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Project Deep View: Concluding report for Portugal

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0. Introduction

Existing data of European Working Conditions Survey (EWCS) about virtual work in Portugal describes a not very significant neither widespread phenomenon. In 2005, 1,8% of Portuguese workers were involved virtual work in at least 25% or more of their worktime, and 0,5% involved ‘almost all of the time’. In 2010, virtual work was in decline, with less than 3% of workers engaged in virtual work. In 2015, the sector of Computer programming, consultancy and related activities had 5% and 4% of the workers engaging daily and several times a week in work in locations where virtual work can occur (EU27 average was 6% and 8%, respectively); in the sector of Financial activities, 0% and 4% engaged daily and several times a week (EU27 was 2% and 3%); and in the sector of Human health activities, 0% and 3% engaging daily and several times a week (EU27 was 3% and 3%). Nevertheless, according to S. dos S. Gil (2015), statistics about the incidence of virtual work may not take into account the distinction between subordinate and independent teleworkers; may not cover teleworkers at home; may account for only those who telework all the time; and may exclude the mixed formulas (the most frequent).

Legislation is the most visible action regarding virtual work. Despite early legislation supporting telework contracts in 2003, the topic continues to be discussed by political parties. Since 2017, the right-wing party CDS has submitted three legislative proposals to regulate virtual work rejected by the left majority. The Socialist Labour minister stated that the government encourages the topic to be discussed but through the social dialogue channels (for example, at the Economic and Social Council-CES or the Permanent Council for Social Bargaining-CPCS) and collective bargaining.

Virtual work received little consideration from the social partners in social dialogue. Collective agreements considering virtual work were meagre. Although with different depths and coverages, 18 conventions were found mentioning virtual work in all sectors of the economy, and 7 that can be considered within the three sectors considered in this study. They mostly repeated parts of the labour law, emphasizing the improvements of working conditions. There is very little information about the real impact of these collective agreements on virtual workers. Furthermore, we detected collective bargaining outputs at sectoral and company level. In the computer programming activities, we found conventions that mentioned telework and regulated computer programming workers in four economic sectors (insurance, electric & electronic, metal and telecommunications). We did not find any convention mentioning telework in the finance sector. In the health care sector, nevertheless, we found two company agreements referring to telework signed between by a charity and unions, in 2009 and again in 2017.

Several reasons might account for this minor engagement of social partners with virtual work. First, the country has recently come out of a difficult economic crisis marked by trends of company and job destruction, skilled emigration, industrial conflict, poor social dialogue and limited collective agreements. Second, trade unions face significant difficulties. Portugal has a significant low level of employees reporting the existence of trade union, works council or similar body. At the national level, trade union’s density is down from 21,7% in 2004 to 16,3% in 2016. Collective bargaining coverage is low and declining from 80,2% in 2004 to 72,3% in 2015. Trade unions are not particularly strong in the three sectors under analysis. Last, there are also cultural aspects of the Portuguese labour market that limit virtual work. Literature revealed that one of the main obstacles to the implementation of forms of flexible work is the organizational culture, since the companies have traditional methods that defend the physical presence of the worker. This culture embedded in the systems, hierarchies and mentalities of workers leads to a difficult change, being one of the reasons why Portuguese companies do not adhere to telework. Low levels of digital literacy can also be constraining the spread of telework.

1. Objective

This report aims to provide an overview of main findings gathered from national desk research and fieldwork. It aims to respond main research questions of DEEP VIEW project from a Portuguese perspective. Accordingly, this analytical approach concentrates on assessing main findings at national and sectoral level.

2. Methodology

- a) Briefly describe and justify any methodological adaptation made as a result of national industrial relations' specificities. This is particularly relevant with regard to case study and interviewee agent's selection

This report first presents the results of the desk research conducted to systematize and review the literature existent about virtual work in Portugal. The desk research work was carried out from March to July 2018. It included extensive online searches using the strings “teletrabalho”, “tele-trabalho”, “tele trabalho”, “trabalho à distância”, “trabalho-à-distância”, “virtual work Portugal”, “virtual work Portuguese”, “digital work Portugal” and “digital work Portuguese”. The searches were conducted in three different sites: First, the work compiled scientific literature existing in national and international databases using the search engine Nova Discovery, which aggregates: the main databases of scientific articles, B-On (the main scientific engine in Portugal), institutional repositories and catalogues of all libraries of Universidade Nova de Lisboa, as well as ScienceDirect. Second, research included searches in *Boletim do Trabalho e Emprego*, the official publication of labour conventions. Last, other searches were conducted in Google Search engine to assure a widest coverture possible of documents related to the topic. The typology of documents considered in the systematic review included: articles, theses, dissertations, books, book sections, conference proceedings, reports, bills, statutes, working papers, newspapers and magazines. Furthermore, our review of the literature compiled of 150 publications of all types about virtual work or industrial relations. We analysed 58 international scientific publications and 14 grey publications concerning virtual work, industrial relations and/or Portugal. We also considered 77 publications written about Portugal that mentioned the string *teletrabalho*, out of which 61 publications were selected for detailed analyses. The scientific publications selected consisted of 3 PhD Theses, 19 Master Dissertations, 10 Journal Articles, 6 book chapters, 3 books, 4 conference proceedings and 16 reports. We also examined 14 grey publications.

This report also contains a summary of the fieldwork from Portugal. The fieldwork consisted in 6 preliminary interviews to experts and virtual workers and 19 semi-structured interviews of up to 60 minutes with social partners. These interviews were conducted in the period of June 2018 to June 2019. The guidelines for the interviews can be found in annex B.

The case study selection required methodological adaptations as a result of national industrial relations' specificities. First, the case of EDP¹ was selected because, despite being the biggest energy utility in Portugal, the company is usually taken into consideration in the Portuguese information and communication (ICT) sector, as it has optical fiber in the high and medium tension aerial cables provided by the national electric infrastructure (REN). For example, the inspections of overhead transmission and distribution lines, are using helicopters and drones to collect data through laser sensors, thermography and imaging. EDP Inovação has been working

¹ Eletricidade de Portugal (Electricity of Portugal)

with [Labelec](#) to make the process more efficient and effective by applying AI-based algorithms². In another project, EDP collects data from a dense network of sensors distributed throughout the entire energy value chain, from production to the commercialization of energy. Currently, the EDP Open Data platform features data from a photovoltaic technology research project - [Sunlab](#) - and one of the EDP Renováveis' wind farms.³ Other projects at EDP group are requiring digital forms of work.⁴ Second, and perhaps the most important methodological adaptation to the Portuguese specificities, we took virtual work as part of continuum process of intensification of digitalization in companies, which can lead to reorganization of traditional working methods and, eventually, to the implementation of virtual work. The financial is intensifying its digitalization process but to different degrees. We selected the major Portuguese bank and selected a case of technological obsolescence. Last, we address the healthcare services also within the concept that virtual work is a part of continuum process of intensification of digitalization in companies. Thus, we selected a company in this sector that provided digital services and a call centre to help home-based patients.

3. Cross-sectoral

1,000 words

- a) Briefly describe main country approach to regulate virtual work, analysing the role played by state regulation vs. social partners' regulation, assessing also the relationship between both regulatory sources in recent years

The main approach to regulate virtual work in Portugal is state regulation through the labour code. The labour code is still the source of most provisions agreed in collective bargaining. The Portuguese labour code was one of the first European systems to consecrate teleworking. This figure is as a special form of employment contract, which was introduced by the 2003 Labour Code and is today regulated in articles 165° to 171° of the 2009 Labour Code. More recently, the Labour Code has extended this type of employment contract by enshrining a right to virtual work: workers with children up to the age of 3 today have the right to move from the common labour regime to teleworking (home-based virtual work), on a temporary basis, and provided that this change is compatible with the activity carried out and with the employer's resources (Ramalho 2019). Furthermore, besides the state regulation, there are only a few sectoral agreements that include the topic virtual work, and most consist of the repetition of the Labour Code text. Importantly, issues related to virtual work were never discussed between peak-level partners. Last, the lack of outputs from social partners prompted the Christian-democrats (CDS) to present three proposals during the last legislature to stimulate virtual work in the parliament. However, all proposals were rejected by the left-coalition that supports the Socialist government in the parliament.

- b) Assess where does the focus of recent social partners debates and discussions on virtual work has lied on, identifying main contested areas between trade unions and employer organisations and/or between social partners and government

² <https://www.edp.com/en/artificial-intelligence-inspection-overhead-power-lines>

³ <https://www.edp.com/en/edp-open-data>

⁴ <https://www.edp.com/en/innovation/projects#all>

⁵ Article 166 (3) of the Labour Code, as amended by the Law 120/2015 of 1 September

The present socialist government (supported in the parliament by the parties BE⁶ and CDU⁷) stated that virtual work is a topic for collective bargaining, not government regulation. The political party CDS views existing agreements as not effective. If elected, CDS will regulate directly the topic, because Portuguese families need working conditions to stay at home and have flexible working arrangements to, for example, collect their kids from school.

Virtual work was never discussed between the main peak-level social partners (unions and employer confederations):

One side, the main employers' confederation CIP considers that the statutory regulations that exist are enough and do not require further developments. The few collective agreements that exist with virtual work aim to deal with a specific need of those sectors. CIP's associations should be free and not forced to sign agreements they consider unnecessary. In general, the confederation considers that virtual work agreements should be reached by direct consensus between the manager and the employee. The tourism confederation (CTP) indicated that the existent statutory regulations work and are enough and see no need to modify existing regulation at national level. In fact, as many of CTP's associates use frequently virtual work in their companies, and they never complained about regulations, there is no need to change existing regulations. Any further issues related to virtual work (or connected topics) should be addressed directly also between the manager and the employee. They considered that sectoral negotiations with their associations will not address virtual work in the near future.

On the other side, the main trade union confederation CGTP is ready to discuss at national level and will avoid further regulation about virtual work, if possible, in the labour code. To the confederation, telework (home-based telework under regular employment contract) is a negative form of workers' rights, badly paid, cut costs to employers and increases the exploitation. CGTP also disapproves government interference in the labour code about this topic, as they tend to favour the employer's side. The social democrat UGT welcomes collective agreements to protect workers particularly at sectoral level. They are open to discuss and negotiate at national level, as long as worker's rights are assured, and negotiations will not lead again to losses of employee protections.

- c) Assess to what extent potential negative effects of virtual work on working conditions have been addressed in the national social dialogue debates and explain the reasons behind.

Until now, the national social dialogue debates never included the topic of virtual work.

4. Health care sector

1,000-1,500 words

- a) Assess the impact of ICT or so-called eHealth on management policies and working conditions in the sector

The employers' association *União das Misericórdias Portuguesas* (UMP) is one of the main employer's associations in the field of healthcare sector. According to UMP, the main ICT tools in the healthcare sector are teleassistance (call-centre to deal with phone calls from patients), panic button, phone. There are also in use smoke detectors, gas detectors, intrusion sensors, indicators of WC usage and fall sensors, but they are more expensive to the user. Some companies offer counselling and loneliness call centres, among others. There are cases where other sensors

⁶ Left Block

⁷ Democratic Unitarian Coalition

(diabetes) are connected to the central healthcare provider. In some cases, mobile healthcare professionals visit the patient/user with iPads and smartphones to access and collect information about the patient. An UMP study indicated that teleassistance reduces the user's fear of fall and fear of dying alone.

The trade union *Sindicato dos Técnicos Superiores de Diagnóstico e Terapêutica* (SINDITE) represents 16 professions of healthcare sector with intensive use of ICTs. In some of these professions, there is a constant use of ICT tools, such as tablets and patient monitoring devices. Despite the ICT workload, the technicians have to be available to the patient complaints. SINDITE pointed that increasingly radiology technicians perform ICT tasks without the presence of a medical doctor, despite protocols specifying their need. SINDITE's main demand is that, like with the nurses, the transfer of occurrences should exist as a defined period among diagnostic technicians. ICT work has and will continue to increase in many of SINDITE's professions. ICTs require an increase of technical knowledge (to operate the machines) as well as scientific (e.g. including the skin colour in ultrasound results) and an increase in the intensity of work (more patients, procedures and administrative work). For example, ultrasounds have increased from 2D to 3D, 4D (time) and now 5D (light or angle of incidence of light).

It seems that, in all, e-Health affects working time patterns, availability in relation to patients or colleagues and mobility patterns (more or less visits to patients, etc.). But further studies on these developments are still needed, once there is no systematization of information about it.

- b) Describe main approach to regulate virtual work through collective bargaining in the sector, analysing the role played by multi-employer and single-employer bargaining. In case collective bargaining has not played a key role, assess main approach of Human Resources Management practices.

The sectoral collective bargaining has not played a role to regulate virtual work. The UMP sees no need to change the current pattern of the content included in the collective agreement. The current labour law enables virtual work but, in this sector, virtual work does not exist in this employers' association units. On the other hand, the trade union SINDITE considers that the ICTs intensify the relation with the work, as they require more skills. The skill upgrade is rarely contemplated by employers: engineers forget that there is a human being operating the machine they create, and human resources (HR) departments assume that professionals will adapt to new ICT requirements. In addition, SINDITE argued that the skill upgrade does not count the employee "stock of hours" (which, by the way, only exists in the labour code and remains to be activated).

In the case of most skilled healthcare professionals, their contact with new ICTs in academic environment and in expert conferences. But, according to SINDITE there are always some groups who reject ICTs (normally older or in hierarchical positions), but groups of younger, more qualified or skilled tend to accept them. SINDITE considered that unionization is difficult (despite the fact that most adhere because of the low price of the professional insurance offered by SINDITE). Workers tend to pay to unions independently, as there is the risk of unemployment. Many young professionals are precariat, earning 400€ in part-times, which are complemented by, for example, a Zara workplace and, in other some cases, with cleaning tasks. In the future,

8 Such as professionals in Audiology, Clinical Analyses and Public Health, Pathological Anatomy, Cytology and Thanatology, Cardio pneumology, Dietetics, Pharmacy, Physiotherapy, Oral Hygiene, Nuclear Medicine, Neurophysiology, Orthopaedics, Orthoptics, Dental Prosthesis, Radiology, Radiotherapy, Health Environmental Therapy, Speech Therapy, Occupational Therapy

collective agreements might include provisions for payments, in cases where non-unionized workers adhere to the agreements SINDITE negotiates

- c) Assess where does the focus of recent social partners debates and discussions on virtual work (particularly on working conditions) in the health care sector has lied on, identifying main contested areas between trade unions and employer organisations (including trade unions and/or employer organisations proposals). In case the topic has not been included in social partners' bargaining agenda at sectoral or company level, explain the reasons behind

Recent debates among social partners focus on pay and progression. There are no debates about virtual work as employers are not interested in expanding the topics with unions. UMP association pointed that the main problem with virtual work is financial. In fact, the "Misericórdias" are stretched to their limits and virtual work requires investment, according to the interviewee. The main negative effects detected was in private call centres with workers of private companies (not their associates), as they work by shifts 24/7 and much of the work needs to be supervised or done by employers with many different skills. UMP also sees no need to address the topic in the collective agreement.

With a different position, the union SINDITE proposed that collective agreements mention that ICT acquisitions should always include the necessary skill upgrade to workers who operate these systems. The trade union also suggest introducing items to these agreements that should include topics related to confidentiality and security of data, despite employers consideration of these topics are already included in the deontological code of these professions.

The collective negotiations have been emptied of contents. The collective agreements are negotiated bellow the standards of the existing labour law, according SINDITE. Public sector negotiators are increasingly paying attention to the indirect effects of wage changes in the private sector, and all they seem to be interested in keeping these wages low. For example, private companies of human analysis are already within public hospitals, as in Portalegre (Alentejo region), the cheaper they are, the lower the cost for the public. According to the interviewee, ICT attracts so many private companies because it provides the best economic returns in the healthcare sector. Furthermore, another topic to negotiate relates to the time where workers disconnect from their work. For example, the book of occurrences is often written from home through electronic communication to the services. To prevent this, SINDITE suggests overlap of time during shifts to allow the proper transfer of occurrences to the worker of next shift.

- d) Briefly analyse good social practice identified, highlighting main innovations in promoting decent working conditions for virtual workers in the sector

As mentioned previously, virtual work is not significant in this sector. In fact, our interviewees were not able to point one single case of telework or to detect ICT related work being done outside employers' premises. Thus, we decided that the best way to present a good social practice related to virtual work was to consider the processes of digitalization occurring in sector. We found a good social practice related to the inclusion of handicap employees within the call centres of one company.

The HelpPhone is a small company working in assistance of healthcare users in Portugal. Workers provide assistance and support to patients through ICT in their call-centres and manage the connection with other operators when necessary. It helps home-based patients through teleassistance through different services such as emergency 24h, loneliness support, medical phone, pill alerts, assistance to home 24h, mobility 24h, T-Care 24 (remote bio sensors) and TeleAcesso (mobile and fixed phones and panic buttons). The presential tasks of homecare are done by other organizations, such as emergency services, Misericórdia workers, etc. In 2009, the company started including a project to integrate 5 workers with physical disabilities. In 2019, the company has 15 to 17 employees, and maintains most of these workers with special needs. Nonetheless, the new operators have more qualifications and do not have these special needs,

because the work deals with human lives and sometimes there are complex situations that required more qualified workers. The new workers have been needed in particular in the loneliness support service, dedicated to solitude and dealing with prevention of suicide.

5. Financial sector

1,000-1500 words

a) Assess the impact of virtual work on working conditions in the sector

Virtual work in the financial sector is not very significant in the whole sector. Most workers tend to work within employers' premises (where they suffer from the impact of digitalization processes), and only qualified employees have access to platforms to work digitally. Security and life-balance were common arguments to prevent further development of virtual work. Nevertheless, we have identified a few cases of non-paid extra-hours carried out mostly by middle-managers and professional staff. The tasks involved writing emails, preparing presentations and writing reports, and were carried out mostly at home during afterhours and weekends. In another case with more impact in the workforce, professional staff was involved all types of digital tasks performed within the clients' premises. We conclude that the impact of virtual work in working conditions in the sector is not very significant in the whole sector but, where it exists, virtual work tended to worsen working-times, work-life balance and to intensify workloads.

b) Describe main approach to regulate virtual work through collective bargaining in the sector, analysing the role played by multi-employer and single-employer bargaining. In case collective bargaining has not played a key role, assess main approach of Human Resources Management practices.

The sectoral agreements do not mention the concept of virtual work nor telework. According to interviews to managers, virtual work challenges are solved at the company level, with the involvement of HR departments and others. In an important digitalization of work scheme related to the distribution of hybrid laptops to workers of one bank, all departments were involved in solving issues. Little training was given to workers involved in the pilot-phase. But later, increased efforts were put into the final phase, as a result of initial failures in training. Today, when hybrid personal computers (PC) are provided to workers, a team spends half-a-day receiving training in the bank branch to ensure proper skills to operate hardware and software involved in virtual work. As far as it was possible to understand, virtual work issues are not topics discussed with the unions and works councils.

The major trade union of the sector, *Sindicato dos Bancários de Sul e Ilhas* (SBSI), thinks that the financial sector will not discuss this topic in the coming times, as there are layoffs and many other problems to overcome. In addition, the SBSI has no experience with virtual work, is not aware of its existence in the sector, and indicated that perhaps the outsourcing companies (abundant in the sector) have virtual work in place. Therefore, the main approach to deal with virtual work is left to human resources management (HRM) practices, is not very significant in companies and when it exists affects mostly managers and professional staff.

c) Assess where does the focus of recent social partners debates and discussions on virtual work (particularly on working conditions) in the financial sector has lied on, identifying main contested areas between trade unions and employer organisations (including trade unions and/or employer organisations proposals). In case the topic has not been included in social partners' bargaining agenda at sectoral or company level, explain the reasons behind

The employers' Association of Portuguese Banks does not get involve in collective agreements. These agreements are left to groups or individual companies. According to the companies interviewed, virtual work in the sector is limited by security and work-life balance factors. On the other hand, SBSI was aware of the introduction of this topic in the insurance sector but considers that the financial sector will be late due to other problems (lay-offs, pay and health benefits). According to a union lawyer, companies should consider telework "as an alternative to jobs extinction or lay-offs" (Mirra, 2016). To sum up, both sides are not concerned with the need to prevent negative working conditions brought by virtual work and ICT in the sector.

- d) Briefly analyse good social practice identified, highlighting main innovations in promoting decent working conditions for virtual workers in the sector

As mentioned, virtual work is not significant in this sector. For example, the department of financial operations of the biggest bank in Portugal had one employee in telework for one year due to a foot injury. Thus, as it did not make sense to focus on a case of virtual work that only affects a minor part of the workforce, we found a good social practice in sector related to the negative effects on-going processes of digitalization of work. The case relates to the technology-obsolence of credit workers reconverted into remote virtual workplaces inside new employer's premises. These were workers affected by the digitization of the processes of credit concession operations and control of bank credit. Presently, the new workplaces have simple routine cognitive tasks, done using mobile applications, associated with correction of information related to the bank's credit operations, majorly rectification of data and updates on credit holders.

According to the management, these employees were not suited to be engaged with clients previously and preferred to move to a back-office workplace. In 2009, the bank decided to create this special programme to maintain social peace and avoid unnecessary dismissal of workers still fit to produce valuable work to the bank. The tasks of correcting and entering credit data are supervised remotely at headquarters by a line manager. In addition, once a month supervision is done by the manager of these operations through videoconference in a meeting with the various groups. Once a year, supervision is done by the credit director personally visiting each group so that they do not feel lost or isolated. The focus of supervision is on the final correction and data entry service by the workers, who mostly work in teams in the capitals of their districts. The participation in this program was made on an individual basis and involves around 30 workers. To avoid relocation or dismissal of these workers, the company grouped them in their original districts and distribute the work of correction and introduction of credit data according to their skills and the team profile. Some of these district centres have been closing through pre-retirement schemes, but there are still 5 group in Viseu, Vouzela, Porto, Braga and Santarém.

6. IT sector

1,000-1500 words

- a) Assess the impact of virtual work on working conditions in the sector

The impact of virtual work on working conditions was significant in the ICT sector. All interviewees of ANEME and the trade union SIEAP stated that there was a significant amount of informality regarding virtual work in the sector. Both parts agreed that this informality should be addressed at sectoral level. According to ANEME, many companies ask for virtual work to their workers without including it in their labour contracts. Recently, a small but influential number of companies decided to explicitly regulate virtual work through HR practices (e.g. EDP, Vodafone, ANACOM). Trade unionists also argued that there are difficulties in controlling working time and avoiding managerial. For them, the isolation of workers can also be a problem related to health and safety and there are difficulties to contact these workers. In some big companies there are regulations about rules of ICT usage that clarify duties and rights of the workers and the companies. The main groups of workers involved are in the financial and administrative areas in

companies, where workers have simple cognitive routine tasks, are pre-trained, don't have much autonomy, and the control by the manager is very automatized. Other groups include mostly engineers and senior managers that tend to develop many of their activities outside the office. The SIEAP considers that the confederations of trade unions should reach an agreement through social dialogue.

- b) Describe main approach to regulate virtual work through collective bargaining in the sector, analysing the role played by multi-employer and single-employer bargaining. In case collective bargaining has not played a key role, assess main approach of Human Resources Management practices.

The ICT sector was the first to address virtual work in a sectoral collective agreement. The 2017 and 2018 sectoral agreements included provisions about the topic by repeating what was written in the labour law. The 2017 agreement was in itself ground-breaking, as most sectoral agreements in Portugal did not refer to virtual work (or just briefly mentioned the topic). In addition, until 2017 the introduction of technology related topics in collective bargaining remained rather stagnant following the crisis (Centro de Relações Laborais 2018). Overall, in 2017 there were six collective agreements referring to virtual work, with two being multi-employer agreements (Centro de Relações Laborais 2018). In 2018, there were nine agreements in Portugal, with the same two multiemployer agreements and an increase in the number of single-employer agreements (Centro de Relações Laborais 2019).

Importantly, the latest sectoral agreement of March 2019 (Boletim do Trabalho e Emprego 2019) included more developed regulations regarding virtual work. In fact, compared with the existing labour law, the latest agreement added content to:

- working time: In the case of home-based telework, only develops in some days of the normal period of weekly work, the parties will agree on the days that affect him; In the absence of agreement, it is up to the company to fix the days in question; When working in telework, the daily schedule cannot be higher than that practiced in the company; The provision of additional work is not allowed unless the respective conditions of execution are previously and expressly agreed with the employer; and last, during working hours, the worker should be available for contacts of clients, colleagues and / or hierarchical superiors who wish to contact him.
- extending the experimental period of teleworking from 30 to 90 days and gives 15 days to cancel the contract.
- defining that in case of malfunction or malfunction of the equipment in question, the employer must be warned immediately.
- clarifying duties of the employee in relation to the need of the employee not to disclose, any information, data, access, passwords or other means - including hardware and software that can interests of the employer.
- stating the employee liability, including civil and disciplinary, for the consequences that result from breach of the abovementioned duties.
- stating that the teleworker integrates the number of employees of the company for all purposes related to collective representation structures and can apply for these structures.

It is still early to assess the impact of the 2019 agreement. The sector is export-oriented and hence significantly exposed to competitive pressures. Given its influence in the Portuguese economy and the impact of its agreements in the past, it is possible to argue that the handling of virtual work in its collective agreements may influence other sectors of economic activity in the future.

- c) Assess where does the focus of recent social partners debates and discussions on virtual work (particularly on working conditions) in the IT sector has lied on, identifying main contested areas between trade unions and employer organisations (including trade unions and/or employer organisations proposals). In case the topic has not been included in social partners' bargaining agenda at sectoral or company level, explain the reasons behind

ANEME interviewee mentioned that “the moderate trade unions signed all three collective bargaining agreements since 2016”. The new 2019 agreement has a more detailed regulation than the former ones, as ANEME was able to settle with most trade unions adequate regulations to the sector as mentioned before, in relation to rights and duties, upgrade of skills, isolation of workers, hardware and property, working periods, working days, working time, experimental period, privacy, code of conduct and responsibility. Relevantly, the sectoral agreement also stipulated that virtual workers count to the structures of collective representation and they can apply to these structures. Although this already exists in the Labour Code, the statement in itself in the agreement is seen as a concession. The other trade union (of CGTP) does not have a collective agreement anymore, as it expired.

In terms of other content, the representative of ANEME indicated that one aspect of the labour code needs to be reframed, as it stipulates that working periods need to be respected but most modern lives of virtual workers need more flexibility to, for example, collect children from school at these hours. On the other hand, the SIEAP's experience with telework shows that there is no real control of working time, which can lead to worker working more hours and the company to avoid paying for extra time. It might lead to the isolation of the worker and discretionary attitudes by managers. The SIEAP representative pointed that they have been active to promote better regulations within on ICT's use, and to prevent abuses in other companies with talks with managers.

- d) Briefly analyse good social practice identified, highlighting main innovations in promoting decent working conditions for virtual workers in the sector

EDP⁹ is the biggest conglomerate in Portugal, usually taken into consideration in the Portuguese ICT sector as it has optical fiber in their high and medium tension aerial cables.¹⁰ Informal virtual work in the company is significant, according to members of works councils and trade union delegates. However, there is an organized effort to deal with virtual work in EDP, both in terms of the (a) need to reconcile life and work and (b) elaboration of guidelines and regulations to deal with ICTs.

The need to reconcile life and work (a) is addressed in the company's programme *Conciliar*, which includes one regulation about virtual work.¹¹ There are specific conditions to use apply for virtual work in the company: The worker needs to assure that he/she has its own internet connections, laptop and work and safety conditions (laptop are provided by the company). The use of telework measure may not exceed the following 5 consecutive business days and 15 business days in the year. These limits may only be exceeded in duly justified and with

⁹ Eletricidade de Portugal (Electricity of Portugal)

¹⁰ For example, the inspections of overhead transmission and distribution lines, are using helicopters and drones to collect data through laser sensors, thermography and imaging. EDP Inovação has been working with [Labeltec](#) to make the process more efficient and effective by applying AI-based algorithms. In another project, EDP collects data from a dense network of sensors distributed throughout the entire energy value chain, from production to the commercialization of energy. Currently, the EDP Open Data platform features data from a photovoltaic technology research project - [Sunlab](#) - and one of the EDP Renováveis' wind farms. Other projects at EDP group ¹⁰ are requiring digital forms of work.

¹¹ Overall, the programme *Conciliar* consists of 18 measures that the management considered important to improve work-life balance.

confirmation from the hierarchy of the absence of inconvenience to the service, as well as validation of the respective Human Resources Division. The employee needs to send da email to his/her hierarchy with the dates of teleworking 2 days prior to the date. The use of the measure has no impact in the meal subsidy. It is incompatible with the enjoy any license (or waiver) under the statutory parenting regime, or other situations of absence due to illness, occupational accident or assistance to household member. In 2018, about 150 workers took advantage of the virtual work measure, according to the Human Resources Department.¹² The measure is expected to continue to impact mostly skilled professionals performing tasks that involve ICTs, and not the bulk of specialized electric workers connected in the distributions of energy.

The virtual work guidelines and regulations to deal with ICTs (b) consist of guidelines distributed to all workers and regulations made about rights and duties of ICTs technologies (i.e. computer, tablets telephones and printers) when using fixed and mobile phones of the company, emails and internet. These rules are explicit in an internal document not included in the contract and it does not regulate premises neither time spent working.

¹² As a reference, in 2017, the Conciliar Programme impacted over 1600 employees in Portugal, according to EDP's 2017 Relat6rio de Sustentabilidade. https://www.edp.com/sites/default/files/portal.com/relatorio_de_sustentabilidade_2017_pt.pdf.

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8. Annex A – Guiões das Entrevistas

8.1 Guião das Entrevistas ao nível Nacional

• Objetivo do projeto

O CICS.NOVA da Universidade Nova de Lisboa é o parceiro português no projeto europeu DEEP VIEW, que visa favorecer uma compreensão mais profunda sobre a problemática do teletrabalho. Em particular, o projeto pretende conhecer como o diálogo social e a negociação coletiva a nível nacional, setorial e empresarial estão a enfrentar os desafios das novas Tecnologias de Informação e Comunicação (TIC), com vista a promover teletrabalho decente e produtivo.

O consórcio financiado pela União Europeia é composto por centros de investigação de 5 países (Áustria, Dinamarca, Estónia, Espanha e Portugal), e irá investigar como os parceiros sociais nacionais, setoriais e representantes dos trabalhadores ao nível da empresa estão a enfrentar esses desafios em três setores de atividade económica (i.e. atividades financeiras, programação de computadores e cuidados de saúde).

O projeto, que teve início em Março de 2018 e que decorrerá até Janeiro de 2020, será desenvolvido pelos investigadores integrados António Brandão Moniz e Nuno Boavida. A metodologia a utilizar combinará pesquisa documental e investigação qualitativa de campo, com entrevistas a diversas entidades e especialistas nesta área, com um foco acentuado nas boas práticas ao nível da empresa.

• Objetivos da entrevista

1. Preencher lacunas da pesquisa documental em relação à incidência de teletrabalho e evidências sobre os efeitos das condições de trabalho associadas ao teletrabalho
2. Reunir informações sobre como as organizações sindicais e de empregadores ao nível nacional estruturam e entendem os desafios trazidos pelas novas Tecnologias de Informação e Comunicação e o teletrabalho na organização do trabalho e nas condições de trabalho.
3. Reunir informações sobre diferentes propostas e pontos de vista para abordar problemas e desafios associados ao teletrabalho, identificando os principais acordos e áreas contestadas entre diferentes parceiros sociais ao nível nacional (organização sindical vs. empregador).

• Definição de teletrabalho

Teletrabalho é todo o trabalho executado por trabalhadores recorrendo a TIC – por exemplo *smartphones*, *tablets*, *laptops* e computadores de mesa – para fins de trabalho fora das instalações do empregador, independentemente do status, intensidade, etc. (ICT e ILO 2017; Lee, 2016).

• **Guião da entrevista**

1. Descreva e analise as principais tendências associadas ao teletrabalho e às condições de trabalho dos teletrabalhadores (caso os parceiros sociais tenham dados ou informações relevantes). A sua organização realizou algum estudo sobre estes aspetos? Se sim, indique detalhes por favor

2. Por favor, explique, do ponto de vista da sua organização, quais são os principais desafios associados ao teletrabalho em termos de organização do trabalho e condições de trabalho.

a) Quais são os principais problemas ou desafios identificados em termos de organização do trabalho e condições de trabalho (equilíbrio entre o trabalho e a vida pessoal, tempo de trabalho, saúde e segurança, etc.)?

b) Qual o perfil dos trabalhadores e das ocupações em questão?

c) Quais são as causas desses problemas (fatores culturais, políticas do empregador, falha de regulamentação, falta de capacidade de fiscalização, etc.)?

3. Por favor, explique, do ponto de vista da sua organização, quais seriam as melhores respostas (incluindo ideias que estão apenas em discussão) ao nível do diálogo social e da negociação coletiva para abordar os principais desafios previamente identificados.

a) Forma de regulação: diálogo social, negociação coletiva (setorial vs. empresa; setor de articulação e cláusulas abertas para as empresas; etc.); outros (práticas de Gestão de Recursos Humanos; regulação estatal; etc.)

b) Tópicos e questões a serem regulamentadas: condições de emprego e trabalho, organização do trabalho, equipamentos, direitos de privacidade, direitos coletivos, etc.

c) Propostas para regular cada tópico

4. A abordagem e as propostas da sua organização demonstraram ser viáveis, com vista a serem incluídas na agenda de negociações, discussões ou acordos de diálogo social? Porquê?

5. Descreva, por favor, o papel desempenhado pelo diálogo social tripartido e pela negociação coletiva intersectorial para regular o teletrabalho. Onde é que o foco do diálogo social e da negociação coletiva se centrou (equilíbrio entre o trabalho e a vida pessoal, tempo de trabalho, etc.)? Porquê (indique por favor uma explicação detalhada no caso de alguma proposta ou ideia de algum parceiro social não poder ser introduzida nas discussões ou nas negociações dos parceiros sociais)?

6. Por favor, avalie o impacto do acordo-quadro europeu sobre teletrabalho (*European Framework agreement on telework*)¹³ na negociação coletiva nacional (até que ponto o acordo foi implementado na negociação coletiva) e explique as razões que sustentam essas posições.

7. Avalie, por favor, até que ponto o acordo-quadro europeu sobre teletrabalho continua a ser uma referência adequada, com vista a regular os desafios associados aos acordos de teletrabalho mais recentes, que permitem flexibilidade especial e de tempo de trabalho.

8. No caso em que a regulação estatal desempenha um papel relevante na regulação do teletrabalho, indique por favor, a sua avaliação desse papel.

¹³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Ac10131>

8.2 Guião das Entrevistas ao nível Setorial

• Objetivo do projeto

O CICS.NOVA da Universidade Nova de Lisboa é o parceiro português no projeto europeu DEEP VIEW, que visa favorecer uma compreensão mais profunda sobre a problemática do teletrabalho. Em particular, o projeto pretende conhecer como o diálogo social e a negociação coletiva a nível nacional, setorial e empresarial estão a enfrentar os desafios das novas Tecnologias de Informação e Comunicação (TIC), com vista a promover teletrabalho decente e produtivo.

O consórcio financiado pela União Europeia é composto por centros de investigação de 5 países (Áustria, Dinamarca, Estónia, Espanha e Portugal), e irá investigar como os parceiros sociais nacionais, setoriais e representantes dos trabalhadores ao nível da empresa estão a enfrentar esses desafios em três setores de atividade económica (i.e. atividades financeiras, programação de computadores e cuidados de saúde).

O projeto, que teve início em Março de 2018 e que decorrerá até Janeiro de 2020, será desenvolvido pelos investigadores integrados António Brandão Moniz e Nuno Boavida. A metodologia a utilizar combinará pesquisa documental e investigação qualitativa de campo, com entrevistas a diversas entidades e especialistas nesta área, com um foco acentuado nas boas práticas ao nível da empresa.

• Objetivos da entrevista

1. Preencher lacunas da pesquisa documental em relação à incidência de teletrabalho e evidências sobre os efeitos das condições de trabalho associadas ao teletrabalho nos três setores estudados
2. Preencher as lacunas da pesquisa documental sobre a questão de como as negociações coletivas setoriais, concluídas no nível multi ou de um único empregador, abordam os efeitos do teletrabalho nas condições de trabalho nos três setores estudados.
3. Recolher informação sobre como as organizações sindicais e patronais setoriais enquadram e compreendem os desafios da organização do trabalho e das condições de trabalho trazidos para as novas TIC e o teletrabalho nos três sectores.
4. Recolher informações sobre diferentes propostas e pontos de vista para abordar problemas e desafios associados ao teletrabalho, identificando os principais acordos e áreas contestadas entre diferentes parceiros sociais setoriais (organização sindical vs. empregador).
5. Identificar potenciais "boas práticas de diálogo social a nível da empresa" com o objetivo de promover um teletrabalho eficiente e decente.

• Definição de teletrabalho

Teletrabalho é todo o trabalho executado por trabalhadores recorrendo a TICs – por exemplo *smartphones, tablets, laptops* e computadores de mesa – para fins de trabalho fora das instalações do empregador, independentemente do status, intensidade, etc. (ICT e ILO 2017; Lee, 2016).

• **Guião da entrevista**

1. Apenas para o setor dos cuidados de saúde:

Por favor, descreva o impacto da chamada e-Saúde no setor.

- a) Descreva, por favor, as principais ferramentas de TIC (telemóveis, *tablets*, dispositivos de monitorização de pacientes, assistentes pessoais digitais (PDAs), etc.) utilizados por profissionais de saúde móveis (enfermeiros, assistentes de cuidados de saúde e auxiliares de saúde) e explique brevemente o seu funcionamento
- b) Avalie, por favor, as implicações das TIC para a organização do trabalho: elas afetam padrões de mobilidade anteriores (mais ou menos visitas a pacientes, etc.), padrões de horário de trabalho, disponibilidade em relação a pacientes ou colegas, etc.

2. Por favor, descreva e avalie as principais tendências associadas ao teletrabalho e às condições de trabalho dos teletrabalhadores no seu setor (no caso de possuir dados ou informações relevantes). A sua organização realizou algum estudo sobre teletrabalho? Se sim, indique detalhes

3. Explique, por favor, do ponto de vista de suas organizações, quais são os principais desafios associados às TIC e ao teletrabalho em termos de organização do trabalho e condições de trabalho no seu setor.

- a) Quais são os principais problemas ou desafios identificados em termos de organização do trabalho e condições de trabalho (equilíbrio entre o trabalho e a vida pessoal, tempo de trabalho, saúde e segurança, etc.)?
- b) Qual o perfil dos trabalhadores e das ocupações em questão?
- c) Quais são as causas desses problemas (fatores culturais, políticas do empregador, falha de regulamentação, falta de capacidade de fiscalização, etc.)?

4. Explique, por favor, do ponto de vista da sua organização, quais seriam as melhores respostas (incluindo ideias que estão apenas em discussão) ao nível setorial do diálogo social e da negociação coletiva para abordar os principais desafios identificados anteriormente em relação a:

- a) Forma de regulamentação coletiva: diálogo social; negociação coletiva (setorial vs. empresa; setor de articulação e empresa, etc.); outros (práticas de gestão de Recursos Humanos; regulação estatal; etc).
- b) Tópicos e questões a serem regulamentadas: condições de emprego e trabalho, organização do trabalho, equipamentos, direitos de privacidade, direitos coletivos, etc. (para cada tópico, explicar a proposta de regulamento)
- c) Propostas para regular cada tópico

5. A abordagem da sua organização e as propostas descritas anteriormente mostraram-se viáveis, com vista a serem incluídas na agenda de negociações, discussões ou acordos de diálogo social? Porquê?

6. Por favor, descreva o papel desempenhado pela negociação coletiva ao nível setorial e empresarial para regular o teletrabalho. Onde tem sido mantido o foco social (organização do trabalho, equilíbrio entre trabalho e vida privada, tempo de trabalho, etc.)? Porquê? No caso do acordo coletivo multi-empregador não abordar o tema do teletrabalho, explicar as razões que justificaram essa opção

7. Por favor, avalie o impacto do quadro de teletrabalho e/ou iniciativas de diálogo social setorial a nível europeu (relevante apenas para o sector financeiro e das Software/Informática) na negociação multi e único empregador desenvolvida no sector, e explique as razões que justificaram essa opção

8. Avalie, por favor, até que ponto o acordo-quadro europeu sobre teletrabalho (*European Framework agreement on telework*)¹⁴ é ainda uma referência adequada, com vista a regular os desafios associados aos mais recentes acordos de teletrabalho existentes no seu setor, que permitem a flexibilidade do espaço e do tempo de trabalho.

9. Avalie, por favor, as iniciativas de diálogo social setorial europeu sobre o tema (relevante apenas para o setor financeiro e de *software*/informática) e analise seu impacto no país (as iniciativas podem ser encontradas em um relatório comparativo preliminar).

10. Caso a regulação estatal desempenhe um papel relevante na regulação do teletrabalho indique, por favor, uma avaliação de como a regulamentação é adaptada às especificidades do setor.

11. Indique, por favor, informações sobre boas práticas de diálogo social ao nível da empresa, regulando o teletrabalho e justificando sua avaliação.

14 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Ac10131>

8.3 Guião das Entrevistas dos Mini-Estudos de caso

• Objetivo do projeto

O CICS.NOVA da Universidade Nova de Lisboa é o parceiro português no projeto europeu DEEP VIEW, que visa favorecer uma compreensão mais profunda sobre a problemática do teletrabalho. Em particular, o projeto pretende conhecer como o diálogo social e a negociação coletiva a nível nacional, setorial e empresarial estão a enfrentar os desafios das novas Tecnologias de Informação e Comunicação (TIC), com vista a promover teletrabalho decente e produtivo.

O consórcio financiado pela União Europeia é composto por centros de investigação de 5 países (Áustria, Dinamarca, Estónia, Espanha e Portugal), e irá investigar como os parceiros sociais nacionais, setoriais e representantes dos trabalhadores ao nível da empresa estão a enfrentar esses desafios em três setores de atividade económica (i.e. atividades financeiras, programação de computadores e cuidados de saúde).

O projeto, que teve início em Março de 2018 e que decorrerá até Janeiro de 2020, será desenvolvido pelos investigadores integrados António Brandão Moniz e Nuno Boavida. A metodologia a utilizar combinará pesquisa documental e investigação qualitativa de campo, com entrevistas a diversas entidades e especialistas nesta área, com um foco acentuado nas boas práticas ao nível da empresa.

• Objetivos da entrevista

6. Preencher lacunas da pesquisa documental em relação à incidência de teletrabalho e evidências sobre os efeitos das condições de trabalho associadas ao teletrabalho nos três setores estudados
7. Preencher as lacunas da pesquisa documental sobre a questão de como as negociações coletivas setoriais, concluídas no nível multi ou de um único empregador, abordam os efeitos do teletrabalho nas condições de trabalho nos três setores estudados.
8. Recolher informação sobre como as organizações sindicais e patronais sectoriais enquadram e compreendem os desafios da organização do trabalho e das condições de trabalho trazidos para as novas TIC e o teletrabalho nos três sectores.
9. Coletar informações sobre diferentes propostas e pontos de vista para abordar problemas e desafios associados ao teletrabalho, identificando os principais acordos e áreas contestadas entre diferentes parceiros sociais setoriais (organização sindical vs. empregador).
10. Identificar potenciais "boas práticas de diálogo social a nível da empresa" com o objetivo de promover um teletrabalho eficiente e decente.

• Definição de teletrabalho

Teletrabalho é todo o trabalho executado por trabalhadores recorrendo a TICs – por exemplo *smartphones*, *tablets*, *laptops* e computadores de mesa – para fins de trabalho fora das instalações do empregador, independentemente do status, intensidade, etc. (ICT e ILO 2017; Lee, 2016).

• **Guião da entrevista**

1. Informação contextual

1.1 Descreva, por favor, as principais características da sua empresa em termos de tamanho, características da força de trabalho empregada, tendências económicas e de emprego nos últimos anos e principais práticas de gestão e características da organização do trabalho.

Com o objetivo de identificar as principais práticas de gestão e características da organização do trabalho, podem ser formuladas as seguintes questões:

- a) descrever as principais atividades e tarefas desenvolvidas pelas categorias profissionais mais importantes existentes na empresa (envolvem tarefas cognitivas de rotina ou não rotineiras e tarefas manuais rotineiras ou não rotineiras)?

- b) Como avalia a complexidade das tarefas do processo de trabalho existente (treino de necessário para cada ocupação de categoria)? (complexo, relativamente simples, muito complexo)

- c) Em que medida os processos de trabalho dependem da autonomia dos empregados? (muito, pouco, nada)

- d) Que métodos são utilizados pela administração para supervisionar as tarefas realizadas?

- e) Onde está o foco da supervisão (no produto ou serviço final, no processo, etc.)?

- f) O trabalho de equipa é parte essencial do processo de trabalho existente?

- g) Em que medida os trabalhadores da empresa participam dos processos de decisão (i.e. informação, consulta, codeterminação)? Essa participação é exercida diretamente (numa base individual) ou indiretamente (por meio de estruturas representativas dos empregados)?

1.2 Indique, por favor, detalhes da incidência de teletrabalho na empresa

1.3 Indique, por favor, informações sobre as principais categorias e perfis dos trabalhadores que têm um acordo de teletrabalho na empresa e explique as razões que sustentam a opção

2. Fatores explicativos do teletrabalho

2.1 Descreva, por favor, os principais fatores e motivações que levaram a empresa a implementar teletrabalho

2.2 Descreva, por favor, os principais fatores e motivações que promoveram um processo de diálogo social para lidar com o teletrabalho

3. Diálogo social e teletrabalho

3.1 Explique, por favor, como o diálogo social ou a negociação coletiva concluída no âmbito da empresa regulamentou ou abordou o teletrabalho: principal ferramenta de regulamentação (acordo coletivo; acordo-quadro; etc.); relacionamento com acordos/convenções de nível superior (setorial, nacional); e tópicos abordados com foco especial na organização do trabalho e nas condições de trabalho

4. O processo de negociação

4.1 Descreva, por favor, o período de tempo da negociação (quando começou e quando terminou)

4.2 Indique, por favor, as propostas e abordagens iniciais formuladas pela sua organização (representante da empresa vs. sindicato/representante do funcionário)

4.3 Descreva e avalie as principais áreas contestadas e como elas foram superadas na negociação

4.4 Identifique e avalie as principais concessões de cada lado. Quais foram as principais dificuldades no processo de negociação?

4.5 No caso de intervenção de agentes externos na negociação (conselheiro sindical, mediadores, etc.), descreva e avalie o papel que desempenharam.

5. O processo de implementação

5.1 Descreva, por favor, como os acordos foram introduzidos e implementados na sua organização.

5.2 Quais foram os papéis: dos Recursos humanos, do representante dos empregados/sindicato, dos gestores de linha/departamento/secção, dos empregados.

5.3 Quais foram as principais dificuldades no processo de implementação?

6. Impacto da medida nas condições de trabalho dignas

6.1 Descreva o impacto do acordo nas condições de emprego/trabalho

7. Comentários e lições aprendidas