular in conjunction with technological developments and data protection rules;
- Mechanisms designed to bring about the peaceful resolution of disputes arising out of labour contracts with variable solutions. They often award competence in this respect to the joint committee or some other type of joint body;
- Contents on the minimum services that are indispensable to the fulfilment of imperative social needs during strikes. In 2021, there are only simple references to the legal regime;
- The agreements that regulate what happens after they expire and the effects that remain in force afterwards are also very few (6 out of 71);
- 90% of agreements (64 out of 71) provide for a joint committee with powers to revise occupational categories and contents and resolve individual conflicts, in addition to those provided for in the Labour Code..

In 2021, there are five deliberations of joint committees on diverse matters: professional reconversion and acceptance of a new job; transfer of establishment and the maintenance of employment contracts in the event of a change in the company executing a service contract; regulation of admissions, seniority and admission of pilots.



17. Within the thematic areas to be studied in depth, the Report focuses on the application of agreements (4.4.4), where the following evidence stands out:
- It is uncommon for collective agreements to refer to a format whereby individual non-unionised workers can unilaterally adhere to them (15 /208) (4.4.4.2.);
  - Some 72 % (out of 184) of agreements published in 2021 were revised by the time they were 24 months old, roughly in line with the most usual collective agreement duration (tables 38 to 44) (4.4.4.3);
  - A group of 130 agreements (Table 39) governed their own duration, which in most cases was set at 24 months (55); the shortest duration was 12 months (25) and the longest was more than 48 months (6). In parallel, it is common practice for there to be a standalone duration for wage tables, which is usually 12 months.
  - It is rare for agreements to provide for what should happen during the grace period or after they actually expire, since the general rule is the automatic renewal until a new agreement is signed. In 2021, out of 208 agreements, 16 set out rules on their own effects after the agreement itself ends by expiring; eight refer to the law. There are 6 conventions governing the consequences of the convention in the event of expiry (4.4.4.4.);
  - Clauses on the articulation or conjugation of the provisions of multiple agreements are less frequent (6 of 169), with the number of transitional regimes being more significant (21 of 169) (4.4.5.5.).
18. Collective agreement sometimes refers part of its regulation to other instruments such as internal regulations or supplementary agreements, which originate from collective agreements but do not have the same form. In 2021, the different wordings found involve: either the repeal of previous regulations, by means of a repeal clause of the agreement, which extinguishes that previous regulation from the legal order; or the reference to subsequent regulation for the definition of a given legal regime; or also the temporary suspension of the validity of regulations and norms in force in the company, with identical amplitude to that granted to the partial and temporary suspension of agreement rules (4.4.4.6.).

19. For the first time, the suspension of the validity of a collective agreement is analysed. These agreements have variable designations and suspension periods and their scope essentially covers remuneration aspects, management and organization of working hours and rest periods; career evolution and professional frameworks; admission conditions and seniority criteria; and complementary social benefits. Most of the temporary and partial suspension of these agreements is combined with transitional and complementary provisions, the duration of which coincides with the duration of the suspension period (4.4.4.7.).
20. The analysis of working time is structured, as usual, around two points: (i) the duration of work (maximum limits on normal working hours and duration of the annual holiday period); and (ii) the organisation of working time (adaptability, hour bank, concentrated working hours, on-call or stand-by duty and overtime, exemption from working hours and shift work), including the reference to working time flexibility mechanisms in the interest of workers, flexible working hours (4.4.5.).
21. The definition of the maximum Normal Working Period (PNT) duration [4.4.5.1.a)] is found in about 90% of first agreements and overall revisions (table 48), and a maximum duration of 40 hours remains the general rule. Also related to the length of the working day, but in this case taking the form of a type of employment contract, are the part-time working hours regimes, with a marked increase in 2021 when compared to 2020 (75% more) (Table 49).
22. In 2021, 36% of agreements addressed the regulation of the holiday period [4.4.5.1.b)] (table 50). About half of the agreements considered the 22 working days of annual leave provided for by law. However, in the other half, the legal holiday period is extended, depending on the age, length of service or attendance record of the worker, because of negotiation between the parties to the agreement.
23. Regarding the organisation of working time (4.4.5.2), the three flexible management regimes provided for in the Labour Code are examined in detail. In 2021, there is an increase in the number of agreements covering adaptability and bank hours when compared to 2020, reflecting the general growth in the number of agreements (41 in 2021; 30 in 2020). Concentrated hours, on the other hand, remain residual (Table 57).

24. The usual solutions appear in relation to the adaptability regime (4.4.5.2.c): the parties tend to establish their own mixes of the essential elements of the overall regime (limits on variations in the working day, rules on the definition of working hours, duration of reference periods), with the balancing of family interests or compensation for expenses.
25. Concerning the hour bank regime (4.4.5.2.d), there are still a variety of agreed solutions. The tendency towards a certain standardisation is combined with the provision of rules adapted to each agreement's organisational and occupational context. As such, some agreements provide for specific balances in the management of the various components of the hour bank format: longer working days; the number of hours allocated to the bank; forms of compensation for additional hours in time and/or money, including the possibility of compensation for variations in the working day, and the provision of means of transport.

Some agreements admit the possibility of also using the hour bank system in a worker's interest and at their request (in most cases, subject to the employer's agreement), thus removing unilateralism from this flexibility mechanism.

26. On-call regime or stand-by regime is defined as situations in which the worker undertakes to remain available and accessible so that, should the need arise and when called upon, he can carry out work outside his working hours [4.4.5.2.f)]. Its regulation is more common at company level (20 out of 25 agreements, in 2021) and tends to be adjusted to the specificities of the respective work organisation, with varying degrees of modulation of on-call time, essentially justified by the need to avoid losses and risks and to restore the conditions for the normal functioning of the service or equipment. Although its payment is not provided by law., 80% of agreements grant a stand-by allowance.
27. In 2021, overtime work is disciplined in all overall revisions and in more than 90 % of first agreements, with predominance in company agreements (41 out of 80). The agreements in question primarily address the remuneratory aspect, with 68% of overall revisions and half of all first agreements setting overtime pay above that required by law. There are also a number of other matters linked to the implementation of an

overtime regime (whether it is permissible; whether workers can refuse to do overtime or not; conjugation with the regimes governing night and shift work).

28. Although flexible working hours in certain situations constitute a form of exemption from fixed working hours, they have become a typical instrument for making working time more flexible in the interests of the worker, beyond the perimeter of protection of parenthood provided by law (see art. 56, CT). Thus, collective agreements often extend their use to the majority of workers, although always depending on the will of the employer. Half are negotiated at the firm level (AE) (16 out of 32) [4.4.5.2(h)].
29. Exemption from fixed working hours [4.4.5.2.i)] has been a traditional instrument of flexibility in working hours rooted in some sectors of collective bargaining and in 2021 is covered in 58 (208) agreements. The majority of agreements reproduce the law, while others are adjusted according to the specific reality to which they apply (permitted modalities, limits on the number of hours, and situations in which the regime expires or ceases to apply).
30. Shift work [4.4.5.2.J)] is usually associated to situations of continuous work or where the operating period of the company exceeds the maximum limits of normal working periods. When defining shift work, the agreements deal with hourly limits, shift modalities and organisation. Of the 64 agreements that address the issue, 61% provide for a shift allowance or other compensation, although it's payment is not provided by law.
31. In general terms, the promotion of workers' qualifications (vocational training and student-workers - 4.4.6.) is addressed in 43% of agreements in 2021, especially at AE level.
32. In general, the employer's role in initial training (4.4.6.2) is essentially associated with enhancing, capitalising, and recognising a worker's existing vocational training. In continuous vocational training, the employer's intervention is combined with the interest of the worker and, sometimes, of the workers' collective representation structures, in terms of priorities, programmes and management of training and working time. It is common to find references to the importance of vocational training in professional advancement and in occupational reconversion. In the majority of situations, agreements provide for 40 hours of training per worker per year, as laid down in Law no. 93/2019 of 4 September 2019.

33. As to the statute of the student-worker (4.4.6.3), priority continues to be given to aspects related to making working time more flexible, allowing for the conciliation of academic paths with the activity of the student-worker, regulating matters such as dispensations, working hours, leave of absence and holidays, as well as the financing or co-funding of studies.
34. Equality and non-discrimination is a theme that has evolved greatly in recent years, not only internally but also internationally and in Europe. On this subject, agreements focus mainly on three topics: moral harassment, reconciling family life and work, and parenthood and equal working conditions. The number of agreements covering these themes grew by 40% in 2021, when compared to 2020 (4.4.7.).
35. In 2021, the number of agreements providing for rules on moral harassment is twice as high as in 2020. Agreements reveal varying levels of depth and often replicate the legal framework. The majority see the prevention of harassment as a duty on the employer's part and/or a right pertaining to workers, sometimes concomitantly with each worker's duty to avoid behaviours of this kind (4.4.7.2).
36. Where reconciling family life and work is concerned (4.4.7.3), we find the usual variety of references, two aspects of which particularly stand out: protecting motherhood and fatherhood, including their articulation with the social protection regime (Art. 34, CT) and the catalogue of workers' rights set out in Article 35, CT; and protecting the reconciliation of the working and non-working time binomial.
37. Where the implementation of the principle of equality and non-discrimination is concerned, agreements generally continue to focus primarily on defining the specific conditions regarding certain groups of workers – illness, disability, age, occupational accidents – and on measures designed to promote gender equality (4.4.8.7.).
38. In 2021, a substantial number of agreements refer to the protection of personal data and worker's personality rights, which double when compared to 2020 (2020 - 31, 2021 - 64 agreements). Issues such as personality rights, electronic means of communication, means of remote surveillance, processing of biometric data and, finally, the individual file and workers' data (4.4.8) are covered in this set of agreements.

39. Two topics associated with labour relations in the digital age are analysed: telework and the right to disconnect. Although recently the application of remote working has seen a significant expansion, with its legal imposition associated with the pandemic crisis, its regulation in agreements is not often addressed (4.4.9).
40. Regulation governing performance evaluation (4.4.10) is part of agreements, especially at company level (AE and AC), although it is traditionally considered to be a matter pertaining entirely to the employer's management. In 2021, the number of agreements covering the subject is slightly lower (36 in 2021, and 40 in 2020), but 66% of the agreements (24 out of 66) continue to present a formal connection between performance evaluations and the rules on advancement and promotion. On the contrary, regulations on the latter are not always explicitly linked to evaluation regimes. Additional impacts of the evaluation regime, in the legal sphere of the worker are at the level of the extension of leave, participation in company profits in the case of a positive evaluation, or reconversion of the worker, in the case of a negative evaluation.
41. In 2021, the rules governing bodies that represent workers and trade-union activities within enterprises were addressed in 38% of agreements, essentially first agreements and overall revisions of firm-level agreements. The provisions continue to focus on the rights granted by law to union representatives: hour credit; right to information and consultation, meeting in the workplace, display and distribution of information, premises and meet the enterprise's management bodies. References to participation by workers' representative bodies were also associated with aspects linked to the organisation of working time and the scheduling of holidays, and the definition of workers' careers and professional categories, including professional reconversion (4.4.11).
42. In 2021, 31% of agreements provide for the award of benefits intended to supplement those that the social security regime grants with a view to the provision of protection in the case of occurrences that are themselves covered by this regime – including illness, old age, and invalidity. As in previous years, there are also some other benefits related to workers' personal and family situations.
43. In a context where the digitalisation of labour relations makes the place and time of work and non-work increasingly flexible, working conditions concerning health and

safety at work justify a separate chapter. In 2021, the number of agreements covering this subject increased by 36% compared to 2020 (4.4.13). Its provision in agreements is structured around two blocks of issues:

- Health and safety at work (HSW), including prevention of occupational risks and regulation of HSW systems;
- Prevention and compensation for an accident at work or an occupational disease, including the obligation to assign a job compatible with the reduced capacity found in the event of an accident at work or an occupational disease.

44. Chapter V is devoted to collective bargaining in the Public Administration. There were no Collective Career Agreements (ACCs) in 2021 (as in 2020), but 52 Collective Public-Sector Employer Agreements (ACEPs) were published, 29 of which were revisions of existing agreements (21 overall revisions, 8 partial revisions), which corresponds to an increase of 8.3% in the ACEPs concluded (Table 81). Although there was a small increase in the collective bargaining in the Public Administration, there were no significant changes in the main lines addressed in this field compared to 2020, with a continued predominance of the collective bargaining at the local administration level. In qualitative terms, it is worth noting that a teleworking regime was negotiated in seven ACEPs.