


The Portuguese model and experience

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The role and functioning of ESC Secretaries
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The Portuguese Model and Experience

The role and functioning of ESC Secretaries

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- Functions of the ESC
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 - Legal functions
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- The Portuguese model
 - Secretary-General vs. Coordinator
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The Portuguese Economic and Social Council

Summary

- Established by the Portuguese Constitution as a body for consultation and concertation for economic and social politics
- Functions in plenary sessions - 77 members
- Permanent Commission for Social Concertation (CPCS - autonomous from the ESC or its plenary, presided by the Prime Minister) – 12 members
- Three permanent specialized commissions:
 - Social and economic politics – 42 members
 - Regional development and spatial planning – 36 members
 - Interdisciplinary for natality – 36 members
- Administrative Council
- Coordinating Council

The Portuguese Economic and Social Council

Functions

- Consultation function - ESC can be consulted by the Parliament or the Government, but also issues opinions on its own initiative or by legal imposition
- Social Concertation function – CPCS has regular meetings; members are at the highest level of each party and include, in parity, members of the Government, the presidents of employer’s confederations and board members (including secretary-general) of trade unions; ESC President may participate, but is not a member
- Arbitration – for minimum services during strikes (when an agreement is not previously reached) or for issues regarding collective agreements (voluntary or mandatory)



The President of the Portuguese ESC

Functions

- Represents the ESC
- Convenes, prepares the agenda and presides the plenary, the administrative council and the coordinating council sessions and ensures deliberations are fulfilled
- Requests studies or opinions of specialized commissions
- Has its own cabinet, freely appointed and dismissed by the President (1 coordinator, 3 consultants and 3 secretaries), which vacates with the end of the President's term

The Secretary-General of the Portuguese ESC

Legal functions

- In charge of the functioning of technical and administrative support
- Supports the functioning of the ESC bodies, preparing studies, opinions and notes
- Updates information on the activity of other ESC within EU
- Releases, national and internationally, documentation and technical information
- Gathers data for drafting of budget, accountability and activity reports
- Ensures the legality of administrative and financial process
- Manages the ESC property

The Secretary-General of the Portuguese ESC

Day-to-day functions (1/3)

- General functions:
 - Secretary-General is, for all legal aspects, considered a Director-General (highest rank public servant)
 - Standard functions include :
 - Drafting, controlling and assessing activities' plans and reports
 - Organizing the functioning of the ESC support service
 - Managing human resources, including disciplinary actions and training
 - Managing financial resources (authorizing expenses and public tenders, managing budget)
 - Managing property, facilities and assuring health and safety at work services
 - Representing the service, when and wherever needed

The Secretary-General of the Portuguese ESC

Day-to-day functions (2/3)

- ESC functions:
 - Run the voting process for the election of vice-presidents, of the 5 personalities of recognized merit and of the specialized commissions presidents and vice-presidents
 - Manage administrative procedures regarding meetings (fees, travel expenses)
- Consultation:
 - Assist the functioning of the board in plenary sessions (documents, voting)
 - Prepare minutes of the plenary sessions and authenticate them, by signature, after approval

The Secretary-General of the Portuguese ESC

Day-to-day functions (3/3)

- Social concertation
 - Interacts with the CPCS presiding Minister's Chief of Staff for convening sessions and distributing documents
 - Assist the functioning of the board in plenary sessions
 - Prepare minutes of the plenary sessions and authenticate them, by signature, after approval
- Arbitration:
 - Conduct drafting of arbitrators for each process (list of 40 arbitrators, in total)
 - Manage administrative support for the Court of Arbitration
 - Send arbitration decision for official department for publication on the official Bulletin
 - Overview due fees and travel expenses

The Secretary-General of the Portuguese ESC


The Secretariat (1/2)

- Practical functioning of the ESC relies on the Secretariat
- Support for working group meetings, specialized commissions plenary meetings and the ESC plenary sessions
 - Making sure agenda and documents are distributed
 - Assuring the recording of the sessions
 - Keeping records of presences at sessions and minutes
- Assisting the Court of Arbitration:
 - Keeping arbitrator's lists updated
 - Distributing documents for all parties and convening them in the name of the Court
 - Managing archives

The Secretary-General of the Portuguese ESC

The Secretariat (2/2)

- Practical functioning of the ESC relies on the Secretariat:
- Carrying on tasks related to human and financial resources
 - Salaries
 - Tenders
 - Purchases
 - Budgetary control
- Taking care of mail and archives
- Updating website and social networks



The Portuguese model

Secretary-General vs. Coordinator

- Secretariat and Cabinet collaborate, but have different roles:
 - Secretariat manages the functioning of the ESC functions
 - Cabinet prepares the President's intervention
- Secretary-General is a high rank officer
 - Manages the secretariat
 - Has typical Director-General's power
- Coordinator
 - Manages the President's cabinet
 - No specific legal functions

The Portuguese model

Final notes

- Secretary-General of the Portuguese ESC:
 - Requires many different skills (managerial, financial and legal)
 - Has specific legal functions, which are independent of the President, the members or the commissions of the ESC (arbitration)
- Collaboration with the President's Cabinet is essential, but functions are not interchangeable (clear differentiating of tasks allows for more stability and efficiency)

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Thank you.

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