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***UNION REVITALIZATION AND THE ELECTION OF WORKERS'
REPRESENTATIVES FOR SAFETY AND HEALTH IN THE WORKPLACES: ARE THE
UNIONS WINNING THE CHALLENGE?***

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Abstract

Trade union movements in the advanced capitalist societies are dealing with a universal process of decline. They have been losing members, as well as social and political influence. Portugal followed this trend.

Facing to the situation the unions are taking some actions in order to reverse it. Six major strategies of union revitalization were identified by Frege and Kelly (2003). Besides that, other actions could be taken by the unions, mainly their engagement in the election of workers' representatives for the safety and health at work.

The Council Directive 89/391/EEC establishes that employers shall consult workers and their representatives concerning the issues related to safety and health at work and defines the figure of the workers' representative.

In Portugal, the social pact signed by all social partners in 1991 foresaw for the first time the election of these representatives, but that was not put in practice immediately due to the non-existence of a legislative framework. Only the Labour Code that came into force in 2003 approved this figure in the Portuguese system of industrial relations. The first elections occurred in 2004.

This paper, based on official data and interviews with trade union officials, intends to be a first contribute for the analysis of this process. Mainly, it seeks to answer to one question: are the unions winning this new challenge? From the data we may conclude that this is not happening, what can be explained by several factors that we will discuss, being some of them external to the unions although others are internal.

1. Introduction

EUROSTAT data shows that Portugal is one of the European countries where there is a higher incidence of work accidents. This means that working in Portugal is an activity that involves numerous risks (Areosa, 2011).

A real public policy on safety and health at work – which was soon embraced by the social partners – only began to be drawn from the 90's. Indeed, this has been a field where a broad consensus was possible, at least among the top-level social partner organizations which are members of the Permanent Commission for Social Dialogue (“Comissão Permanente de Concertação Social” – CPCS). This has therefore allowed for the unanimous subscription of two specific agreements, one in 1991 and another one in 2001.

Following the UE framework directive of 1989, the 1991 agreement provided for the first time the possibility of electing workers' representatives for safety and health at the workplaces. A decade later, a new agreement, diagnosing the shortcomings in implementing the measures set out previously, reaffirmed the need to reactivate the regulation of the representatives' election process. The Labour Code of 2003 eventually consecrated them.

Since then, Portugal joined the group of European countries where workers, in addition to being represented by trade unions and work councils, are also represented by elected peers with specialized functions, in this case relating to safety and health at work, who have rights to information and consultation.

Similarly to what happens in other countries, the Portuguese trade union movement faces “*hard times*” (Chaison, 1996). The possibility of electing workers' representatives for safety and health at work is a factor that could give a contribution to the revitalization of this movement. But for this to happen it is necessary that the unions look upon this type of representation as something strategic, thus engaging in stimulating the elections and supporting elected representatives, so that the impact of their action would be relevant.

This paper, based on document analysis and interviews with trade union officials, is intended to be a first contribution to an analysis of union commitment in fostering this

new type of representation of workers in Portugal. Are the Portuguese unions winning the challenge?

2. The Portuguese trade union movement: fragmentation, crisis and revitalization

When the revolution of the 25th April 1974 occurred, Portuguese trade unionism was extremely fragmented given the logics of the restricted scope of the unions (*"sindicatos nacionais"*) existing in the period of the dictatorship. At that time, the unions were mainly limited to a professional and a geographical district basis. In 1974 there were 307 unions (Cerdeira and Padilha, 1988: 106).

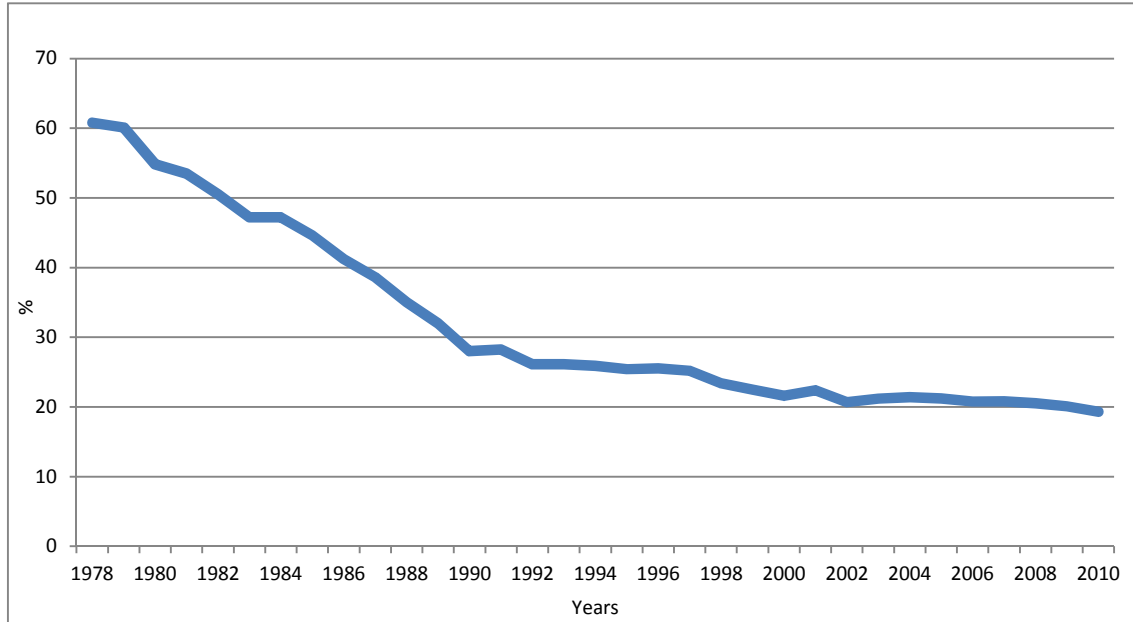
The free trade unionism inherited this extreme fragmentation, a fact that did not change during the revolutionary phase. After this, the fragmentation even tended to deepen. To the remnants of Salazar's corporatism, joined a political and ideological split embodied by the creation, in 1978, of UGT, which led to the emergence of a set of structures parallel to those affiliated to CGTP-IN, as well as the foundation of a countless number of professional basis unions formed around corporate interests, most of them claiming their independence from the trade union confederations.

The annual balance between the number of union foundations and extinctions – most of them as a result of the organizational restructuring that has been taking place within the trade union confederations (on an older and broader scale in the case of the CGTP-IN, if compared with the UGT) – have kept the number of unions almost always above 300 since 1975. This threshold has only declined – and very slightly – in three years (1996, 1999 and 2000). The minimum number of active unions (296) was reported in 1999, and the maximum (372) in 1978 (Alves, 2009). In 2011 there were 316 active trade unions in Portugal.

This relative stability in the number of structures has been paralleled by a sharp decline in unionization. Despite the use of different methodologies, all studies converge on the conclusion that Portugal follows the general trend of reflux. Indeed, the unionization rate decreased from 60,8% in 1978 to 19,3% in 2010, according to the

data from ICTWSS, that is shown in Figure 1, which reveals a more pronounced decrease over the decade of the 80s.

Figure 1 - Evolution of the unionization rate in Portugal (%), 1978-2010



Source: ICTWSS

Thus, like its counterparts in most advanced capitalist countries, the Portuguese trade union movement is also facing a crisis. As noted by Visser, this fact is reflected not only on the membership decline, but also on the loss of social and political influence (Visser, 2006).

In an attempt to stem the decline in membership and loss of influence, the unions put their revitalization on the agenda at a time of profound change in the morphology of work (Antunes, 2005). Frege and Kelly identify six areas where unions are investing: the implementation of strategies such as "*organizing*" (Heery *et al.*, 2003) aiming not only to recruit new members, but also to strengthen the trade union organization at the workplaces, to improve the links between the trade union officials and shop stewards and the membership, and the mobilization of workers; organizational restructuring, consisting on a wave of mergers; the establishment of alliances and coalitions with other social movements; the partnership with employers; political development and the strengthening of international cooperation (Frege and Kelly, 2003: 9).

One can add to this set of actions, the implementation of new collective bargaining agendas; the renewal of leaderships or the strengthening of the union's cooperation at several levels, from local to global. But also the commitment of unions in boosting workers' representative bodies such as work councils or workers' representatives for safety and health at work, structures that, together with other aspects, define the "*institutional power*" (Ebbinghaus and Visser, 2000), one of the three dimensions of union power, along with the "*organizational*" and the "*economic power*".

The election of representatives for safety and health at work assumes more relevance in countries like Portugal, where working conditions are generally very poor, as it is clearly shown, for example, by the high number of work accidents recorded annually.

3. The risk of working in Portugal

There is a strong incidence of work accidents in Portugal, as evidenced by the high values of the standardized incidence rates of accidents at work¹ and of fatal accidents at work².

As to the first indicator, Portugal recorded in 2007 (the latest year for which the Eurostat data is available), 4,330 accidents per 100 000 employees, a figure only exceeded in Spain (4,681). The average in the EU15 is of 2,736 and the most favorable situation occurs in Sweden (997). For the second indicator, 2005 data shows the same trend: 6,5 fatal accidents in Portugal per 100 000 employees, a figure only exceeded in Lithuania, with 7,2. The average for this indicator in the EU27 is of 2, 6 and the most favorable situation (1,4) occurs in the United Kingdom.

Figure 2 shows that each year there are several hundreds of thousands of accidents recorded (in the last two decades, the figures ranged from a low of 154 825 in 1998 and a maximum of 305 512 in 1990), several hundred of which are fatal (a minimum of 181 in 1993 and a maximum of 368 in 2000). However, some progress has been

¹ The standardized incidence rate of accidents at work is the rate that expresses the number of people involved in work accidents implying an absence from work of more than three days, per 100 000 employees.

² The standardized incidence rate of fatal accidents at work is the rate that expresses the number of fatal accidents per 100 000 employees.

achieved over the last decade, especially with regard to fatal accidents, which shows a general trend towards the decrease, despite some fluctuations and the fact that, at the end of the period, the values remain above those recorded in the beginning of the 90s.

Figure 2 – Evolution of the number of total work accidents and fatal accidents in Portugal, 1990-2008



Source: GEP/MSSS – Séries Cronológicas – Acidentes de Trabalho, 1990-2008 (www.gep.msss.gov.pt)

In 2008, the latest year for which the GEP/MSSS provides data, the incidence rate of accidents by economic activity ranged from a maximum of 12 524,8 in the administrative and support services activities and 11 353,4 in the mining and quarrying, to a minimum of 748,2 in the audiovisual and broadcasting activities and telecommunications and 756,1 in the financial and insurance activities, considering an average of 5 478,1. The incidence rate of fatal accidents assumes the highest values in the mining and quarrying (67,0), transportation and storage (16,9) and construction (14,1), considering an average of 5,3.

In the present context, characterized by the devaluation of labour and its increasing deregulation, one may formulate the hypothesis of a worsening of the situation with regard to safety and health in Portugal, as there seem to indicate the several cases of occupational accidents occurring earlier this year, two of which produced nine deaths.

4. The regulatory framework of safety and health at an international level

The first major institutional step, at an international level, in providing a normative framework that would lead to an improvement of safety and health at work, consisted on the creation of the ILO in the second decade of the twentieth century.

For this organization, the implementation of a policy of safety and health at work should aim at the adaptation of work to individuals and the adaptation of each individual to his work. The activity of this organization has resulted in the development of a set of very relevant conventions and recommendations – some of which are more general and others specifically targeted to certain occupational risks – that contributed to the regulation of these matters at a national level.

Among the wide range of regulations produced by the ILO in this area, a highlight should be put on the convention of 1928 that first proposed the creation of safety committees at work; on the Convention Nr. 81 on the need to establish systems of labour inspection to guarantee the application of legal provisions concerning working conditions and workers protection (particularly in industry and wholesale and retail trade) and Recommendation Nr. 81, where it is argued that labour inspectors should play a preventive role, and where there is an appeal to many national states to promote cooperation mechanisms with the social partners in order to improve working conditions (1947); on the Convention Nr. 129 and Recommendation Nr. 133 on labour inspection in agriculture (1969); on the Convention Nr. 155 and Recommendation Nr. 164 on safety and health of workers and the workplace environment (1981); or on the Convention Nr. 161 and Recommendation Nr. 171 relating to occupational health services (1985).

At European level, issues relating to safety and health at work have assumed major relevance in the context of European policies since the founding of the European Coal and Steel Community. To start with, one must mention the implementation of pilot projects or programs of action on a five-year basis (as the current "European Strategy - 2007-2012" aiming a 25% reduction in workplace accidents and occupational diseases in the EU during this period). Secondly, one ought to point out the creation of several

institutions, such as the Permanent Commission for Security Conditions and Health in Coal Mines (1957), the Advisory Committee on Safety, Hygiene and Health Protection at Work (1974) or, more recently, the European Agency for Safety and Health at Work, established in 1994 by Regulation (EC) Nr. 2062/94, of July 18th, and the Committee of Senior Labour Inspectors, established in 1995. Finally, one should underline the adoption of a set of directives, the first of which dates from 1980 and concerns the protection of workers from the risks of exposure to chemical, physical and biological agents, and was followed by a few more in the early 80s.

In 1986, the Single European Act (art. 118-A) adopted the possibility of the European Council's decisions in the social sphere being approved by a qualified majority, giving therefore a new impetus to the further development of policies and harmonization of rules relating to safety and health at work, there being nothing to prevent a state from introducing more stringent workers' protective measures than those set forth in the directives.

It is in this context that several important acts have been adopted. These include Council Directive 89/391/EEC of 12th June, a framework directive on the introduction of measures to encourage improvements in safety and health of workers in the workplace. This came to be recently amended by Council Directive 2007/30/EC of 20th June.

Following this, other specific legal acts have been approved, namely those related to equipment, signs and personal protective equipment, exposure to chemical or biological agents or physical hazards, the risks associated with workloads, ergonomic and psychosocial risks, along with others that refer to particular activities and specific groups of workers.

Directive 89/391/EEC is also important because it introduces the possibility of employee participation in safety and health at work. Indeed, in its article 3(c) it requires the existence of a *"workers' representative with specific responsibility for the safety and health of workers (...)* [which is] *to represent workers where problems arise relating to the safety and health protection of workers at work"*. This representative can be *"elected, chosen or designated"*, and the appointment must be in accordance with the different national laws and/or practices in the field of industrial relations.

The directive also establishes the obligation of employers to inform and consult workers and/or their representatives in a set of matters which are defined in art. 6, § 3, al. c) and art. 10 and 11. Art. 12, § 2 and § 3 requires an "*adequate training*" for employees' representatives, which should be paid by the employer and take place during working hours.

5. The regulatory framework in the field of safety and health at work in Portugal

According to Neto, "*the history of OSH in Portugal did not start on the second half of the twentieth century*" (Neto, 2011: 84), but the first significant steps in this area – set out in the White Paper on Preventive Services (*Livro Branco dos Serviços de Prevenção*), published in 2001 – were indeed taken between the 50s and the 80s. Among them, one should mention some progress in legislation and the establishment of several bodies, such as the Agency for Safety and Health at Work (*Gabinete de Higiene e Segurança do Trabalho*) and the National Agency for Insurance and Occupational Diseases (*Caixa Nacional de Seguros e Doenças Profissionais*), in 1961, or the National Council of Hygiene and Safety (*Conselho Nacional de Higiene e Segurança do Trabalho*), in 1982.

However, it was only in the 90s that was created a modern system of safety and health at work in Portugal. In this context, 1991 was a very important milestone in the field of its regulation. Two years after the framework directive, the Agreement on Safety and Health at Work (which had annexed the scope of the future Decree-Law nr. 441/91, of September 14th, the first real national legal framework on safety and health at work) was signed. Three years later, the Decree-Law nr. 26/94, of February 1st, established the system of organization and operation of safety activities, hygiene and health at work, which was amended by ratification, by the Law nr. 7/95, of March 29th, in the following year. New changes in this field were later introduced by the Decree-Law nr. 109/2000, of June 30th. Despite all these legal acts, the implementation of the 1991 agreement was far beyond expected, particularly in what concerns the envisaged possibility of employee participation.

Later social dialogue agreements, in particular the Strategic Concertation Agreement - 1996-1999 (*Acordo de Concertação Estratégica*), and the Agreement on Working Conditions, Health and Safety at Work and Prevention of Accidents (*Acordo sobre Condições de Trabalho, Higiene e Segurança no Trabalho e Combate à Sinistralidade*), of 2001, resumed the matters relating to safety and health at work. In 2003, the Labour Code (Law nr. 99/2003, of August 27th) and its regulation (Law nr. 35/2004, of July 29th) consecrated several of the provisions consensually established in these agreements, including the possibility of employee participation through the election of *Workers' Representatives for Safety and Health at Work*.

The revision of the Labour Code, undertaken in 2009 (Law nr. 7/2009, of February 12th, and its regulation by Law nr. 105/2009, of September 14th) mainly preserved the provisions of the previous version. The current regulatory framework was reinforced, in relation to the private sector, by Law nr. 102/2009, of September 10th (Legal Framework for the Promotion of Safety and Health at Work – *Regime Jurídico da Promoção da Segurança e Saúde no Trabalho / RJPST*), and by Law nr. 98/2009, of September 4th, that regulates the system of compensation for work accidents and occupational diseases. Regarding the public administration, it falls under the scope of the Law nr. 59/2008, of September 11th (Regime of Labour Contract in Public Functions – *Regime do Contrato de Trabalho em Funções Públicas / RCTFP*). The RJPST and RCTFP follow identical clauses.

The Labour Code of 2009, in its art. 281, defines a set of general principles concerning the right to work under conditions of health and safety and the duty of employers to mobilize resources for prevention, training, information and consultation of workers. Also in a general approach, the following article sets the rights to information on issues relevant to the protection of safety and health; to consultation on the implementation of safety measures; and training, in order to enable workers to prevent risks associated with their activity and to enable workers' representatives to perform their duties "*in a competent manner*".

The matters concerned by the right to information are described in art. 19, nr. 1 and 2 of Law nr. 102/2009, of September 10th. As to the matters implying consultation, they are defined in art. 18, nr. 1, that states that the company must consult workers'

representatives or, in their absence, the workers themselves in writing, at least twice a year, *“in advance or in due time”*. The regulation of these rights in the public administration is set out in art. 224 of Law nr. 59/2008, of September 11th.

In the consultation procedures – in the course of which workers or their representatives may submit proposals – the opinion of these must be issued within 15 days, or in a longer delay, established by the company, *“according to the length or complexity of the matter”* (art. 18, nr. 1). If the opinion is not issued within these time limits, the procedure is considered to be realized. The legislation also foresees that workers or their representatives may request the intervention of the Authority for Working Conditions in case of violation of the law, and that they can produce *“comments”* during the supervisory inspections carried out by this Authority.

The mentioned legal act also sets out the right of workers' representatives to meet at least once a month with the organization's management for *“discussion and analysis”* of issues that arise in this area, and also to continuous training (art. 22 of the RJPST and art. 227 of the RCTFP). In this context, employers are obliged to provide the conditions for such goals, namely granting leaves with or without pay (in the latter case, only if *“another entity assigns a specific allowance”*). The number of training hours is not specified. Other rights set out refer to the provision of *“adequate facilities”*, as well as all necessary material and technical resources (art. 24). The law also grants the possibility for representatives to affix or distribute information relating to safety and health (art. 25) and gives them a credit of five hours per month for the performance of their duties (art. 21, nr. 7, of the RJPST, and art. 226 of the RCTFP).

The RJPST, in its art. 23, nr. 1, also opens the possibility for the creation, by means of collective agreement, of committees for safety and health at work composed by an equal number of workers' representatives and employer's representatives.

6. The elections for workers' representatives for safety and health in Portugal

Since the nineteenth century we may find mechanisms for the representation of workers for safety and health at the workplaces. For example, in France the *Délégués*

Mineurs made their appearance in 1890. But the spread in Europe of representative bodies in companies, with a specialized nature in this field, and workers' representatives for safety and health at work only occurred mainly from the 70's, when environmental issues began to take greater projection.

Nowadays, workers' representatives for safety and health at work and the specialized committees are widespread. Arrowsmith found that in the UK in 1998 these specialized committees or other similar existed in 39% of the companies and Safety Representatives in other 29%. The committees were present in 47% of the companies with recognized unions and in 31% of the companies in which union recognition was non-existent (Arrowsmith, 2003). Meanwhile, in Sweden, in 2009, according to Kullander and Backman, 61% of the companies employing between 10 and 19 workers were covered by representatives or committees, percentage that increased according to the size of the organization until it reached 99% in companies with more than 250 employees (Kullander and Backman, 2011). In Denmark, Giaccone reported the existence of Security Groups in 12,4% of the companies with between 1 and 9 employees, a figure that amounted to 51.5% in the ones with more than 20 workers, the threshold for the existence of a safety committee. This was present in 59,0% of the companies from this threshold (Giaccone, 2010). In Spain, the Spanish VII National Working Conditions Survey 2011 founded that 61,4% of the employees had *Delegados de Prevención* (Almodóvar Molina, 2012) and in Italy a survey conducted in 2003 concluded that the representatives for safety and health at work could be found in 71% of the firms with six or more workers (Menéndez et al., 2009).

Moreover, in the context of the EPSARE project started in 2006, it was estimated at one million the number of elected representatives across Europe and that there were "*vast differences between countries*" (Menéndez et al, 2009: 9). The same authors credited in 35 000 the number of elected representatives in Finland and 38 000 in Denmark.

The laws in force in Portugal determine that workers' representatives for safety and health at work shall be elected by all those who work in a particular organization, either a private company, a public sector organization or a social sector one (cooperatives, associations of various kinds, *misericórdias*, etc.). The vote is secret and

direct, and it is based on the principle of proportional representation by the Hondt method to set the number of elected representatives from each list, if elections are competitive. The term of office is three years and the replacement of those elected can only occur in case of resignation or permanent disability. On the other hand, no employee may be discriminated against, either in terms of its electoral capacity, or regarding the right to be elected. The number of representatives varies depending on the size of the organization as follows:

Table 1 - Number of representatives for safety and health at work according to the size of the organization

Nr. of workers	Nr. of representatives
1 - 61	1
61 – 150	2
151 – 300	3
301 – 500	4
501 – 1 000	5
1 001 – 1 500	6
+ 1 500	7

Source: Law nr. 102/2009, of September 10th

The election may be called by unions representing employees in the organization or, in the absence of trade unions, by workers. In this case, the notice must be subscribed by at least 100 employees or 20% of the overall number of employees.

The promotion of the election is subject to information to the government agencies that oversee labour issues and to the entity that manages the organization, at least 90 days prior to the election, to which follows its public disclosure through posting “*in the appropriate place*”. The violation of these procedures is considered a serious labour offense.

The organization of the electoral process is directed by a committee formed for this purpose. Its composition must be reported to the management of the company within 48 hours after its creation. This entity then has 48 hours to provide the electoral register which contains the names of all employees. The violation of this provision constitutes a very serious labour offense.

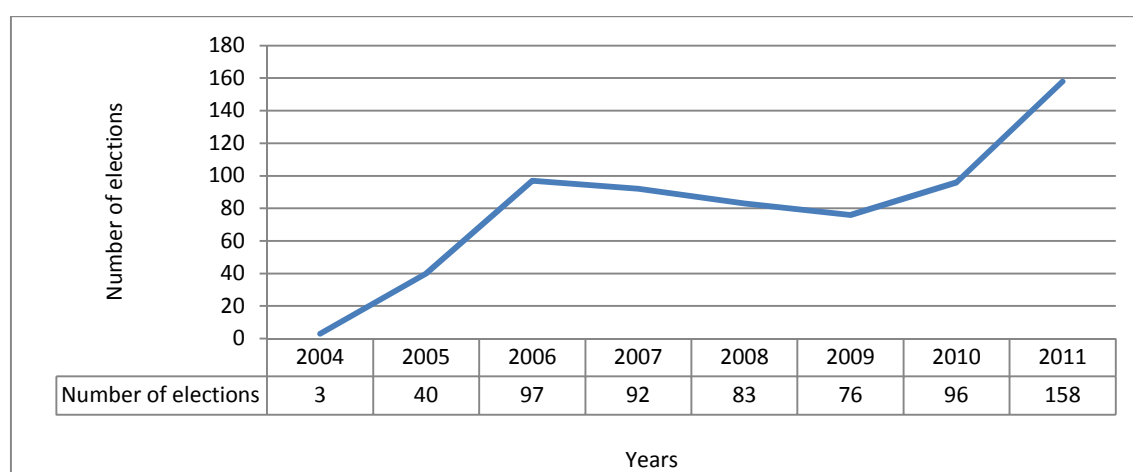
The legislation determines that the election takes place during working hours and that any attempt to stop it is also a very serious offense. Workers ought to be given the

time required for the exercise of their right to vote, and any obstacle to that is considered a serious offense.

A copy of the minutes of the election, with the identification details of elected representatives, shall be posted in the workplace as a way of publicizing the results. A similar document is required to be sent to the governing body of the organization and to the labour ministry for publication. Only after this has occurred can the elected start their activity.

Between 2004 and 2011 elections were held only in 656 organizations. The elections were distributed as follows over the years (Figure 3):

Figure 3 – Evolution of the number of elections for workers’ representatives for safety and health at work in Portugal, 2004-2011



Source: Workers’ Representatives for Safety and Health at Work Database

The figure shows an initial exponential growth that occurred between 2004 and 2006, what was followed by a decrease until 2009 and a subsequent recovery after this year. This recovery results primarily from the role assumed by STAL/CGTP-IN, which in the last two years has spurred a wide range of elections in the local authorities, a third of which has already elected workers’ representatives (104 in 308).

Despite all the developments occurred, the degree of penetration of this type of representation in the workplace is extremely low, given that, according to official statistics, there were 282 050 companies in Portugal in 2010 (GEP-MSSS, 2012), to which we must add some thousands of public and social sector organizations.

Analyzing the number of elections that took place, by size of organizations, we conclude that there is a high concentration of the elections (74,7%) in those with up to 300 workers. Such a high concentration, whilst reflecting the reality of the Portuguese business, and how public administration is structured, is however below the level of concentration in the universe of the Portuguese organizations as, in the case of companies, official statistics show. In fact, those which fall in the levels up to 249 workers represent 99,1% of the total in 2010.

Trade unions boosted the majority of the electoral processes (62,0%), while only 28,2% resulted from the initiative of groups of workers (it is not known who led in the remaining 8,1% of the cases). Note, however, that from the 331 unions that were active during the period under review, only 67 (20,2%) endorsed calls for elections.

It should be stressed that there is a tendency for the increase of the weight of union intervention on the stimulation of elections as the size of the organization increases. The call for elections by groups of workers is only predominant in organizations with fewer than 61 workers (43,8% versus 39,2% of union notices). The unions monopolize the electoral processes in organizations up to 1001 workers.

Among the trade unions, those affiliated to CGTP-IN are responsible for the stimulation of 85,9% of the processes under union label. To unions from UGT are due 7,2%, and to those independent or belonging to other confederations, only 2,5%. In 4,4% of the cases, the notice is signed by more than one trade union belonging to different strands.

In the universe of the CGTP-IN, two organizations – FIEQUIMETAL³ and STAL⁴ – concentrated 70,0% of calls (37,3% the first, and 32,7% the latter). In the field of UGT, the degree of concentration is also high, as a single union, SINDEL⁵, is responsible for one third of the calls.

³ FIEQUIMETAL is a federation of trade unions with jurisdiction in the fields of metalworking, chemical and electrical equipment industries, paper and printing, electricity and gas supply and mining and quarrying.

⁴ STAL represents employees of local authorities.

⁵ SINDEL represents workers from electrical equipment industries, electricity and gas supply and metalworking.

The explanation for such a small number of elections lies mainly on several factors, some of them are external to the trade unions movement, although some others are internal.

A first important obstacle is the structure of the companies primarily based on micro and small sized enterprises, where union presence is lacking. This obstacle could possibly be overcome, although legislation does not promote this solution, by foreseeing the existence of regional or local representatives, as it happens in Norway and Sweden or Italy, in this case only in certain branches (Walters, 1998; Frick and Walters, 1998). Another obstacle is the electoral process that is considered very bureaucratic, slow and difficult to implement by the trade unions. Finally, the rights legally granted to representatives, being restricted to information and consultation, are considered by many trade union officials to be insufficient and therefore these don't attach particular importance to the election of representatives in this domain.

In the field of the internal factors we may state the weakness of the presence of the unions or other workers' representative bodies in the workplaces, as evidenced by Stoleroff in a study of mid-90s (Stoleroff, 1995) and confirmed by all subsequent studies, including the fifth and last European Work Conditions Survey for the year 2010 (Eurofound, 2012). In this survey, 51,7% of EU workers reported that there was at least one worker representative in their workplace, percentage that drops to just 24,7% in Portugal, the smallest value, while the maximum was recorded in Finland, with 86,5%.

Secondly, the small number of elections is also a consequence of the absence of a strategy in this field by the majority of the trade unions. In this context, FIEQUIMETAL⁶ and some of the trade unions affiliated to this federation are an exception to this scenario. Since its establishment in 1998 through the merger of two other federations, one acting in the mining and metalworking and other in the chemical industries, being that the electrical equipment industry federation joined it in 2007, that the federation consider the elections of workers' representatives for health and safety in the workplace as a priority area of intervention, even considering the increasing deregulation and instability affecting the industries under its jurisdiction. And the election of representatives is seen by this federation as crucial in terms of setting up a

⁶ To which has recently joined STAL, albeit at a much smaller scale.

system of prevention of occupational risks, as well as improving working conditions and combating insecurity. Note that some of the unions of the federation, in particular the chemicals' ones, boosted elections of representatives to committees of safety in high-risk companies, such as petrochemicals, long before the entry into force of the current legal regime. This federation also develops a very active policy of awareness of the union activists for the election of representatives, while, once these are elected, it assists and supports their action, namely through training. The intervention of the federation in this area also involves the publication of a journal, informative posters and thematic brochures, of which 19 have been published so far.

In fact, an active policy by the union is a prerequisite for elections to occur, and for, once the representatives elected, to act effectively to improve working conditions (Menéndez *et al.*, 2009)⁷.

On the other hand, it should also be stressed that the data of the elections also allow us to validate the perception according to which, in the context of a weak presence in the workplaces, unions affiliated to CGTP-IN are after all those who have a more effective presence.

Most elections took place in private sector firms (66,8%). The remaining are distributed by public services (19,7%), companies with public capital (11,4%) and social sector organizations (2,1%).

The local public administration (19,7% of total) and the branches of manufacturing, with particular emphasis on metalworking (17,7%), the chemical industry (9,5%) and electrical equipment industries (7,6%) are those where there is a higher incidence of elections.

On the contrary, in the construction there were only 21 elections (3,2% of total) in a branch where there were 36 101 companies in October 2010, although from these 20 903 had between one and a four workers. Along with construction – one of the branches most affected by work accidents, in particular those fatal – it should as well

⁷ The authors consider the existence of a wide range of conditions and factors that are grouped into six categories: macro social and political conditions; conditions in the workplace; conditions regarding the structure and organization of representatives; strategies of the representatives; policy development and interventions aimed at preventing and improving working conditions; and exposure to risk factors and its consequences for health (Menéndez *et al.*, 2009).

be retained the low number or even the absence of elections in other branches also strongly deregulated and of great labour hardship, such as the mining and quarrying (only three elections where there were 708 companies), agriculture (two companies in 11 098) or fishing, where there has been no elections in the 715 companies existing in 2010.

The same is true in most branches of the services sector, with only five elections in education, three in the financial and insurance activities, one in audiovisual and broadcasting activities and telecommunications, and none in the arts, entertainment and recreation activities.

During the period under review only 3 366 workers were elected as representatives of their peers for health and safety in the workplace. This is mainly a male universe, since the overwhelming majority of representatives are men (74,9%), and the weight of males among the effective members is even higher (76,4%).

The underrepresentation of women is a constant, even in the three branches where female representatives slightly exceed male ones: health and social work (50,5%), textiles (53,0%) or services (53,2%). In education there is absolute parity and wholesale and retail trade is the branch where the underrepresentation is deeper, given that only 33,3% of those elected are women. In agriculture they constitute 75,0% of the representatives (only eight elected), being, however, practically excluded in the paper and printing, electricity and gas supply or in construction, as well as in audiovisual and broadcasting activities and telecommunications.

The branches with a larger number of elected representatives are the public administration (678), the metalworking (649), chemistry (336), the electrical equipment industries (304), the food, beverages and tobacco industries (164) and the non-metallic mineral products (162). Conversely, financial and insurance activities (27), audiovisual and broadcasting activities and telecommunications and mining (nine each one), and agriculture (eight) are those where there is a smaller number of elected representatives. There are no workers' representatives for safety and health in fishing and arts, entertainment and recreation activities as there have not been any elections in these branches.

7. Conclusion

Following the European Union policy particularly shaped in the framework directive of 1989, representatives for safety and health at work are the type of workers' representation more widespread throughout Europe, although there are very relevant asymmetries between countries. In any case, its existence is crucial for the implementation of strategies for the prevention of occupational risks.

The mentioned directive – where aspects relating to the powers of the representatives and their legal protection are not much developed (Menéndez et al, 2009) – grants workers' representatives rights to information and consultation in an area that is central to the unions, even more in the present context characterized by a setback in terms of working conditions, largely as a result of the growth of precarious work.

In Portugal, although planned since 1991, the election of workers' representatives for safety and health at work only really took shape after the entry into force of the Labour Code of 2003. From then until 2011 the election took place in a very limited number of organizations. Therefore, in Portugal there is still a long way to go.

As mentioned, most of the few elections have been boosted by the unions, but only a very small number of trade unions have actively engaged in this task. Certainly there are major obstacles external to the trade unions which contribute to this situation, as the structure of the companies, the legislation or the limited rights assigned to the workers' representatives. But there are also hurdles to overcome on the side of unions. The majority of the Portuguese trade unions do not give priority to these issues. With some exceptions, Portuguese unions generally do not invest in hiring qualified technicians in this field or in the training of its officials and shop stewards. On the other hand, the specialized departments of the union confederations seem to have also failed in bringing these issues to the forefront of union concerns. For example, UGT only has developed a manual on the elections of representatives in 2012, eight years after the first elections occurred.

In our view, despite all the constraints, the election of workers' representatives for safety and health at work constitutes a major opportunity for unions to try to overcome the context of crisis they have been facing, allowing them to extend their social influence and providing them a privileged area for recruiting future militants, thereby facilitating the generational renewal that the labour movement needs. By failing to engage resolutely in this process, we stand a missed opportunity for revitalization.

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