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Collective bargaining in Portugal: dynamic research and empirical results

From the conduct of this research work was intended to examine and reconstruct the processes of collective bargaining in Portugal, as well as changes that have occurred over the past few years - due to the changes that have happened in terms of professional relationships - which seem to reflect the changes occurring in terms of weight that some sectors have gained. Search also verify if the business models adopted have influenced the results or strategies that mobilize actors end up being more decisive than these models for content resulting from the negotiation.

Collective bargaining as empirical object has a set of dimensions associated with him and that were analysed throughout this investigation. Firstly we consider the regulatory role that has since established a set of rules and principles for certain professional groups or sectors.

The interview was one of the instruments used to collect information to support and realize the deeper aspects, and the target in this case were the key actors who play the central role in these processes and that sometimes may not be present or actors who have been present in particular situations during these processes, where the need for negotiation or process characteristics of the negotiators themselves have justified.

The sectors that have served the purpose of this investigation were determined using three criteria: the contribution of each sector in total employment, the sector's exposure to international competition (competitive sectors, sectors sensitive) and organizational and technological modernization that these sectors have conducted or are conducting.

Keywords: collective bargaining, negotiation process, negotiation, professional relationships

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Introduction

Sociological research and techniques that can take over any research that we always play a very important character, as these may or may not affect the future results of research, which is a premise with a deterministic character may or may not be verifiable in reality or be considered a common reality. The more or less formal aspects that appear related to the construction of a particular scientific reality are influenced by the context in which they are produced and the results of this production and its disclosure are often subject to some constraints that may result from various factors. Collective bargaining remains an important element in structuring forms of work and how the actors relate through more formalized or less formalized practices. In this sense the business practices emerge as a way for players to relate in the context of labor relations and establish agreements / practices. Herein and based on the research produced so far will present some conceptual theoretical reflections, followed by some more methodological considerations and finally some final thoughts on this route research and strategy in future terms. In order to operationalize the concept of trading in its manifestation in terms of practices, the questionnaire will be applied to a wide range of stakeholders in collectively bargaining process preferably have taken part in the process elapsed time period in analysis-with a stratified sample by types negotiated agreements and taking into account its sectoral distribution.

The approach of the research that is taking place, try to combine a qualitative-intensive approach with the introduction of some characteristic elements of quantitative approaches.

The interview is an information collection tool that will be used to support and realize the deeper aspects that the questionnaire may be unable to collect, and the target will be the key actors who play the central role in these processes and that sometimes may not be present or actors that have been present in particular situations during these processes, where the need for features of the negotiation process or own the negotiators has justified.

1. Historical / Conceptual Reflection

From the conduct of this research work aims to examine and reconstruct the collective bargaining process in Portugal, as well as the changes that have happened over the past few years - due to the changes that have occurred in terms of professional relationships - which reflect the change occurred in terms of weight that some industries have gained. It also seeks to verify that the adopted business models have influenced the results or if the strategies that actors mobilize turn out to be more decisive than these models for content resulting from trading.

Collective bargaining has a number of very particular aspects that differentiate it from other elements of Portuguese society, one of the characteristic features of the rule of law and the democratic system, as it is from the April 25, she appears in at least one aspect that can be considered as the most relevant, freedom of negotiation between the parties. Framed by some legal aspects and rules, the free discussion of the initiative is presented as an undeniable fact.

In the political system that existed prior to the implementation of democracy (new state) forms of trading were framed by a set of procedures and the state intervened in many aspects and the social partners had no business autonomy or freedom of association, especially unions (Pinto, 1996).

The evolution of the system since 1974, met some steps were settling certain aspects of Portuguese society, marked by a semi-peripheral position (Santos, 1990) and the transition and consolidation of democracy, which ultimately shape the system labor relations where collective bargaining is present (Ferreira, 1996 Lima, 1991, Pinto, 1996 Stoleroff, 1995).

The collective bargaining system that exists today in Portugal and despite recent changes, keep some of the principles underlying the previous model. This model, which was based mainly in two distinct modes of collective regulation (with state intervention and without this intervention), although there was some movement of information or content, as is the case of the former extension of ordinances.¹

¹ The extent concierge was a collective bargaining agreement of work that was applied with state intervention and that resulted from the extension of an existing instrument, negotiated between a union and an employer / employee entity, but that came to be applied to other workers or other company / employer. Matters here refer to a context element of this research, when this project began to be thought of the Code began to be applied, at the moment this is revised by Law nº 7/2009 of 12 February reviewing some of the previous determinations relating to collective bargaining. To reinforce this idea important to note that the recent discussion of amending the Labour Code, collective bargaining was

On the one hand we had the collective bargaining itself, where the parties negotiated freely (trade unions and representatives of employers / employer). On the other hand there were the instruments produced with the intervention of the state and regulating the activities where there was not a relevant instrument negotiated by representatives of workers and employers in a particular activity / business activity (DEPP, 2002).

However, with the publication of "New" Labour Code (Law 99/2003) and its regulations (Law 35/2004) are introduced new elements in collective bargaining, such as the expiry of the collective agreements signed by the different parties. This represented at the time a challenge in terms of collective bargaining, as in the previous framework contracts remained in force until the signing of a new contract that would replace.²

Collective bargaining continues to present and represent a set of elements that justify itself its importance not only socially, but also as empirical object, since the underlying dimensions of analysis are crucial to the understanding of industrial relations model which is present in days "run".³

This importance turns out to be illustrated from some hard data⁴, in the last ten years, the number of workers for others potentially covered by collective bargaining reaches values above 85%, with some exceptions (MSST, 2002).

The latest data continue to show this trend is enough to observe the values in table number 1 for the period between the years 1998-2001.⁵

The collective bargaining contains a set of practices and procedures that go beyond the purely administrative aspects or legal, as is the indication that the social actors involved make to society and the world of work.

However, the collective dimension terminating representation mode and those represented relation assumes a meaning that goes beyond and exceeds this

one of the dimensions that was nominated as a candidate for change with regard to its promotion. The number of workers covered for others (TCO) by collective bargaining, was between 1994 and 2001, an average of one million 300 thousand workers, and in 2006 covered about one million and 400 thousand workers.

² The 2008 figures with more than 1 million and 500,000 covered workers (DGERT / MTSS) show this upward trend of workers covered by collective bargaining, which somehow confirms some reflections on the matter.

³ Collective agreements continue to be considered a potentially structuring element in the organization of labor relations, as it appears, moreover, enshrined in the White Paper on Labour Relations for Portugal, following the Green Paper and the guidelines outlined by the European Commission.

⁴ The number of workers covered for others (TCO) by collective bargaining, was between 1994 and 2001, an average of one million 300 thousand workers, and in 2006 covered about one million and 400 thousand workers.

⁵ The sectors selected as a case study will be manufacturing industries (automotive, pharmaceutical and textile sector), financial activities (banking) and the telecommunications sector.

dimension. The stakeholders in these processes understood as social forces that seek to achieve certain objectives and to exercise influence over the decisions that will impose a collective (Touraine, 1982).

The studying of collective bargaining turns out to be a way of studying the social dynamics, the interaction between the individual dimension / collective dimension, with all the stresses associated with it, as the individual actor / collective, unfold in its plurality of roles marking the social relations and the social relations of work in particular, as well as its focus on industrial relations.

Table I

Number of employees covered by collective bargaining instruments work published (1998-2001)

IRCT	1998			1999			2000			2001		
	IRC	Trab.	%Total Trab.	IRC	Trab.	%Total Trab.	IRC	Trab.	%Total Trab.	IRC	Trab.	%Total Trab.
CCT	264	1294595	92,7	265	1263292	86.2	246	1298926	89.5	238	1241820	89.0
ACT+AE	107	102464	7.3	123	143472	9.8	125	125358	8.6	122	120471	8.6
PRT	0	0	0	3	57934	4.0	1	28207	1.9	1	33943	2.4
DA	0	0	0	0	0	0	0	0	0	0	0	0
Total	371	1397059	100	391	1464698	100	372	1452521	100	361	1396234	100

Source: MTSS, 2002 (Quadros de Pessoal do DETEFP/MTS 1994-2001).

The collective bargaining continues, despite some blocking situations, as some authors identify, or deadlock, for example, the focus of the discussion on monetary matters, leaving out a number of other aspects of work life, the little change and the immobility of some standards, many of the Law of reproduction of the contracts signed (Leitão, 1998, Freire and Lima, 1999).

However, collective bargaining remains a framework of reference for social labor relations in the various dimensions that include, either on a wider level, the sectoral case, or a more limited level, in the case of companies.

The approach to collective bargaining in Portugal, in first place this reality in historical terms, as to understand certain social phenomena is important to

accomplish its context, in other words, the analysis should not be limited to only synchronous, but should have regard to its evolution.

Thus, the collective labor relations can be defined as a set of rules governing the employment of workers, as well as the different methods by which those standards are established and can be interpreted, applied and modified; accepted methods and chosen by the different actors that interact in these relationships, based on cases in which can be found in varying degrees of cooperation and conflict (Fernandes, 2004).

The dimension of the conflict is fundamental, has a center, opponents always share the same language, so to say, as this serves as a link between them and will serve as a basis for these is debate (Touraine, 1982).

These collective labor relations can be understood from various analyzes, for example, from the analysis of the structure and the management of collective labor relations system process (Dunlop, 1958 Poole, 1981).

From this approach, we can identify five dimensions of analysis, depending on the situation within the overall system; the environment (economic, legal, social and political system), the structure (stakeholders), the process, behaviors and outcomes (Poole, 1981).

However, the dimensions involved in that analysis can sometimes take a more significant weight in terms of influence on the system. For example, some authors warned of the fact that the economic environment would assume a greater weight in terms of collective bargaining or definition of the relationships between the various actors (Treu, 1984).

The presence of a system of collective labor relations continues, though, to have a very important role in the regulation of labor relations, since the existence of institutional models and practices, as well as formal relationships between the various social actors are important for the regulation of labor relations, not only in terms of the labor market, but the productive spaces.⁶

And for understanding the collective bargaining in Portugal becomes important to know the evolution that these instruments have suffered over the years, not only in terms of dominance, and in terms of content, since without this

⁶ Collective agreements continue to be considered a potentially structuring element in the organization of labor relations, as it appears, moreover, enshrined in the White Paper on Labour Relations for Portugal, following the Green Paper and the guidelines outlined by the European Commission.

knowledge can not understand the dynamics that is present in this type of negotiation.

Work continues, despite some changes in life forms, with increasing social heterogeneity, to be a structural or structural element of life of individuals, therefore all aspects pertaining to this centrality is important to understand the phenomena that you are associated. The industrial paradigm "Classic" remains the same as the reference element at least in theory, as we continue to speak in industrial relations and these also serve as a model, even in terms of collective labor relations, but the reality that served them of inspiration has to change in recent years have witnessed the reduction of industrial employment and we see emerging jobs in new areas. One of the main trends of industrial relations in the last two decades has been the gradual decentralization of the company's bargaining structures and inter companies. In Europe this process was notorious in the negotiation process with the reduction of working time in the eighties, but since these agreements have been extended to other materials paid.

The internationalization, organizational and technological change, versatility functions, teamwork and work processes related to customers have standardized solutions, traded for integers less practical and less efficient sectors. This reflects the growing diversity among its subsidiaries (companies) and among its members, this trend of decentralization also affects the trade unions, particularly as relates to the working time and family issues / work. The key question now is to find new ways and methods of coordination within and across political camps, adapted to the environment of international pressure and internal diversity (Freire and Lima., 1999). The movement away from the "old economy" based on standardization, mass production, assimilation of existing technologies and full time job, a new phase begins to emerge, where the institutions of industrial relations should facilitate, manage and reward a set of conditions such as: choice, commitment, imagination, mobility and conversion ("reforming" / recycling). The institutions of classic industrial relations - social partnership and collective bargaining - can play a role "facilitator", creating the conditions of fairness and sharing rules that allow investment and risk capacity between companies and workers. For this to happen, the existence of collective agreements that are constantly reviewed,

open to new rewards systems, allowing further exchanges between flexibility and security as well as looking better coverage of part-time and temporary employment. The openness of procedures and substantive reform is one of the strengths of collective bargaining and part of its adaptive flexibility (Freire and Lima, 1999).

Against the background of this reality that will modify, interests realize how these contradictions influence in collective bargaining and how these aspects manifest or not specifically to the construction of a new model.

2. Object and Working Hypotheses

Collective bargaining as an empirical object has a set of dimensions associated with him and that will be addressed in this research. First we consider the regulatory role it plays, which defines a set of rules and principles for certain professional groups or sectors. This is confirmed by the collective bargaining coverage rate that despite some fluctuations continues to be at much higher values than 80%, which is nonetheless significant (MTSS, 2002, OECD, 2004). Thus, and as an element to be taken into account, some authors did not fail to consider their role and the stress as a crucial element in improving the competitiveness and quality jobs (Rodrigues, 1991).

The importance that the content has been presented as the reference element and as a way of introducing changes not only in terms of modernization of work organization as well as in terms of competitiveness. It should also be noted that the importance of collective bargaining as a dynamic phenomenon, not limited to aspects related to the competitiveness and the quality of employment.

The real context reveals is often the place where these dynamics are present, it is there that the social actors play and play a role, collective action gains an expanded expression in the generated dynamic as we can see at certain times or for results the consequences of what we failed to achieve (Fernandes, 2000). Collective bargaining turns out to have a broader scope, since its influence extends to aspects ranging from the actual working conditions (hygiene, health and safety at work, for example), to aspects of own training / qualification (vocational training, for example), yet passing through areas that somehow or are connected directly to the work context and which relate primarily to the private lives of workers (maternity and paternity, for example).

The analysis is intended to do through this research has the overall objective: to understand the collective bargaining in Portugal through the analysis of models and business practices, bearing in mind the recent developments with the entry of the "new" labor code and the implications have resulted.

The object of analysis ("field" time) is situated in the period between 1996 and 2006, taking as reference the launch of the European Employment Strategy in 1994 and the consequences that this had with the launch of the National Plan employment in Portugal in 1997.

Since the launch of this Plan the Portuguese social partners signed a joint declaration in which they undertook to modernize the organization of work and to improve the adaptability of companies / workers by introducing in collective bargaining changes in terms of instruments collective agreements signed by the parties.

The launch of this statement was authorized to sign some collective agreements or company agreements that encompass aspects provided by this statement, however important to understand whether these agreements have had a dynamic update before the signing of the Joint Declaration or if this turns out to print a new trend of renewal.

The sectors that will be the subject of collective bargaining produced analysis are: manufacturing industries (automotive, pharmaceutical and textile sector), financial activities (banking) and the telecommunications sector. The selection of these sectors had the criteria or basic assumptions, the contribution in volume of employment, exposure to international competition and technological modernization that sectors are undertaking or made in recent years.

Against the backdrop of this object can establish a set of more specific objectives or analysis dimensions such as:

- To characterize the action of the various stakeholders and its location in terms of associative membership (union and employer) and their distribution across sectors;
- Understand the business processes, in view of the role and the strategies used by stakeholders;
- Identify and analyze the contents resulting from collective bargaining, from the various dimensions involved (monetary and non-monetary matters).

Therefore would become initial working hypotheses testing and redesign over the survey period, the following:

1st Collective bargaining in Portugal at the firm level is more influenced by institutional and political variables or depends more and more on individual goals.

2nd The organization of the existing industrial relations in Portugal conditions the employment relationship occurring within a given time point or on the other hand there is a separation between these two realities.

3rd In the course of the negotiation process between stakeholders focus more on achieving the immediate objectives or otherwise seek to achieve a long-term objectives.

3. Methodology

The approach of the research that is taking place, try to combine a qualitative-intensive approach with the introduction of some characteristic elements of quantitative approaches.

This option brings with it some risks that can result in problems of confirmation or non-confirmation of the research hypotheses and results obtained through the collection of information, whether more qualitative or quantitative.

In the choice of this type of methodological approach was present the characteristics and the type of object that is central to this investigation, the type of social actors and the context in which this empirical object.

3.1 Phases of research

In carrying out this research will be collected quantitative and qualitative elements, assuming the fieldwork a preponderant importance in support of the findings and the results achieved.

From these assumptions becomes necessary the use of methodologies that allow the crossing of data from different sources in order to remedy any lack of information, such as:

- Collective agreements of work;
- Company agreements;
- Collective agreements;
- Minutes of business processes;
- Data Collected by interview;
- Application Of a questionnaire survey.

3.2 Questionnaire and Universe

The data collection instrument designed for the development of the survey work by researchers interview- will complement the collection of quantitative data collected however (statistics, socio-demographic characteristics of workers covered by the trading and business sectors, distribution and structure business processes in terms of duration and characterization of stakeholders in the negotiations).

In order to operationalize the concept of trading in its manifestation in terms of practices, the questionnaire will be applied to a wide range of stakeholders in

collectively bargaining process preferably have taken part in the process elapsed time period in analysis-with a stratified sample by types negotiated agreements and taking into account its sectoral distribution.

The interview is an information collection tool that will be used to support and realize the deeper aspects that the questionnaire may be unable to collect, and the target will be the key actors who play the central role in these processes and that sometimes may not be present or actors that have been present in particular situations during these processes, where the need for features of the negotiation process or own the negotiators has justified. The sectors that will be investigated were determined from three criteria: the contribution of the volume of employment; the sector's exposure to international competition (competitive sectors, sensitive sectors) and technological and organizational modernization that these sectors have done or are doing.⁷

The hypotheses that correspond to the dimensions that are to be analyzed include will be issues around the following issues:

- 1st - Socio-demographic characterization of workers covered by collective bargaining;
- 2nd - The evolution of the labor relations system and the decentralization of collective bargaining;
- 3rd - The social actors and negotiation processes;
- 4th - The role of the state to intervene / regulator;
- 5th- The business practices and strategies of various stakeholders;
- 6th- The structural nature / deconstructive of labor disputes;
- 7th- The individualization of labor relations.

⁷ According to the latest data the payroll (Statistics in Brief), manufacturing had in 2007 about 725 246 000 persons employed, the financial activities 90,087,000 people and the telecommunications with 61,996,000 people.

4. Remarks Conclusion

The research that is taking place on the empirical object presented in summary form in the preceding pages, focuses on the analysis of collective bargaining, not only resulting in practical terms of its action, but also the process that occurs during operation while system of regulation of labor relations.

Thus understand collective bargaining and interpret certain processes can only result from the understanding of the dynamics that result from trading while concessions exchange process and not as a means of persuasion of the other parties, with the backdrop of a multidimensional dynamic as some authors have characterized (Audebert-Lasrochas, 1999).

In this sense the sociological analysis that is present in research strategy, if we may call it, goes against a dynamic, perhaps close to an action of sociology in the sense that Touraine (1973) gave expression, with all the implications that this option will have in terms of complexity of the analysis strategy and approach to stakeholders in these processes.

The research determined temporal scope in the project initially marked two distinct periods, a period of analysis which covers the reality prior to the application of the "New" Labour Code, at the time, and a second period that would include the time of entry into force of this new legislation, but with the entry into force of the revision of the Code, it makes sense to consider some effects that this will have in terms of labor reality.

The social reality is not immutable and social researcher; sociologist, in this case, have to make choices that often result from the dynamic that the analyze get to the right of the search path that the researcher does

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