



## **COUNTRY FRAMING REPORT**

### **Portugal**

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## Country context and overview

The Portuguese Welfare system, as in other Southern European countries, is a relatively recent acquisition. It was established by the Democratic Constitution of 1976, already in a context of reversal of social rights in many Western countries, pressured by the rising ‘neoliberal turn’. According to the Constitution of 1976 (article 63), “all citizens are entitled to Social Security” and “the Social Security system protects the citizens in the eventuality of sickness, old-age, disability, widowhood, orphan hood, as well as in unemployment and in every other situation where subsistence means or work abilities have diminished.”

According to some authors<sup>1</sup>, the ‘Beveridgean’ influence is visible in the universalistic principles of Social Security coverage, however the Bismarckian model is argued to better characterise national pension arrangements, predominantly composed of the first pillar and organised on the basis of contributions and following a PAYG model (see Albuquerque et al., 2010). The pensions are divided in three main schemes – the general, the special regime for public servants and the non-contributory. While the first two are mostly self-financed by the contributions of workers (employees, self-employed and public servants) and employers (either private companies or Public/State companies and organisations), the non-contributory scheme (‘social pensions’) is financed by taxes (through State budget transfers) within the principle of redistribution.

Until the beginning of last decade (2002), early retirement was preferred over late work policies, in order to promote the employment of younger generations. The latter entered the national agenda from 2002 onward, influenced by European Strategies and frameworks

(Employment Strategy; Lisbon Strategy). Three major trends were identified in the light of pensions’ reforms in this century: i) the extension of the age of compulsory retirement<sup>2</sup>; ii) financial incentives to promote later retirement, through the introduction of full or partial actuarial adjustments, so that working longer is compensated by benefit supplements and retiring earlier is discouraged by benefit reductions; iii) extension of contribution periods necessary to qualify for full pension and application of lifetime earnings in the calculation of benefits, instead of the average salary of the last (usually best) years.

Active labour market policies, such as transition to more flexible forms of work, possibility to accumulate pension and wage for those who work beyond the statutory age, incentives to the hiring of older workers, or promotion of lifelong learning are other examples of pursued policies since 1999, although they seem to have been insufficient or largely ineffective in the Portuguese case so far.

A report of the Statistics Portugal (Neves and Espinho, 2013) provides a cross-sectional overview of the workforce structure of Portugal and trends of employment among older workers, drawing on the 2012 (2nd quarter) data of the ad-hoc module of the LFS. More than half of the respondents (57%) aged 50-69 that are currently not working declared to have retired before the legal statutory age, a situation which is more prevalent among men than women (62% vs. 52% respectively). Despite this tendency of early retirement, Portuguese women and men tend to work until later ages than most of their European counterparts, as Perista and Perista (2012a: 35)

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<sup>1</sup> See Fernandes (2014).

<sup>2</sup> Firstly, in 2005, by extending the compulsory retirement age to 65 years for public servants (men and women), which was already applied to other workers since 1993. Then (in 2007), by introducing a ‘sustainability factor’ to the determination of compulsory retirement age, which is correlated with the growing life expectancy after age 65.

illustrate: in 2010, Portuguese women left the workforce aged 62.3, while the average age for EU-27 countries was 60.5; Portuguese men showed a slightly older age of retirement, at age 62.9, while on EU-27 the corresponding age was 61. However, when comparing the employment rates of the group aged 55-64 on 2012, Portugal falls behind the European average (respectively, 46.5% vs. 48.9%)<sup>3</sup> (Neves and Espinho, 2013: 36).

When asked if they would like to keep working, 59% of the 50-69 respondents answered positively, with a small advantage to male respondents (59.8% vs. 57.4%) and the age group of 60-64 were the ones who showed this wish more frequently (Neves and Espinho, 2013). Among those who would like to resume working, almost half justified having ceased to work due to health-related issues, 13% invoked unemployment and 9% referred having reached the statutory age limit.

In order to assess whether the transition to retirement is gradual or more abrupt, a question was formulated regarding the reduction of working time before retirement (e.g.: transition to part-time). The great majority of respondents (92%) did not benefit or is not benefiting from such a transition and women seem to experience more frequently a sudden retirement (92.7% vs. 91.2%). For those aged 50-69 who have kept working and are already receiving a pension (10.6% of the sample), economic reasons (“to receive enough income”) were given by 59% of respondents and by more women than men. Inversely, men alleged more frequently non-economic factors for continuing to work (30% of men vs. 18.7% of women). This differential points out the greater financial pressure felt by women at these life stages, which may relate to having received lower wages than men during their career, having had more breaks due to maternity or family care, having faced longer periods in unemployment, or to the larger share of widowers among women, aside from other possibilities which may also aggravate the income derived from pensions.

Another important question targeting those who are not yet receiving a pension seeks to assess their prospects of continuing to work after becoming pensioners. Half of the respondents admit that receiving a pension will be determinant for ceasing their professional activity while for 42.2% that event is irrelevant. Among the latter group, 91% wish to maintain their activity after receiving a pension, mainly due to financial reasons (59%). Women showed more frequently the intention of ceasing to work upon receiving a pension (56.1% against 44.3% of men), or even to cease working before becoming pensioners (12.2% of women vs. 6.8% of men). Underlying these differences may be gender inequalities in regard to the reconciliation of family and working life, the overburdening of women’s responsibilities at home, increased health issues (both physical and psychological) at younger age and/or sooner aggravation of ability to work (see Perista and Perista, 2012a: 19-21).

### **Main theoretical approaches and issues undertaken by national researchers**

As it is well known, Portugal is one of the fastest ageing countries in the world, a trend which is aggravated by low fertility rates and, over the last few years, soaring emigration rates of youths, who left the country in response to the deep economic crisis precipitated by the global meltdown of 2008 and the austerity policies that followed, particularly after 2011. The topic has gained an

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<sup>3</sup> On the other hand, women’s employment rates of the 55-64 age group are higher in Portugal (42,1% ) than in the EU-27 (40,2%). When checking the employment rates of older age groups (+65), the figures are even further disparate both for women and men, since the employment rates of the group aged 65-74 is 19,3% in Portugal against 7,9% in EU-27 and the group aged 75 and over reach employment rates near 10% in Portugal and are limited to 1% in the EU-27 (see Perista and Perista, 2012a: 36).

increasing academic, political and social attention. In this regard, a specific research institute was set up in 2009: the Institute of Ageing - *Instituto do Envelhecimento* (IE), which is an autonomous scientific research unit, at University of Lisbon. The main objective of IE is interdisciplinary research on ageing, in areas that include Demography, Social Sciences and Health Sciences<sup>4</sup>.

The rapid ageing of the Portuguese population, in conjunction with growing international recommendations for 'active ageing' and national policies promoting the extension of working life, have led to a rising interest among scholars to study the effects of such transformations. The European Strategies for Employment, later embraced by Europe 2020 and the advancement of national policy reforms applying principles of working life extension (see WG2 for more information) have set the background for several studies concerning the frequently overlapping issues of pension schemes and welfare arrangements, activation and employability of older workers, the problem of ageism and organisational practices, gender inequalities, health and/ or quality of life (or wellbeing) and the reconciliation of working life and family care work, also among caregivers. The framing of these issues depends on the primary disciplinary field of researchers and on their commitment to certain theoretical and methodological approaches.

José and Teixeira (2014) have sought to introduce a critical discussion regarding the active ageing policy. They argue that there are different conceptions of active ageing, that the general idea of "ageing actively" has a limited theoretical support, and that the ideal of "being productive", which is present in the different conceptions of active ageing, has a weak fit in the reality. More recently, José et al. (2017) lay emphasis on the limitations of some analytical tools that have been designed to monitor "active ageing". The authors acknowledge that the Active Ageing Index (AAI) may contribute to sensitizing people, including policymakers, to the multidimensionality and complexity of the process of "ageing well". However, this tool is under-scrutinized, under-theorized and narrowly conceptualized.

Some of the most prominent theoretical approaches include political economy, feminist or gender-sensitive approaches, life course theory, social constructivism, symbolic interactionism, psychosociology approaches, or gerontological studies on health. Meso (companies and organisations) and micro studies are well represented within the *corpus* of literature produced in Portugal, although country level is the favoured unit of analysis by most authors. Comparative studies concerning the issue of 'late work' are relatively scarce, however among those Portugal vs. European countries and Portugal vs. Brazil are the privileged comparisons.

### **Socioeconomic and political economy approaches to ageing and pensions and their effects on Social Security / social protection of old age**

An important set of studies has taken up the aim of debating the effects of old age for the national Social Security System, the reforms on pension systems, the social meaning of late work policies and 'active ageing', and the problem of poverty and inequality in old age.

Works such as those of Mendes (2005; 2011) or Vicente (2007), for instance, represent national researches that analysed the challenges posed by ageing to the sustainability of the Social Security system. They emphasize intergenerational relations, the evolution of the role and distribution of social risk, namely through savings and pensions and the need to reform pension systems preserving the dignity and expectations of older and younger generations. The extension

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<sup>4</sup> <http://www.ics.ul.pt/instituto/?ln=e&mm=7&ctmid=2&mnid=1&doc=32024145879>.

of working life is a natural and embraced step towards such goals for these authors, among many others.

A critical perspective on these policies is provided by Hespanha (2005), Capucha (2005; 2014) or Murteira (2008), for instance. The first two authors question the ‘activation trend’ and the implicit discourse of an intergenerational warfare under which such policies have been undertaken, seeking legitimation for the progressive substitution of welfare by workfare, reducing social citizenship rights (Hespanha, 2005; Capucha, 2005) and aggravating the vulnerability of older people who were the most affected by the reforms of pension arrangements (Murteira, 2008) and cuts in the context of the structural adjustment programme (Capucha, 2014).

Other scholars have also developed or applied political economy approaches to social inequalities in old age. Mauritti (2004) depicts social inequality among older citizens at the turn of the millennium. After conducting a multivariate analysis on microdata of the Survey on Household Budget (INE/ Statistics Portugal, 1999-2000) and Employment Survey (INE, 2nd quarter of 2000) and following a Bourdieuan inspired analysis of class, through asymmetric distribution of forms of capital/ resources to each group, the author seeks to uncover patterns of differentiation among older aged individuals (55 and over).

The author then provides a typology of five social profiles, mostly influenced by the relationship between economic resources and educational attainment (or human capital). Women are overrepresented in the profile ‘Old age of poverty’, due to the prevalence of extremely low or none educational attainment, combined with a more likely condition of widowhood and ‘inactivity’ (staying at home), or professional activities which tend to be related to agriculture (economy of subsistence), decreasing the availability of economic resources and increasing their social isolation.

Other important studies have addressed the problem of poverty and/ or deprivation among seniors, by evaluating the effectiveness of pension schemes and complementary assistance programmes arrangements in alleviating economic poverty levels (e.g. Rodrigues and Andrade, 2013) through analysis of EU-SILC data covering the period 2003-2010, or by estimating the probabilities of becoming poor after transition to retirement (see Albuquerque et al., 2010), performing cross-sectional and longitudinal analyses of Eurostat’s European Community Household Panel (1994-2001).

In both cases, age and gender are acknowledged as important factors to increased poverty levels, showing that older cohorts<sup>5</sup> and women are worst off. The latter study concludes that women, regardless of being retired or not retired, are more at risk of poverty than men, although when accounting only for the working population this difference is diluted, which suggests that the greater share of women without a paid activity and non-retired may explain a part of the gender differences in aggregate poverty rates. Despite the larger incidence of female poverty pre- and post-retirement, gender does not seem to affect the probability of individuals becoming poor after retiring<sup>6</sup>, nor does an early retirement (before statutory age). However, being self-employed, having unpaid activity and (less significantly) unemployment do, which may imply that labour

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<sup>5</sup> Explained by the relatively recent implementation of a system of Social Security and the criteria of eligibility to full pension benefits in the contributory schemes (general and special scheme for public servants). As such, the older Elder are very frequently recipients of a means-tested pension (‘social pension’).

<sup>6</sup> Domingos (2014: 33) who also developed a probit model drawing upon more recent data of the Household Budget Survey (2010/2011), corroborates the finding that gender does not increase the probabilities of poverty among seniors, attributing a greater impact to educational attainment, age, household type.

market dynamics and socially constructed gender roles may disproportionately affect older women, as will be explored in the next section.

Bastos et al. (2009) seek to explore some of those structural unequal factors, providing a gendered perspective on the analysis of poverty and (deprivation of) wellbeing, which are usually conducted as gender neutral. Their longitudinal and cross-sectional analysis based on ECHP data (1995-2001) show especially how lone parent families headed by women and older women are more prone to poverty and deprivation, both in absolute and relative terms. The turnover rates among women put them at higher risk as well, being more vulnerable to persistent poverty. Ageism, lone motherhood and types of participation in the labour market are the most important factors associated with the higher risk of poverty, measured in incidence, intensity and duration.

### **Gender-sensitive approaches to ageing, the labour market and social protection**

Some studies have been developed on the topic of ageing and the greater older workers' vulnerability in the context of rapid and intensive labour market changes (e.g. Centeno, 2007; Ferreira, 2011, 2015). But only a few gender-sensitive studies have provided a critical approach to ageing and perhaps the most relevant for the analysis of late work policies and their implications on gender, since many studies omit this dimension of inequality and exclusion at later life stages. These approaches tend to focus on issues concerning labour market conditions, gender roles and division of paid and unpaid work, social protection or welfare policies and family care. A research project is currently (in 2017) in progress on "Gender Equality and Ages of Life: obstacles and opportunities". The rapporteurs will follow

the project, particularly the conclusions related to the experiences lived by older women in the country. It is being developed by a team of the Interdisciplinary Centre for Gender Studies<sup>7</sup>.

A few European research projects have included the Portuguese case, such as "MAGGIE" (Major Ageing and Gender Issues in Europe), coordinated by Joëlle Gaymu (INED, France), with the participation of Ana Alexandre Fernandes and Inês Gomes (FCSH/ New University of Lisbon); and "Active Ageing and Gender Equality Policies: the employment and social inclusion of women and men of late working and early retirement age", coordinated by EGGSI - Expert Group on Gender equality and social inclusion, health and long term care issues, whose national country expert was Teresa Sarmento Pereira (Institute of Education/University of Minho); SOCCARE (New Kinds of Families, New Kinds of Social Care), coordinated by Finland, with Karin Wall (ICS/ Lisbon University) as the leading team of Portugal; a Study on gender aspects and discrimination with regard to social protection, commissioned by the European Commission (DG Employment, Social Affairs and Equal Opportunities), developed by a team of CESIS (Lisbon, Portugal) and coordinated by Heloísa Perista.

As mentioned before, Portuguese women tend to work until later age than many European countries. As much as this feature seems to be in tune with the promotion of late work and active ageing over the last years, it seems to be largely the result of profound gender imbalances emanating from society at large, the labour market and the mixed welfare regime of Portugal. Persistent inequalities in terms of access to employment, the precariousness of jobs, wide pay gaps, conditions of reconciliation between paid work and family responsibilities (from leave policy models imposing early return to full-time work to division of unpaid work and social care,

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<sup>7</sup> "Igualdade de Género e Idades da Vida: Bloqueios e Oportunidades", Coord: Anália Torres, CIEG. Funding: Fundação Francisco Manuel dos Santos.

firstly of children, then of older family members<sup>8</sup>) are some of the structural vectors of inequality<sup>9</sup> which tend to negatively affect women and their participation in the labour market, their overburdening at home and their inferior living conditions at later life stages, due to increased poverty or deprivation and worse health<sup>10</sup> (see also Correia et al., 2017).

An extensive depiction of existing inequalities between men and women of older age is provided by the reports of Perista and Perista (2012a and 2012b) and Casaca and Perista (2017). They account for gender imbalances regarding employment and labour conditions, economic deprivation, health, access to decent housing, safety and security, or social participation. The choice to resort to a mixed methodology, combining extensive quantitative analysis of European and national data (2012a), as well as workshops and meetings with different public institutions and local government agencies in the form of a “pilot experience” (2012b), provides additional interest to their work, both from a scientific and political standpoint, showing not only the cumulative disadvantages of older women in several dimensions of social life, but also the challenges to and possible paths of effective social policies<sup>11</sup>.

Also focusing specifically on later stages of life, Bould and Casaca (2012), call into attention the different socio-political clusters with regard to employment patterns and family policy in the EU and the risks of designing “one size fits all” employment goals, such as those of the European Strategies for Employment, which eventually subsume the diversity and specific challenges associated to each model. According to the authors, the “singular case of Portugal” (Bould and Casaca, 2012: 35), presents a socio-political organisation (family; welfare; gender ideologies) similar to the Mediterranean cluster, but participation rates closer to the Nordic cluster<sup>12</sup>. Applying gender-blind policies to extend working life may well stress further gender inequalities prevailing in the labour market and in the household. Without the accompanying development of ‘decent work’ and policies compensating women for their caregiving years, while provisioning accessible and quality alternatives of care provision to those in need (particularly the elderly), such recommendations may further push existing gender gaps, particularly in Southern European countries, where austerity policies have already put additional pressure on women, due to wage, pension and welfare cuts.

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<sup>8</sup> Many studies have focused on the gendered provision of social care to family members (infants and elderly), but fewer authors have studied the impacts of elderly caring for grandchildren. Albuquerque and Passos (2010) perform an interesting econometric analysis assessing the hypothesis that the presence of a grandparent who takes care of the grandchildren facilitates female (mother’s) participation in the labour market in Southern European countries (including France). They conclude that it does influence the probability of mothers working, though it is less significant (or even insignificant in some models) when measuring participation rates. This suggests a paradoxical effect of late work policies, since they entail an extended work life for grandparents, who then cease to be available for grandchildren care, thus influencing the probability of staying-at-home among some prime age women who would work otherwise.

<sup>9</sup> See for instance: Perista (2002); Wall (2007); Casaca and Bould (2012) Casaca (2013); Bould and Casaca (2012); Wall and Aboim (2015); Ribeiro, Coelho and Ferreira-Valente (2015); Ferreira and Monteiro (2015); Perista et al. (2016); Casaca and Perista (2017).

<sup>10</sup> See, namely, Perista and Perista (2012a), Corsi et al. (2010) and Fernandes et al. (2012).

<sup>11</sup> The report published by EGGSI – Network of experts in gender equality, social inclusion, health and long-term care (Corsi et al. 2010), constitutes as well an all-encompassing (along similar dimensions) study of gender differences in late working and early retirement ages, albeit this one provides a comparative perspective of EU-27 countries, EFTA countries (Iceland, Liechtenstein, Norway) and three candidate countries (Croatia, Macedonia/FYROM and Turkey), mostly drawing on 2009 data.

<sup>12</sup> See also Casaca and Damião (2011), Casaca (2013) and Wall, Samitca and Correia (2013), for a more in-depth analysis of the challenges presented by the changing Portuguese labour market and welfare regime.

Ferreira and Monteiro (2015) depart precisely from the gendered impacts of the Portuguese development model, the economic crisis and the austerity response that followed in Portugal, to alert to the cumulative dangers of applying countercyclical measures in an economy already dominated by precarious and underpaid employment, and proceeding with the residualisation (or privatisation) of Welfare and refamilisation of care, which have already

began to reverse some of the positive transformations registered over the precedent years<sup>13</sup>. The risk of receding the social autonomy and citizenship rights progressively conquered by Portuguese women and throwing them back to traditional gender roles is paramount, further disempowering them in individual, social and political life and reinstating a return to an unequal past.

Inspired by a life course perspective, Wall and Aboim (2015) provide a gendered account of mid-course (55-75 years) family and work trajectories of the cohort born between 1935-1940. They found gender is a strong predictor of mid/ later life courses, both in family and work trajectories, representing a greater uncertainty for women at these stages. Gender inequalities are very much embedded in family trajectories, associating men within a conjugal life course and women more dispersed in fragmented patterns of non-conjugal arrangements (e.g. living alone, with kin and non-kin, as single parents).

In respect to work trajectories, a major difference stems from the transition of occupation to retirement (between a male standardised retirement transition and a female housewife trajectory), however both genders seem to face in these stages and in similar amount, more precarious work trajectories, characterised by job instability, poverty and difficulty in retiring. Among those who postpone their retirement, job precariousness and non-dependent work in earlier stages of life (18-35 years) is a common trend.

The authors also argue that the plurality of trajectories identified in later life stands in contrast to other countries' pre-baby boomers and is related to the historical context of Portugal, marked by an incipient (and latecomer) Welfare State, harsh economic conditions and low educational levels for the majority of that generation. Besides the aforementioned gender differences and historic conditions, earlier stages of the life course also play an important role explaining differences on later life trends in the Portuguese case, both in work and family spheres. While educational attainment differences are significant for work trajectories, family life seems to be more independent of structural factors of inequality and rely upon dynamics of the life course itself and on individual agency. As such, not having entered conjugal life in early adulthood tend to be experiences overrepresented among those who later live alone or with kin (mostly siblings). And gender is at interplay as well, since more than half of men who report to live alone at mid and later life stages have already lived alone in early adulthood years (ages 18-35), but early separations and divorces are much stronger for women, particularly for single mothers. Childlessness is another relevant factor shaping later propensity to non-conjugal arrangements, regardless of past conjugal relationships.

This article also points out the surprising conclusion that family and work trajectories are not significantly dependent of one another, both for the older pre-baby boom generation and the younger cohorts, and despite their interconnectedness in people's lives. Following this conclusion, the authors propose that the processes of ageing should be studied in accordance to

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<sup>13</sup> See also Wall et al. (2014) for an account of the austerity policies targeting pensions and benefits and their impacts on families.



the acknowledgement of multiple regimes of life course, especially discernible in the case of work and family spheres.

### **Health, quality of life and transitions to retirement**

This section integrates a synthesis of some of the rapidly growing literature on ageing and health or wellbeing developed in Portugal. A substantial part of this literature has been covering these issues from a clinical or social gerontology perspective, albeit frequently omitting aspects such as working life extension, transition to retirement and the impacts of professional activity on health at later stages of life. A few studies, however, have approached the latter topics, influenced by social gerontology, psychology and sociology. Their primary aim is to defy traditional notions of inactivity and frailty associated with old age and to analyse how demographic, social, health or professional conditions may impact activity and wellbeing in later life.

Gonçalves et al. (2006) propose a theoretical discussion on the benefits of 'Productive Ageing', both for society and for the elderly, and analyse its incipient application or planning in the Portuguese context. They eventually identify three possibilities of intervention which could better seize the sociodemographic opportunities of ageing: 1) Preventive actions of education seeking to promote the understanding of transitions to late life stages, among children and younger generations and in the professional *milieus*, among employees and employers; 2) Intergenerational projects or programmes which may have different functions, from pedagogy or training, to social support or recreation; 3) Interventions promoting the activity of elders within different spheres of life, such as prolonged professional activity, volunteering, or lifelong learning or training opportunities.

Fernandes et al. (2012), under the nationally funded research project "Ageing and Health: a gender analysis", resort to a mixed methodology consisting of quantitative analysis of a subset of the National Health Surveys (2005/2006), corresponding to individuals aged 50 and over, and in-depth interviews conducted with 24 individuals aged 64 and over, with the aim of analysing how broader inequalities based on gender and socioeconomic status translate themselves into health and access to healthcare. They assume a gendered life course perspective, emphasizing the relevance of structural factors, lifestyles and gender roles on self-perceived quality of health and morbidity in later life.

They conclude that women face worse socioeconomic conditions and are more prone to suffer from higher morbidity risks and perceive worse subjective health, despite the higher frequency of healthy practices. On the contrary, men aged 50 or over tend to present better health conditions in the same ages, even though they are more commonly associated with risk factors (alcohol consumption, smoking) and thus show a higher probability of rapid and premature death. The qualitative analysis shows that, more than gender, life course events and institutional contexts (work, retirement, family, leisure) influence in the transition to old age (75 years or over) the internalisation of healthy practices and behaviours in pursuit of a long and better life.

Rico (2010) resorts to a social and organisational psychology framework to identify the relationship between Quality of Working Life (QWL) and turnover intention of employees, controlling for age and gender variations. The central hypothesis of this master's thesis states that the greater the QWL perceived by the employee, the lesser chances there are that he/she will be inclined to leave the organisation and seek another job. Three secondary hypotheses follow: 1) Women tend to perceive less QWL than men, due to higher stress levels resulting from the accumulation of responsibilities in professional and family life, and less motivation in work,

resulting from less well-paid jobs and less chances of upward professional mobility;

2) Women tend to present lower turnover intention than men, due to the centrality of family life and lesser importance of professional career. The author follows this hypothesis, even though she acknowledges other conflicting results, showing either greater turnover rates due to the aforementioned difficulties in the first premise, the absence of a gender effect on turnover intention, or the presence of other explaining variables, such as labour market characteristics or industry; 3) Age does not influence the perception of worker's QWL, since a few international and national studies have already shown the lack of an 'age(ing) effect' on QWL. However, age does seem to deeply influence turnover rates, since older workers are less prone to leave their current work, given that they tend to be in less demand in the labour market and usually have a long career in the same organisation, thus being more committed to it.

The surveyed sample consists of 473 working adults aged between 19 and 66 and the results confirm the correlation between higher QWL and lower turnover intentions, although it is not as significant as expected. Other factors are suggested to fuzz the linear relationship, such as the economic crisis and higher unemployment and job precariousness, which may well have increased the assigned value of having long-term job stability, rather than other subjective measures of professional fulfilment or wellbeing. The gender effect on QWL is corroborated, demonstrating that men do perceive higher QWL, though in restricted (albeit relevant) aspects, covering 9 out of the 60 surveyed items, such as: professional recognition from peers, economic security and job stability, economic incentives beyond salary, reconciliation of working and family life, availability of leisure time and satisfactory health related conditions (health insurance, access to occupational health services and good health/hygiene practices in the workplace) (see Rico, 2010: 21-23). Women do seem to present higher turnover intentions than men; however this may be the compound effect of the negative correlation between QWL and turnover, since inferential statistics procedures testing the individual effect of gender on turnover are lacking and additionally women are overrepresented in the sample. Finally, age does not seem to influence the perception of QWL and older workers are, as expected, less prone to desire turnover.

Lacomblez (coord.) et al. (2014), address the issue of gender imbalances in the labour market and in the workplace, examining some health and safety aspects. In addition, they seek to frame these issues in articulation with the action of trade union movements, in order to understand their role in gendering the approach to this debate and the struggle for better jobs and working conditions.

In relation to health in the workplace, data of 2010 reveal that occupational accidents tend to disproportionately affect men (74%), due to the gender imbalances in economic sectors where they have mostly occurred (e.g.: manufacturing industries, construction, wholesale and retail trade and repair of motor vehicles/cycles) (Lacomblez et al., 2014: 23-24). Occupational illnesses, however, seem to unevenly affect women, drawing on 2008 figures – of the more than 4,800 new registered cases in that year, 59% are reported by women, mostly relating to muscular-skeletal injuries (66%), followed by hearing impairments (12%) mostly among men (*idem*). They identify another study which analysed the same data regarding occupational illnesses for 2003 (*idem*: 53). While the same occupational illnesses have been reported for women and men, an interesting difference resides on the age intervals most affected. While women reported their muscular-skeletal injuries between ages 30-39, men suffered from hearing impairments most frequently at ages 50-59. These differences stem from the type of injuries and their respective rates of onset, the first being rapid and short-term and the latter being slow-paced. Naturally, this poses different challenges for women and men, in regard to the future of their occupation, if

alternatives are available, and quality of life.

Fonseca (2007) has published a psychosociological quantitative study on the transition and adaptation to retirement, with the aim of identifying the determinants of successful retirement. He has conducted a Portuguese version of the Retirement Satisfaction Survey to 502 fully retired national participants. The results show that 'life satisfaction' and 'sources of enjoyment' decrease when individuals reach around 75 years or over and when they have been retired for more than five years. A series of connected factors often not related to the transition from professional life to retirement or to retirement itself, but rather to the normal ageing process, seem to affect this negative adjustment in later life stages.

Despite this finding, the author maintains a life-cycle approach to the ageing process, acknowledging its impacts on successful retirement and overall life satisfaction. Living conditions in adulthood or factors such as educational attainment, type of professional activity, degree of previous professional investment, or the existence of activities or interests beyond working life are found to be key in explaining individual patterns of adjustment in later stages. Gender does not seem to affect the success of this process, according to author's findings. He proposes a typology of adjustment to retirement, consisting of three different patterns – Openness-Gains, Vulnerability-Risk and Losses-Withdrawal. While there is a positive age effect on the second and third patterns, the author sustains that it does not imply an evolutionary pattern, but rather a biographical one. Accordingly, individuals who present favourable attitudes and coping mechanisms towards change in previous stages of life seem to become more flexible in (re)constructing a new sense of identity and actively dealing with developmental challenges in later stages of life, pertaining to the Openness-Gains pattern after retirement.

Moura Ferreira et al. (2011) and Alcântara da Silva (2014) have presented the results of an extensive national research project<sup>14</sup> on "Ageing processes in Portugal – uses of time, social networks and living conditions", coordinated by Manuel Villaverde Cabral and funded by a private national foundation (FFMS). The project is organised around the framework of 'Active ageing' and includes analytical dimensions such as late work and retirement, social networks and social capital, health and wellbeing.

Alcântara da Silva (2014) explores the determinants of subjective health and happiness among Portuguese seniors. In relation to the study of Fonseca (2007), the first consists of a sociological approach inspired by life course and social capital theories, in which health is not only regarded as a factor shaping wellbeing, but is itself a result of social conditions and multidimensional processes occurring in the life course. A survey was initially conducted to a probability sample (1000 individuals, overall sampling error of  $\pm 3\%$  at 95% confidence interval), which is representative of the population residing on mainland Portugal aged 50 or over.

The author affirms the impacts of social capital elements on the self-assessment of health, specifically by the positive influence of social participation, volunteering and cultural activity, besides the positive effects of social networks and social support (including relationships outside the household and family structure, which means that living alone is not as significant as one would have thought according to other researches). Sociodemographic characteristics (sex, age, educational attainment, occupation, income) do influence ca. 20% of self-reported health variance – women, older, less educated and poorer individuals being more vulnerable to the

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<sup>14</sup> All the researchers take part in the Institute of Ageing of the University of Lisbon (IE), and most of them are or have conducted teaching and research activities at ICS (University of Lisbon).

perception of worse health— however these lose some of their predictive relevance when social activities are included in the regression model. As expected, physical constraints or chronic illnesses are the most important set of factors affecting self-reported health, however the rest of the social capital predictors remain significant in the presence of such health issues.

In regard to the feeling of happiness, personal networks (based on family) and social activities are the most important predictors, showing a higher influence than sociodemographic variables, although the level of earnings, educational attainment and subjective health preserve relative predictive strength. Nevertheless, these conditions seem to be less crucial for the feeling of happiness or may, at least, be partially offset if networks and uses of time are socially and personally fulfilling.

In the proceeding of 2011, resulting from the same research project, Moura Ferreira et al. (2011) focus on the social representations of retirement among retirees who participated in focus groups. A large part of participants retired before the statutory age and retirement came as an unexpected event, frequently influenced by previous public policies stimulating anticipated retirement and/ or companies' restructuring processes, which eventually penalised more often older workers.

The positive representations of retirement are more frequently found among those who embrace the possibility of having more free time, or among those whose working conditions were either physically or psychologically unsatisfactory. Besides these determinants, other factors are assumed, such as a sufficient or fair pension (similar to the job derived income), good health of the retiree and his/her close ones (namely the partner), and a personal network with people in the same circumstances.

The negative representations of retirement are more frequent among the compulsory cases (dismissal or insolvency of the company) or quasi-compulsory cases (company's restructuring, or fear of worsening conditions of retirement over time), or among those who suffer directly from incapacitating illness or have a partner in those conditions. These involuntary retirements, either caused by economic or health aggravation, seem to occur more often among women, usually with limited formal education (see also Ferreira, 2011, 2015). These participants show more signs of social isolation, finding it difficult to fill their free time and/or keeping their social networks active.

The social representations of retirement among participants still in activity are dominantly negative, albeit for different reasons. These perceive retirement as a negative process in itself, associated with the loss of social utility and dependency, old age or even personal decay. This ageist perspective is supplemented by anxieties relating to the loss of economic autonomy, in a context of decreasing pensions, to imminent health issues in old age or the usages of time without the structuring element of social life, work.

Partially due to this self-distancing and fear of the stage to come, very few participants seem to plan their transition to retirement. When they do, it is usually reduced to private saving schemes, caused by the fear of not receiving enough pension benefits. In respect to the anticipated usage of time in retirement, most men do not reveal any structured plan, although some refer the wish to return to their hometown, usually in rural regions. Women plan to dedicate more to the family, especially to caring after their grandchildren, or to travel around. Fewer aspire to dedicate themselves to volunteering or learning new skills (e.g. arts and crafts).

Furthermore, when questioned if they would be available to continue working after retirement,

current retirees tend to refuse it, justifying it with the long working career, even when facing economic challenges due to low pensions. Retirement is, for the majority, a period to enjoy freedom in opposition to the constraining working period. Those who do choose to work after retirement, do it on an occasional/seasonal basis, as a way to supplement the pension income and to keep themselves active and occupied. For current active interviewees, the extension of work life after the statutory age of retirement is a real possibility, as long as adequate conditions are offered for that transition, as less demanding work and less working hours.

Acknowledging the relevance of the phase of pre-retirement for health in later stages of life, researchers and health practitioners of various universities (University of Coimbra, University of Minho, University of Aveiro, University of Oporto), have designed a health-promoting programme (REATIVA), aimed at individuals and couples experiencing the transition to retirement. The objective is to implement this programme in the context of primary health care, in order to preserve the highest level of biopsychosocial health in individuals and families adapting to retirement. This project was funded by the Foundation for Science and Technology, the Portuguese Government and the European Union (FEDER).

In a paper published in 2015 (Loureiro et al., 2015)<sup>15</sup>, under the theoretical framework of symbolic interactionism and applying methods of narrative inquiry, they analyse how 14 Portuguese families have been dealing with this transition. Perceived gains relate to better health outcomes (less anxiety, stress), more time for oneself and for others and improved family dynamics (closer relationships). Perceived losses relate to less energy, fewer social contacts, loss of social status or economic capacity, loss of freedom and more stress in the family system. Almost all participants showed ambivalent perceptions of this phase of life, which affected not only the retiree but the whole family, mostly consisting of the couple, since the ‘empty nest’ stage is prevalent in the group. The process of change and adaptation implied a relearning of how to ‘Act’, ‘Feel’ and ‘Be’ in family, which legitimates the idea of promoting a model of nursing intervention to be applied in primary care.

Recently, Correia et al. (2017) published a research note on the conclusions of a study focused on the health status of the population aged 50 years and older in Portugal. Relying on data from the Survey of Health Ageing and Retirement in Europe (SHARE)-Wave 6, research covered the questions of prevalence of mental health, chronic diseases, disabilities, and the influence of socio-demographic variables on access to health services. The study has incorporated a gender-sensitive analysis.

### **Organisational practices regarding older workers and ‘Ageism’ in the labour market**

A set of literature developed since the turn of the century has aimed to characterise and understand the configuration and impacts of extended work policies on the labour market, more specifically regarding attitudes of ageism. The concept of active ageing has been widely used among these studies, providing an all-encompassing (albeit at times conflicting and questioned) nexus that links the fiscal need of activation policies in the context of demographic ageing and increasing dependency ratios, to the wellbeing of older generations, by stimulating softer and later transitions to retirement and promoting activity throughout the life course.

One important example on the impacts of extended work policies on the labour market is the

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<sup>15</sup> Two books focusing on the design of the health programme have been published by the Unit of Research on Health Sciences of the Nursing School of University of Coimbra.

extensive study of Pestana (2003), funded by the Directorate for Employment and Labour Relations (DGERT), who analysed the (then) recently adopted policies of active ageing and presented the characteristics of the national workforce<sup>16</sup>, as well as the results of interviews to social partners (two trade unions and three employers' associations) and surveys conducted with 110 employers.

Most social actors agreed that older individuals face a substantial amount of challenges regarding work, either by less demand and less chances of becoming employed, or by stigmatisation in the workplace, seen for instance on less opportunities for lifelong training compared to younger co-workers, the interviewees stances on active ageing policies were ambiguous. Some predicated that the activation of older workers could benefit the companies and the labour market, providing additional human capital, while others supported the idea that market should self-regulate and the promotion of active ageing would entail detrimental effects to younger generations. All of them, however, agreed that active ageing policies would have to be voluntary and non-compulsory. The survey on employers showed that the great majority of companies would welcome public policies targeting active ageing (82%), although in practice most of them did not hire older workers (50 years or above).

Another study along similar lines has been coordinated by Centeno (2007) also adopting a mixed methodological approach consisting of opinion polls to 700 individuals and 50 interviews to HR managers and social partners. Half of the surveyed individuals share the opinion that retirement should occur earlier than the statutory retirement age (65 years) and this wish is revealed stronger among older and less educated workers. 80% feel there is discrimination against older workers, especially in the process of recruitment. Active ageing related policies or practices weren't reported by the interviewed companies (HR managers), neither were any age management policies. On the contrary, most companies assumed the tendency to shorten worker's active life and promote early retirement among their older workforce.

The trade unions consider the lack of education and training the main factors responsible for the frail position of older workers in the labour market, with noticeable impacts on their average salaries. Early turnover with appropriate compensation packages is often pursued in the context of corporate restructuring, even though workers anticipate a low employability after leave. Unions and employers' representatives agree on the necessity to promote lifelong learning and on the premise that retirement ought to be based on contributory career instead of statutory age. Employers' representatives affirm to be generally in favour of policies targeting the reconciliation of working and family life, occupational health and the improvement of working conditions, although as referred previously, such practices are scarce and tend to penalise women.

More recently, Barroca, Meireles and Neto (2014) conducted an intensive study<sup>17</sup> on corporate practices regarding older workers, focusing on three national companies. They note that the idea of integrating an older workforce is acknowledged in these companies; however it does not translate into a coherent strategy or intervention. A few good practices include programmes of mentoring or others similar, aiming to transfer the accumulated organisational culture and experience of older workers to younger colleagues. Only one company reported programmes of

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<sup>16</sup> The demographic analysis of the workforce includes gender and age, providing a detailed account of the sectors and occupations with more acute gender gaps and how those disparities are maintained, aggravated or reversed in different cohorts.

<sup>17</sup> Inserted in the Project i-HRM (Inclusive Human Resources Management Practices for older workers), funded with support from the European Union. For more information: <http://i-hrm.eu/>

mobility for older workers, essentially associated with their lifecycle and the need to perform different functions due to health reasons. They present three main conclusions: i) that the State should promote the improvement of working conditions and the employability of older workers, guaranteeing lifelong learning initiatives and providing incentives for workers to stay or re-enter the labour market; ii) that corporations need to stop considering the ageing of their workforce a menace to their productivity and competitiveness;

iii) that workers should invest more often on lifelong learning and training, considering the different phases of their lifecycle and the different opportunities they present.

The Portuguese Entrepreneurial Association (AEP) and Quaternaire Portugal (AEP and Quaternaire Portugal, 2013) conducted a study on older (aged 50 or over) entrepreneurs or business owners. In 2011, they amounted to 163,503 individuals, which doubles the figure reported in 1991, and represents ca. 36% of the total business owners (employers) registered in Portugal. While their profile is predominantly masculine with prevailing low educational attainment, the share of women has been rising consistently and the qualifications have improved over time. Older entrepreneurs represent 13% of the initiatives created under the Programme of Support to Entrepreneurship and Creation of Self-Employment (PAECE) targeting people receiving unemployment benefits, and this group shows a very different trend when compared to other senior business owners – they tend to be younger, women are more represented and the sector of activity is more diverse. A survey conducted to 154 older entrepreneurs revealed that they show a strong attachment to their occupation and tend to work past the mandatory retirement age. However, the reported longevity in business does not always imply a strong sense of personal or professional fulfilment in activity, but also the specific situation of the company and the availability of resources to make through old age.

Departing from a ‘psychosociological’ approach to ageism, a team of the Institute of Ageing of the University of Lisbon (IE) who takes part in EURAGE (European Research Group on Attitudes to Age) has published a few reports and articles with results of the European Social Survey (2008-2009). They specifically aimed to identify which characteristics better predict ageism and prejudice against older citizens. They affirm that ageism is moderate in the Portuguese society and due to overall high motivation for self-control of prejudice, is more subtle and based on a paternalistic and benevolent view of old age, associated with the perception of being less competent and highly affectionate (Lima et al., 2011).

Although the elderly are not generally considered a threat to healthcare costs or to current cultural patterns, they are often conceived as an economic threat due to low economic input. Interestingly, the higher this perception, the better individuals accept having a senior boss – along with other psychosocial and contextual predictors, such as social representation of age groups, intergenerational interactions and motivation to control prejudice (Marques, Batista and Silva, 2012).

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## **Introduction**

The aim of this report is to provide a synthetic overview of the legal framework and the evolution of policies regarding active ageing in Portugal, particularly with respect to gender, life course and health or well-being perspectives.

This report is largely based on the results of a data collection of legal acts and policies on ageing and gender equality, stemming from three main legal sources: the Constitution, the Labour law<sup>18</sup> and ordinary legislation, from 2000 to the end of March of 2016. Both the Constitution and the Labour law were thoroughly screened to find any norms related to these questions. Due to the large volume of ordinary legislation produced every year, an index search of terms such as “active ageing” and/ or “gender” was performed on a web-repository

of acts published in the Official Journal. A literature survey complemented the latter method, in order to provide a more extensive sample and overcome some limitations of the online search.

## **The framing of ‘active ageing in Portuguese policies and legislative acts**

### **The Constitution**

The Portuguese Constitution encompasses extensive citizenship and social rights and prescribes a universalistic Welfare State.

The gender equality perspective is to be found in most of the sections of the Constitution<sup>19</sup>.

Active ageing related items are found in two instances. One of the constitutional norms enacts the State’s duty to actively promote a ‘senior citizen’s policy’ contemplating economic, social and cultural actions with the aim of guaranteeing their “right to economic security, housing conditions, autonomy and conviviality, both with the family and the community, thus avoiding social isolation and marginalisation” (Article 72). The reference to a senior citizen’s policy is also present in Article 67, which sustains the State’s obligation to implement a family-oriented policy, which shall support the personal fulfilment of all its members.

### **Labour Law**

The Labour Code was approved by the Law 99/2003, 27 August. It was revised and consolidated by the Law 7/ 2009, 12 February, but many of the relevant norms were already present in the law approving the Labour Code<sup>20</sup>. The last amendment of the Labour Code was made by Law 28/2016, 23 August.

Several articles relate either to ageing, gender equality, family or health. Articles 24 and 25, respectively prescribe the equal right of access to employment and the prohibition of discrimination in the workplace considering age and gender (among other factors). A whole division (division III) deals with gender equality protection.

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<sup>18</sup> Current version, which was last updated on November 2015.

<sup>19</sup> Namely: Fundamental and General Principles (Articles 9 and 13); Rights and Principles on Personal Guarantees (Articles 26, 36 and 47) and Political participation (Article 48); Economic (Articles 58 and 59), Social (Articles 67 and 68) and Cultural (Article 74) Rights and Duties; General Principles guiding the Organisation of the political power exercise (Article 109).

<sup>20</sup> Specifically, the rights to equality and non-discrimination, as well as the mechanisms of reconciliation between work and family life regarding maternity and paternity, introduced in the articles 33º- 52º.

The definition and rules governing pre-retirement are to be found in sub-section V. Article 348 establishes that the permanent labour contracts of workers who retire or who reach the age of 70 will automatically be converted into temporary, renewable, contracts for six-month periods. Many norms consist of ‘Health or disability’ related labour rights, specifically targeting affirmative actions towards the employment of workers suffering from any chronic disease or disability (sub-section VII).

## **Ordinary legislation**

### **The 1990’s**

The emergence of a ‘late work’ initiative can be traced back to 1993, when the government in office issued a decree (Decreto-Lei n° 329/93, 25 September) that increased the retirement age of women from 62 to 65 years old, in order to promote “equality of treatment of men and women”, as it was stated in the law’s Preamble.

The rest of the decade saw other important policies regarding the senior population. By 1994, the Programme of Integrated Support for the Elderly (PAII)<sup>21</sup> was implemented, with the aim of promoting the autonomy of seniors (over 65 years old) and people with disability, primarily in their own natural environment. This program involved, among other measures<sup>22</sup>, the implementation of a Home Care Support service, training activities for formal and informal carers (e.g. family members, volunteers) (FORHUM), or the promotion of senior tourism, health and thermal treatments for older citizens, thus involving perhaps one of the first policies in Portugal which sustained (however embryonic) a life-course approach towards life after retirement<sup>23</sup>, associating social, leisure and health initiatives.

In 1999 (Decreto-Lei 9/99, 8 January), the government established the principle of flexibility regarding the retirement age. From then on, individuals aged 55 or over with, at least, 30 years of contributions could apply for the anticipation of retirement within the general scheme, with a variable deduction rate dependent on the age and insurance period. Inversely, those who chose to extend work beyond the national retirement age would receive a bonus rate for every extra year.

### **The 2000’s**

The new century brought further changes to the national scenario. Activation strategies began to be more vigorously endorsed, supported by growing European frameworks pushing towards this goal (e.g.: European Employment Strategy; Lisbon Strategy). In 2001, the government approved an ordinance (Portaria 196-A/2001, 10 March) contemplating economic incentives to employers for hiring young persons who had never worked before, long-term unemployed or unemployed over 44 years old who were beneficiaries of the Minimum Guaranteed Income. This law also included bonuses (a “prize for equality of opportunities”) for companies employing women and people with disability.

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<sup>21</sup> By joint Decree of the Ministry of Health and of the Employment and Social Security.

<sup>22</sup> For consultation on: <http://www.seg-social.pt/programa-de-apoio-integrado-a-idosos-paii>

<sup>23</sup> Universities for Seniors knew also a wide development at this stage, with the creation of more than 30 Universities, a number which would surge towards the end of last decade, near the European Year for Active Ageing (2012), given the raised awareness of its role (see Carneiro et al., 2012: 68, for an evolution)

The Social Security Framework Law of 2002 (Law 32/2002, 20 December) is the turning point in the promotion of later retirement and of Social Security's financial sustainability. It changed the reference earnings for calculation of pensions, taking the average monthly wage of the whole insurance period, limited to forty years, instead of the average wage of the best ten out of the last fifteen contributive years (the formula applied between 1994-2001). However, a transitional period would take place until 2017, when the compliance with that formula would be mandatorily applied (see Albuquerque et al., 2010).

The National Plan for Employment for 2003-2006 (approved in 2003<sup>24</sup>) stemmed from the European Employment Strategy (1997) and instilled the guidelines of active ageing and gender equality, while seeking to "make the work pay". Some of the instruments recalled for this objective were: i) the possibility of partial retirement for those who did not want to work full-time until the legal retirement age, granting a smoother transition for the worker from an active life-course to retirement; ii) the upward revision of the factor of reduction in pensions when flexible (early) retirement applies; iii) the upward revision of the bonuses attributed to those who chose to extend work beyond the legal retirement age.

Another important policy framework approved in 2003 concerned the "Broad Plan Options for 2004"<sup>25</sup>, which expressed a will to protect at-risk groups, namely the elderly poor and included the launch of the National Plan for Health (2004-2010). This Plan would subsidize several national programs in the following years, namely with respect to the health of seniors (e.g.: "National Program for the Health of the Elderly"). The premise of this Program was the conceptualisation of "ageing throughout life, with a more preventive attitude and oriented towards health and autonomy" (Directorate-General for Health, 2006: 5).

Also in 2003, the National Action Plan for Social Inclusion (PNAI)<sup>26</sup>, devised social cohesion measures for the period 2003-2005. Aside from recognising the need to improve the sustainability of the pension system, the Plan also endorsed the convergence of the lower pensions towards the national minimum wage. Active ageing was referred as a priority, encompassing the increase of qualifications and lifelong learning among the most vulnerable groups, the accumulation of pensions and wages for those who have opted for a transition to part-time work before retirement, the attribution of a bonus to women's pensions (proportional to the number of children), and the promotion/ extension of the network of social facilities targeting the elderly and people with disability (Programmes PARES and PAIES, of 2006).

The "Solidarity Supplement for the Elderly" (CSI)<sup>27</sup> was created in 2005 with the purpose of fighting poverty among the elderly, although it seems to have had a limited scope of beneficiaries and efficacy<sup>28</sup>. This is a means-tested benefit, initially directed at people aged 80 years and above (2006), but later including all persons aged 65 or older whose pension was

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<sup>24</sup> Resolução do Conselho de Ministros 185/2003, 3 December.

<sup>25</sup> Decreto-Lei n.º 107-A/2003, 31 December.

<sup>26</sup> Resolução do Conselho de Ministros 192/2003, 23 December.

<sup>27</sup> Decreto-Lei 232/2005, 29 December.

<sup>28</sup> While the percentage of persons receiving pensions (retirement, social or disability) adding up to 4884€/per year (this interval is 84€over the established threshold) in the general regime of Social Security represents 77% in 2010, the weight of CSI beneficiaries was only 12,2% of the universe aged 65 years old or more in Portugal (excluding Madeira and Azores) (data in Carneiro et al., 2012: 73 and 75). Despite this relatively small coverage due to "the underestimation of the poverty line is that although the measure achieves a strong reduction of the poverty gap of the elderly, it is not enough to take them out of poverty" (cf. Rodrigues, 2009: 6)

below a determined threshold<sup>29</sup>.

2005 was also the year of approval of the new national Plan for Growth and Employment for the following years (PNACE, 2005-2008)<sup>30</sup>, acquiescing Lisbon Strategy guidelines (revised in the European Council of March 2005) with respect to active ageing. Accordingly, a National Strategy for Active Ageing was proposed in this Plan<sup>31</sup> (see PNACE, 2005: 48 and PNE, 2006). The promotion of equality of opportunities, namely between women and men was acknowledged in the Plan, particularly with reference to a life course approach (see PNACE, 2005: 34; PNE, 2006: 18).

In 2005, the law regulating flexible retirement ages with the possibility of anticipation was suspended<sup>32</sup>. Long term unemployment became the only reason admitted to anticipate retirement. Law 60/2005 (29 December) established mechanisms of convergence between the pension regime for civil servants and the pension regime for the private sector, regarding the conditions for retirement and the calculus of pensions.

The two following years (2006-2007) assumed relevant changes towards extended work and active ageing, mostly related to retirement policies (retirement age, penalties, bonuses for early/delayed retirement). Within this scope, Law 4/2007 (16th January) introduced three major changes in the private employers' pension regime<sup>33</sup>: i) a 'sustainability factor' in the formula applied for calculation of pensions, taking into account the average life expectancy,

which led to the progressive increase of the (previously fixed) retirement age (65 years old);

ii) a new formula for the calculation of pensions, which derived from the aforementioned Social Security Framework Law of 2002, but which ceased its transitional period by anticipating its implementation to 2007 (instead of 2017); iii) a new index to calculate the valorisation of pensions, that combined inflation and GDP growth rates (see also Law 53- B/2006, 29th December). Law 52/2007 (31 August) extended these changes to the civil servants' regime.

Decree-Law 187/2007 authorized early retirement again but fostered "active ageing" by increasing the financial penalty for early retirement and by awarding incentives to extending working life.

A new National Action Plan for Social Inclusion (PNAI, 2006-2008)<sup>34</sup> had been approved

in 2006, as well as the I Action Plan for the Integration of People with Disabilities or Impairments (PAIPDI)<sup>35</sup>. The latter Plan proposed five strategic objectives, aiming namely at promoting: i) the human rights and the exercise of citizenship of disabled or impaired people;

ii) the mainstreaming of the concern with disability into sectorial policies; iii) the accessibility to services, facilities or products; iv) the qualification, training and employment of disabled and impaired citizens; v) the qualification and training of professionals dealing with disabled and

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<sup>29</sup> Below 4800€ per year in 2008 and 5059 Euros per year in 2016, for persons living alone.

<sup>30</sup> Resolução do Conselho de Ministros 183/2005, 28 November.

<sup>31</sup> See PNACE (2005: 48) and the resulting document comprising the National Strategy for Active Ageing (PNE, 2006).

<sup>32</sup> Decreto-Lei 125/2005, 3 August.

<sup>33</sup> Actually, these policy changes had already been advanced in the previous year by resolution of the Ministries' Council (Resolução do Conselho de Ministros 141/2006, 25 October).

<sup>34</sup> Resolução do Conselho de Ministros 166/2006, 15 December.

<sup>35</sup> Resolução 120/2006, 21 September.

impaired persons.

The PNAI 2006-2008, did not consider the concept of 'active ageing'. Its priorities were: i) the fight against poverty and social exclusion of children and elderly, through policies guaranteeing their basic social and citizenship rights; ii) the correction of education/qualification disadvantages; and iii) the elimination of discrimination against disabled persons and immigrants and the strengthening of their integration.

The following PNAI (2008-2010)<sup>36</sup> was indeed more focused on seniors, proposing the increase of social facilities available for the elderly, the renewal of existing ones (Programmes PES and PARES), and subsidies for housing renewal (Programme of Housing Comfort for the Elderly)<sup>37</sup>, in order to improve their living conditions and autonomy.

### **2010 to July 2017**

The new Social Security Contribution Regimes Code was approved in 2011<sup>38</sup>. Section V is dedicated to "Incentives for labour market retention". It targets employees aged 65 or older, with at least 40 years of contributions, and those entitled to anticipate their retirement age without any penalties, in the light of the flexible regime of access to old-age pension (Decree 187/2007, 10 May). The bonus for extended work includes a reduction in Social Security contributions.

Likewise, Section VI of the same Code establishes incentives for hiring persons with disability or impairment (who have proven to have less than 80% of the capacity normally attributed to a worker with an equivalent function), namely a reduced contribution rate paid by the employer.

In 2012, Decree-Law 85-A/2012, 5th April, suspended the conditions for early retirement established by Decree n. 187/2007 (10 May), with the alterations introduced by Law 64- A/2008 (31 December).

Article 77 of Law 66-B/2012 (Budget Law) states that an exceptional measure of reduction in pensions would take place given the Memorandum of Understanding signed in 2011 (Economic and Financial Assistance Programme). The reduction affected the 14th month allowance granted to public sector pensioners with a level of monthly benefits higher than 600 Euros. Additionally, a progressive solidarity tax (the Extraordinary Solidarity Surcharge) was imposed on pensions over 1350 Euros. The entitlement to early retirement was suspended except in case of long-term unemployment. If unemployment occurs after the completion of 57 years, retirement is allowed at the age of 62. If unemployment occurs between the ages of 52 and 56, retirement is allowed at the age of 57. In this latter case, the qualifying period is increased from 15 to 22 years of insurance.

The continuing extension of home care services meant to help older people maintain their autonomy and their residence.

The cuts in holiday allowances envisaged by the aforementioned Law 66-B/2012, were declared to be unconstitutional by the Constitutional Court as they violated the principle of Trust between the citizens and the State (Decree-Law 150/XII, 14 June 2013). As a consequence, new measures were put in place. The threshold for the extraordinary solidarity surcharge was reduced from 1350 to 1000 Euros per month. The formula for the calculus of the sustainability factor

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<sup>36</sup> Resolução do Conselho de Ministros 136/2008, 9 September.

<sup>37</sup> See Perista and Perista (2012: 29-31).

<sup>38</sup> Regulatory Decree 1-A/2011, 3 January.



changed (Decree-Law 167-E/2013), leading to higher penalties resulting from the increase in life expectancy and it started to be applied to increase the normal age of retirement. Ordinance 67/2016, of 1 April, set the new sustainability factors and corresponding statutory retirement age for 2017. Taking into account the effects of the evolution of life expectancy at age 65, the normal age of entitlement to old age pension in 2017 has become 66 years and 3 months. Early retirement is penalised according to the established by Decree-Law 187/2007: 0.5% per month of anticipation reduced by 12 months for every period of three years for those with more than 30 years of insurance record. The workers with especially long contributive careers (40 years or more) became entitled to a lower retirement age.

Law 83-A/2013, 30 December, set the new general framework of the social security system, which added flexibility to the definition of rules.

Decree-Law 8/2015, 14 January, revoked the suspension of access to early retirement, establishing a transitional regime concerning the conditions for early retirement, which was in force during 2015. Decree-Law No. 10/2016, of 8 March, reset, for the year 2016 and until a new revision of the system, the transitional regime provided for in Decree-Law 8/2015, of 14 January, which was applied during 2015. According to the transitional regime, the right to anticipate the access to an old age pension depends on the recipient being aged 60 years or over and having, at least, 40 years of contributions to Social Security. This law also determines the existence of a mandatory prior hearing with the potential beneficiary of early retirement, after which he/she may decide to cancel or to proceed with the process.

The Portuguese government is currently preparing a set of reforms related to early retirement. This is work in progress and the concrete design of the proposal is still unknown. However, it will probably be implemented in three phases, till 2019. Early retirement will only be possible for workers aged 60 years or more who, at the age of 60, had at least 40 years of contributions, i.e. those aged 62 with 41 years of contributions who, at the age of 60 had 39 years of contributions will not be able to retire early. Another change under discussion is the end of the application of the sustainability factor in the formula applied for the calculation of early retirement pensions, which takes into account the average life expectancy and is currently set at 13.88%. This is expected to be part of the second phase of implementation, still without a concrete date to come into force.

Old-age pensions may be cumulated with income from work, except if the pension is a result of the replacement of a previous disability pension (absolute disability pension only). In the case of an early retirement pension it is not possible to accumulate it with income from work during the first three years after the date of access to the old-age pension, whenever that income is a result of any activity or work undertaken in the same company or group where the beneficiary was working.

The IV National Plan for Equality - Gender, Citizenship and Non-discrimination (2011- 2013)<sup>39</sup> called into attention the aggravated poverty and social exclusion conditions among elderly women. It refers the programme "New Opportunities" and its initiatives of Education, Training and Certification of Adults the dissemination of the Supplement for the Elderly (initiated in 2005) and the extension of the Long-term Care National Network.

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<sup>39</sup> Resolution of the Council of Ministers 5/2011, 18 January.

The V National Plan for Equality - Gender, Citizenship and Non-discrimination (2014- 2017)<sup>40</sup> keeps the mention to the aggravated poverty and social exclusion conditions among elderly women and presents, as two of its goals, i) promoting basic competencies necessary for the building and development of inclusive life projects for specific groups of women facing a situation of greater vulnerability, particularly rural women, immigrant women and elderly women; and ii) contributing to the prevention of multiple factors that are in the origin of the conditions of greater vulnerability of the elderly in several fields.

### **Care policies**

A new legal framework regarding parental leave was enacted in 2009: an initial parental leave may be extended to 180 calendar days, if shared by both parents. The mother has to take six weeks after the birth, but the remaining period may be shared upon mutual agreement: a total of 120 days fully paid at 100% of earnings; 150 days paid at either 80% or 100%, depending on whether the leave is or is not shared between both parents, or 180 days at 83%, if the leave is shared ('sharing bonus' of 30 days).

There is also a parental leave available for fathers: a total of 25 working days, 15 of which are mandatory and have to be taken during the first 30 days after birth (5 days must be taken immediately after birth) (fully paid – 100% of earnings). The Government plans to increase the compulsory part to 20 days and to decrease the optional part by 5 days. However, so far no timeline for implementation has been established<sup>41</sup>.

A complementary parental leave up to 3 months may be taken up by both parents until the child is 6 years old. It is paid at 25% of average earnings, if taken immediately after the initial leave (for one parent at a time). After this leave, one of the parents may take up to two years of 'childcare leave' (not paid) on a full-time basis (up to three years when there is a third or subsequent child).

A working grandparent is entitled to 30 days leave following the birth of a grandchild to an adolescent still living at home. (Cf. Casaca and Perista, 2017)

One of the latest changes to the Labour Code (Law 120/2015, 1 September) has also made it possible for both parents to use the initial parental leave simultaneously between the 120 and the 150 days. Employees with children under 12 years old, or regardless of their age if disabled or chronically ill, may opt to work on a part-time basis or on a flexible working-time arrangement, without any penalty in their career progression. Parents with children up to three years old may request to work at home (telework) in the event of compatibility with the job content and the respective tasks and if the employer owns the necessary resources and means to implement this. (Cf. Casaca and Perista, 2017)

Time off to care for dependants (cf. Karin and Wall, 2015):

- Up to 30 days per year can be taken to care for sick children under the age of 12 years, with no age limit in the case of a child who is chronically ill or disabled, and with no time limit if the child is in hospital; plus 15 days per year to care for a sick child above age 12 (paid at 65 per cent of earnings).

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<sup>40</sup> Resolution of the Council of Ministers 103/2013, 31 December.

<sup>41</sup> «Governo vai dar mais cinco dias de licença parental», in Dinheiro Vivo 04/05/2017, Available at: <https://www.dinheirovivo.pt/economia/governo-vai-dar-mais-cinco-dias-de-licenca-parental/> (Accessed 25/05/2017).

- Up to 15 days unpaid leave per year can be taken to care for a spouse or a close relative (parents, grandparents, siblings, even if not living in the same household).
- An extra 15 days unpaid leave per year can be taken to care for a severely handicapped or chronically ill spouse.

Grandparents are also entitled to take leave from work in order to substitute parents in caring for sick children; they may take the same number of days parents are entitled to or take the remaining days that parents have not taken from their leave entitlement.

When there is a severely handicapped or chronically ill child, including adopted children and living-in stepchildren, one of the parents is entitled to six months leave, which may be extended up to four years. This leave can only be taken by one of the parents and it is paid at 65 per cent of earnings.

Another relevant topic to be raised is the fact that time spent caring for children is not considered in terms of pension credits. According to recent estimates (OECD, 2015), a woman on average wage interrupting her career for five years to take care for two young children would lose about 10% in pension income on average. When considering a 10 years interruption the loss in her pension income would rise to 21%. This represents the largest decline recorded among the 34 OECD countries. Pension credits only exist in Portugal for women who have a part-time work in order to care for their children. In this case, these women's contributions for Social Security are counted as if they would have a full-time job (OECD, 2015).

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