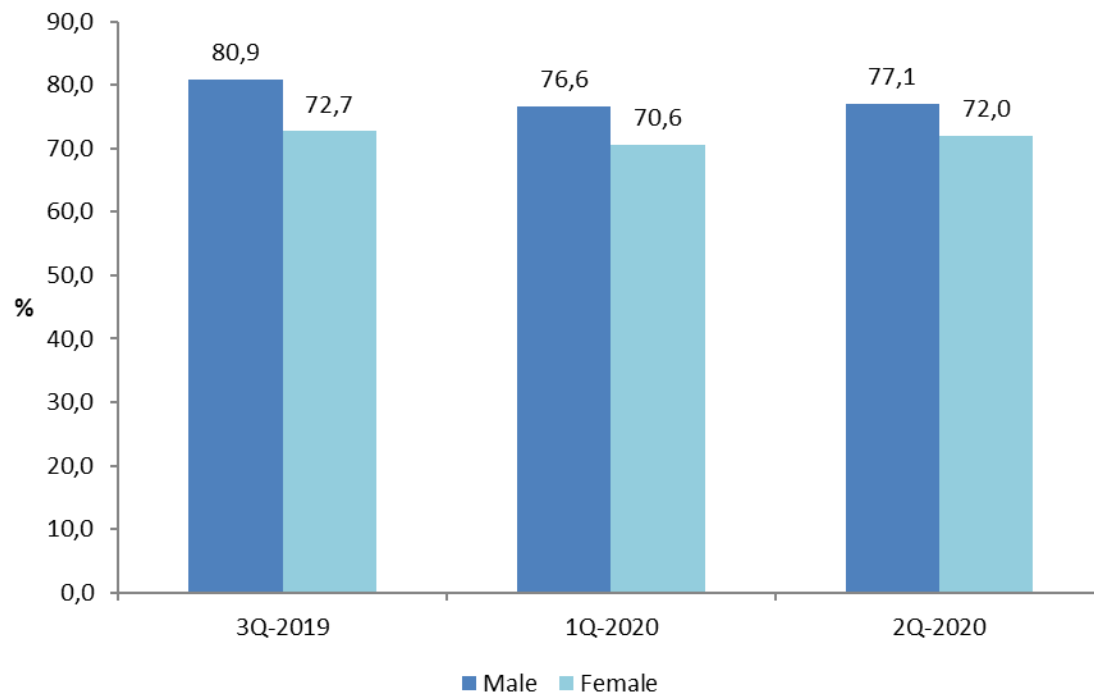


Public Policies on Gender Equality in the Labour Market in Portugal

Project EQUALITY PLATFORM AND STANDARD

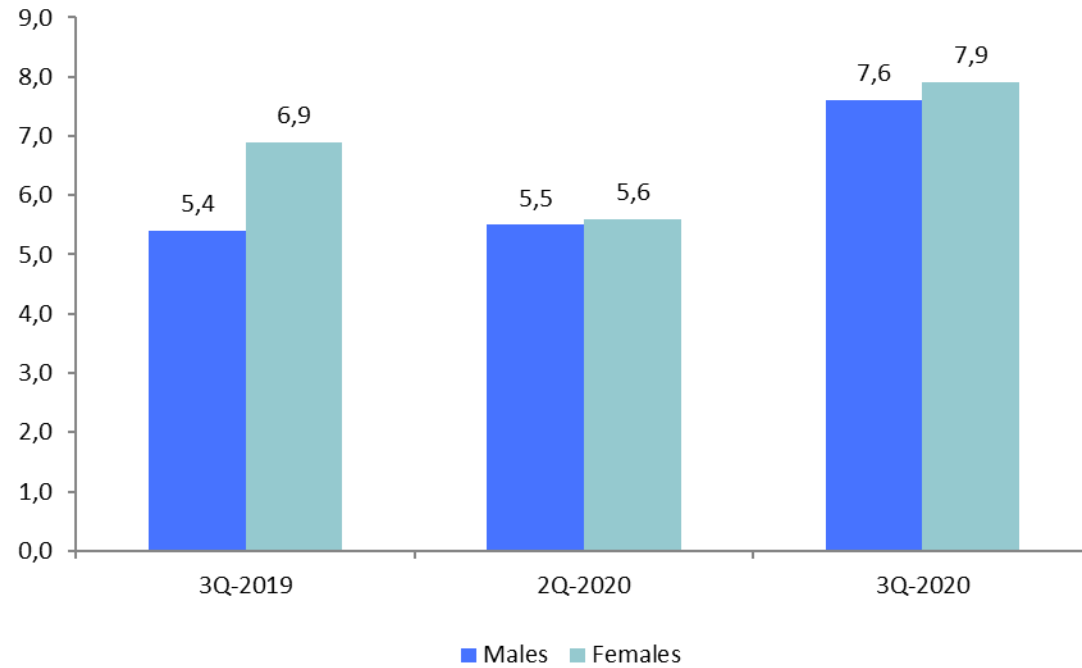
WORKSHOP | 14 & 16 December 2020

Employment rate (20-64 years old) | Portugal



Source: Statistics Portugal, Labour Force Survey

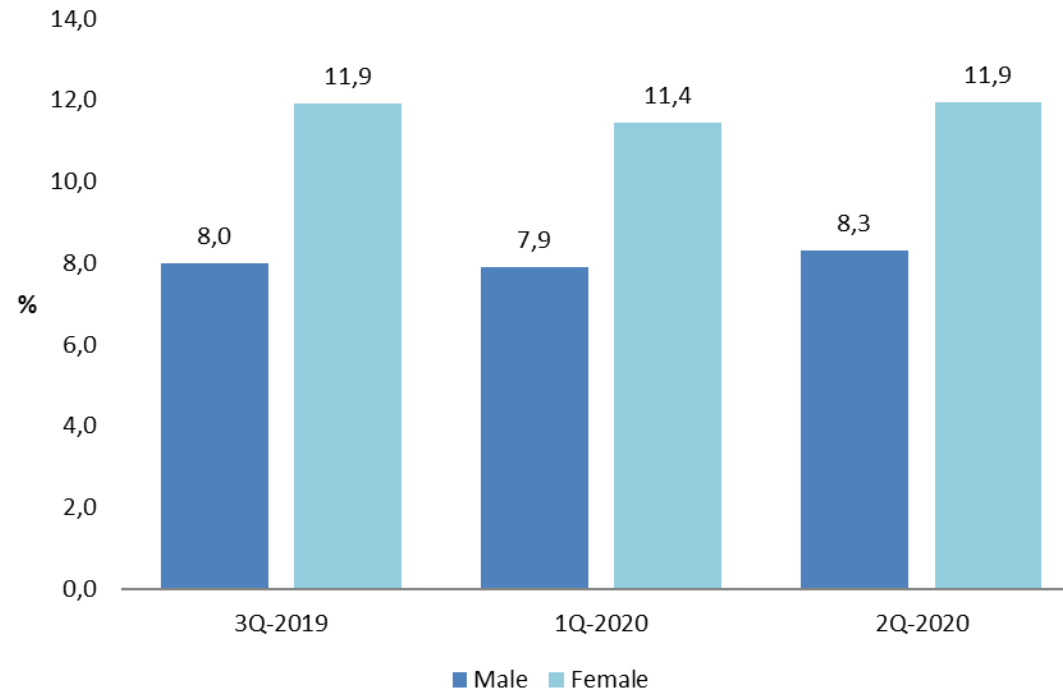
Unemployment rate | Portugal



Source: Statistics Portugal, Labour Force Survey

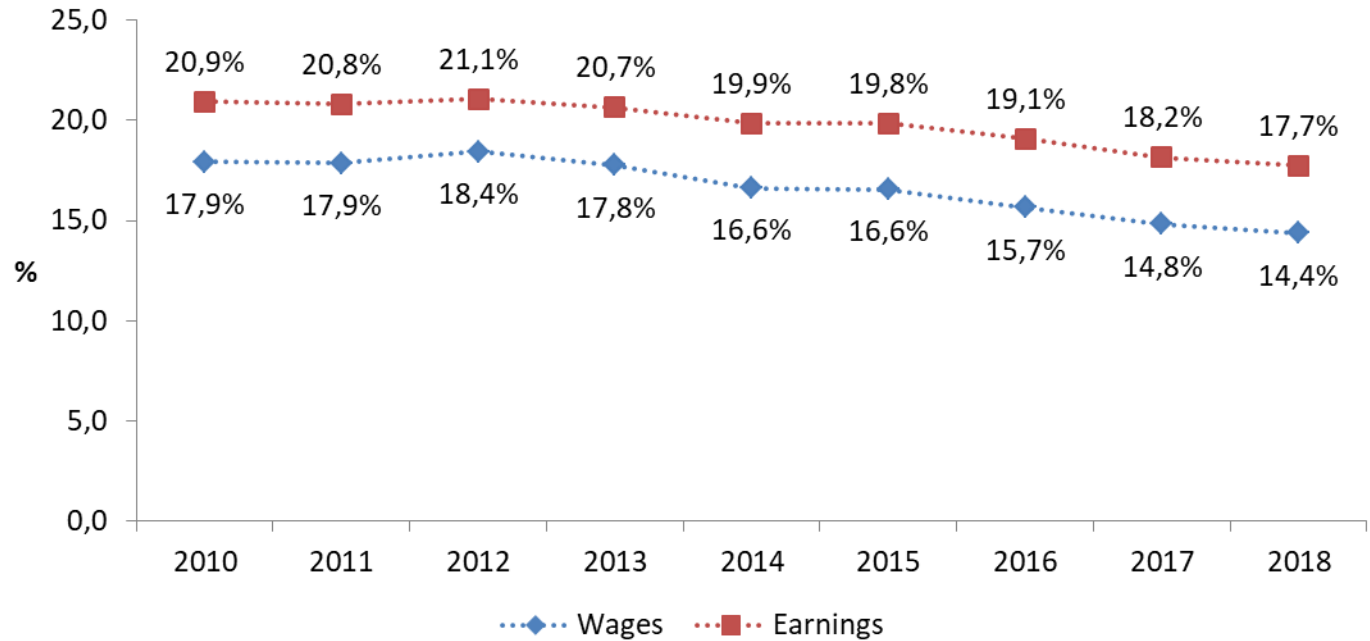


Share of part-time in the total employment by gender | Portugal



Source: Statistics Portugal, Labour Force Survey

Gender Pay Gap | Portugal



GEP-MTSSS, Quadros de Pessoal

Explaining the evolution in gender pay gap:

Until 2014: decrease in men's wages + slight increase in women's wages

From 2016: overall wage increases, more evident among women
the increase of the national minimum wage, covering mostly women (frozen until 2014) - 2018: 26,8% of female employees and 17,2% of male employees earned the national minimum wage

The Public Policies

The Agenda for Equality in the Labour Market and Business

Five strategic areas of intervention:

- Fighting inequalities and wage disparities
- Fighting segregation in occupations
- Parenting
- Reconciliation of personal, family and professional life
- Parity in decision-making positions

ENIND – National Strategy for Equality and non-Discrimination 2018-2030

The National Action Plan for Gender Equality and
Non-discrimination - PAIMH – 2018-2021

Strategic Objective 1 - Ensure governance that integrates combating discrimination based on sex and promoting equality between women and men in policies and actions at all levels of the Public Administration

Strategic Objective 2 - To guarantee the conditions for full and equal participation of women and men in the labour market and professional activity

Strategic Objective 3 - Ensure the conditions for education and training free of gender stereotypes

Strategic Objective 4 - Promote equality between women and men in higher education and scientific and technological development

Strategic Objective 5 - Promote equality between women and men in health throughout their lives

Strategic Objective 6 - Promote a culture and media free of sexist stereotypes and promoters of equality between women and men

Strategic Objective 7 - Integrate the promotion of equality between women and men in the fight against poverty and social exclusion

The Public Policies

ENIND – National Strategy for Equality and non-Discrimination 2018-2030

The National Action Plan for Gender Equality and Non- discrimination PAIMH – 2018-2021

Strategic Objective no. 2 - To guarantee the conditions for full and equal participation of women and men in the labour market and professional activity

Specific Objective 2.1. - Combating sexual segregation in the occupations - includes 4 measures

Specific Objective 2.2. - Eliminating income disparities between women and men - includes 5 measures

Specific Objective 2.3. - Ensuring protection in parenthood and promoting work-life balance - includes 11 measures

Specific Objective 2.4. - Promoting balanced representation in decision making - includes 3 measures

The Public Policies

Programme “3 em Linha” - Programme for the Reconciliation of Work, Personal and Family Life

Aims to promote a better reconciliation between work, family and personal life, integrating 33 transversal and sectoral measures and pilot projects.

It is structured in four axes:

- 1 – (Im) Pact for reconciliation (6 measures)
- 2 – Work-life balance in Public Administration (7 measures)
- 3 – Care facilities and services to support work-life balance (10 measures)
- 4 – Produce knowledge to support and inform new actions on work-life balance (10 measures)

The Public Policies

Law no. 62/2017 establishes the Regime of the balanced representation between women and men in the administrative and supervisory bodies of the entities of the public sector and listed companies.

From 2018 onwards it is mandatory to fulfil a minimum share of the less represented sex on the boards of directors and supervisory bodies of the state-owned companies and listed companies:

- In **state-owned companies** at least **33.3 % of the positions** on the boards of directors and supervisory bodies have to be **filled by women**.
- In **listed companies**, the minimum is **20 % in 2018** and rises to **33.3 % in January 2020**

The law also requires state-owned companies and listed companies to **draw up annual Equality Plans** and publish them on their websites.

CITE may issue and publish **recommendations on the Plans**.

The Public Policies

Law no. 60/2018 on measures to promote equal pay for women and men workers for equal work or work of equal value

This law contains **four types of mechanisms that enforce the principle of equal pay for equal work and of equal value.**

- **First, the annual availability of statistical information** about pay differences, by company (balance sheet) and by sector of activity (barometer);
- **Second, companies have an obligation to ensure a transparent remuneration policy** based on objective and non-discriminatory criteria;
- **Third, once the differences have been identified, companies must submit to the Labour Inspectorate (ACT) a plan** for assessing these differences to be implemented for one year;
- **Finally, any worker may request the Commission for Equality in Labour and Employment (CITE) to issue an opinion on the existence of pay discrimination based on sex.**

The Labour Code

Subsection III Equality and non-discrimination

Article 23 - Concepts on equality and non-discrimination

Clarifies the core concepts regarding equality and non-discrimination such as:

- Direct discrimination
- Indirect discrimination
- Equal work
- Work of equal value
- Discrimination

The Labour Code

Subsection III Equality and non-discrimination

Article 30 - Access to employment, professional activity or training

- 1 - The exclusion or restriction of access of a person to a job or a worker on the basis of sex to a particular activity or to the professional training required to gain access to that activity represents discrimination on the basis of sex.
- 2 - The advertisement of job offers and other forms of advertising linked to pre-selection or recruitment may not contain, directly or indirectly, any restriction, specification or preference based on sex.
- 3 - In the case of professional training aimed at the predominantly male and female employees, preference should be given to sex employees with less representation, and, where appropriate, to employees with reduced educational levels without qualification or one-parent family member or in the case of parental leave or adoption.

(...)

The Labour Code

Subsection III Equality and non-discrimination

Article 31 - Equal working conditions

- 1 - The employees have the right to a level playing field, in particular regarding remuneration, and the elements that determine it must not contain any discrimination based on sex.
(...)
- 3 - Differences in remuneration shall not represent discrimination based on objective criteria, common to men and women, in particular, based on merit, productivity, attendance or seniority.
- 4 - Notwithstanding the provisions of the previous paragraph, the leaves, absences or waivers related to protection in parenthood cannot justify differences in the remuneration of employees.
- 5 - Job description and job evaluation systems should be based on objective criteria common to men and women in order to exclude any discrimination based on sex.
(...)

The Labour Code

Subsection IV - Parenting

Article 33 – Parenting

- 1 - Motherhood and fatherhood are eminent social values.
- 2 - Employees have the right to the protection of society and the State in carrying out their irreplaceable action in relation to the exercise of parenthood.

Article 35 - Protection in parenthood

Lists the rights covered by the protection in parenthood

The Labour Code

Subsection IV - Parenting

Article 35-A - Prohibition of discrimination for the exercise of maternity and paternity rights

1 - Any form of discrimination based on the exercise by workers of their maternity and paternity rights is prohibited.

(...)

Article 37 to Article 65

Detail the parenting rights listed in Article 35

Monitoring of the Public Policies

No integrated monitoring system with a gender equality perspective.

The policy measures are monitored through:

Monitoring mechanisms

Monitoring reports + external evaluation

Statistics

Report on the progress of equal opportunities between women and men at work, employment and vocational training (Law no. 10/2001)

PROJECT Equality Platform and Standard

OBJECTIVES:

- Design a platform to monitor the implementation of public policies and compliance with legal instruments within the framework of the Agenda for Equality in the Labour Market and Business
- Prepare the Portuguese Reference Document for an Equal Pay Management System

integrating the indicators already used, as well as others to fill existing gaps and that can be identified as useful.

taking as an example, and in the framework of the exchange of best practices with the Icelandic project partner, the Icelandic Standard ÍST 85:2012 - Equal wage management system - Requirements and Guidance. This Standard will serve as a reference for the discussion and elaboration of the Portuguese Standard for an Equal Pay Management System, by the Technical Committee constituted under the scope of the project.

COMMISSION FOR EQUALITY IN LABOUR AND EMPLOYMENT

Contact

Rua Américo Durão, n.º 12-A – 1.º e 2.º andares, Olaias
1900-064 Lisboa - Portugal
Tel.: + 351 215 954 000

geral@cite.pt
www.cite.gov.pt