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National report - Portugal

Study of the gender dimension and discrimination in social protection

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European Commission

This study was developed by a research team based in CESIS – Centro de Estudos para a Intervenção Social. The team was composed by Maria Josefina Leitão and Maria Leonor Gonçalves, with the collaboration of Eudelina Quintal, and had the co-ordination of Heloísa Perista.



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A. Summary of sections C- G

The *Study on gender aspects and discrimination with regard to social protection* is commissioned by the European Commission, DG Employment, Social Affairs and Equal Opportunities. It is being performed under the Progress Program financed by the European Commission. The study is conducted by two institutions that have created a consortium for the purpose of this project: WYG International Sp. z o. o. (**WYGI**) seated in Warsaw (Poland) and Gdańsk Institute for Market Economics (**GIME**) seated in Gdańsk (Poland). Leader of the project is WYG International Sp. z o.o.

1. In Portugal, the social security system is composed by the citizenship social protection system, the welfare system and the complementary system.

The citizenship social protection system aims at guaranteeing the citizens' basic rights and equal opportunities, as well as promoting wellbeing and social cohesion.

The welfare system aims at guaranteeing, on the basis of the principle of professional solidarity, replacement revenue for the loss of labour income as a consequence of the legally predicted risks. The welfare system is compulsory for employees – or similar – and self-employed (general social security regime). It can also cover persons who are able to work and who are not compulsory covered by a social protection regime (voluntary social insurance regime).

The complementary system is composed by a public scheme of capitalisation and by complementary schemes of collective or individual initiative. According to the Framework Law of the Social Security, the complementary schemes of collective initiative must insure the principle of gender equal treatment.

2. The recent reform of the Social Security System was based on an agreement of October 2006 between the Government and the social partners. This reform includes a set of measures about old-age and invalidity pensions, and unemployment, family and maternity protection. Incentives were created to discourage early retirement and to persuade workers to remain in active life. Measures were also adopted to grant the financial sustainability of the system.

3. The Constitution of the Portuguese Republic establishes that all citizens have the same dignity and are equal before the law. It states that no one can be privileged, benefited, harmed or deprived of any right or exempt from any duty because of one's ascendancy, sex, race, language, territory of origin, religion, political or ideological beliefs, education, economic situation, social condition or sexual orientation.

The principles of equality and non-discrimination must be respected by all the laws, the social protection laws included. However, in spite of the laws and the existing bodies, plans and measures to promote equal treatment and non discrimination in all grounds, there is a gap between the law and the reality, due mainly to the less favourable situation in the labour market, particularly of women, elderly and people with disabilities, and to the insufficient knowledge of the law and to the multiplicity and complexity of laws, succeeding over time.

To fight this situation the recent reform of social security laws reinforced the compliance with the principles of equal treatment and non-discrimination, of information and of effective access to justice.

4. The reform of the old-age protection introduced some measures specifically addressed to old age pensions. This is the case, for example, of the incentives to the continuation of old-

age workers in the labour market – achieved both by a bonus on the pension formation for each actual working month going beyond the moment in which the person is entitled to the full pension, and by a reduction factor for each month of reduction below 65 years old -, of the change in the rules of the pensions calculation, namely by the introduction of a sustainability factor related to the evolution of the average life expectancy, and of the creation of a new public complementary scheme, made up of individual accounts, of voluntary participation.

The law guarantees minimum levels of old-age pensions and relative and absolute invalidity pensions. When the amount of the calculated pensions is lower than the minimum guaranteed, the pension is topped up by a social supplement. In the solidarity subsystem it is important to highlight the old-age social pension and the solidarity supplement for the elderly, which is an extraordinary benefit to fight poverty. A dependency supplement may be added to the old-age and invalidity pensions which is addressed to those who cannot autonomously perform tasks indispensable for assuring a person every day's basic needs, and who, therefore, needs the support of another person.

5. Invalidity is one of the risks covered by the social welfare system. The protection covers relative invalidity and absolute invalidity. The qualifying period for the two degrees of invalidity is different. The invalidity is certified by a social security unit. In the invalidity, as well as in the old-age, the amount of the registered remunerations is the base for calculating the amount of the monetary benefits, which will replace the actual or presumed earning from professional activity.

In the non-contributory regime, which is included in the solidarity subsystem, there is the invalidity social pension to people aged over 18 and unable to work, not entitled to pensions from the contributory scheme and without sufficient resources.

6. The protection in the risk of death covers the beneficiaries of general social security regime, which applies to employees and self-employed workers, and it is ensured by the granting of survivor pensions and death allowances.

The legislation of social protection on the risk of death ensures equal treatment between men and women. However it establishes differences based on the family status and age.

In the solidarity subsystem, the non-contributory scheme includes the widow's pension and the orphan's pension.

7. Health care is provided by a universal public health service, the so-called National Health Service.

The general regime of social security includes the risk of sickness. The protection granted to employees in case of incapacity for work due to sickness is ensured. The self-employed workers are also entitled to sickness benefit, as long as their respective scheme includes the sickness protection.

8. Integrated in the social protection citizenship system, the family protection subsystem aims at ensuring the compensation for family charges and for expenditures in the area of disability and dependency.

The benefits granted are: a) child benefit; b) pre-natal child benefit; and c) funeral grant. There are special allowances for children with disability.

The reform of the family protection system, and the promotion of the access to services and to social support equipment, addressed to families, contributed to promote the employability, as well as the reconciliation of professional activity with personal and family life, and the equality between men and women. Measures have been taken in the field of part-time work, for the support of children, particularly regarding the way it is

taken into account for the social security contributory career. There has been also an expansion of the social equipment network for children, elderly and people with disability.

9. Benefits covered by the social security system not related to risks covered by Directive 79/7/EEC include the social insertion income (SII), integrated in the solidarity subsystem, and social services and equipments, programmes to fight poverty, marginalisation and social exclusion, monetary benefits of an occasional and exceptional nature, and benefits in kind, which are integrated in the social assistance subsystem.

The SII consists of a monetary benefit, complemented by a social insertion programme, with the purpose to ensure individuals and their family households the necessary income for the satisfaction of their basic needs and for promoting a progressive social, labour and community insertion.

Social assistance is generally provided by the State, by municipalities and by private non-profit organisations and it is subjected to the principles of the social security framework law, namely to the principle of equal treatment and non discrimination.

The amount of the SII is indexed to the amount of the social pension and it is equal to the difference between the amount of the SII corresponding to the family household composition and to the sum of the incomes of that household. The amount of the SII is topped up, when the applicant is pregnant, or the spouse or cohabiting partner of the applicant, during the pregnancy period and during the first year of the child's life. The SII is still increased by a special support for every person in the family household in a dependency situation respectively of the 1st or 2nd degree. An allowance for compensating housing expenses can also be granted, in some circumstances.

10. The protection in unemployment, involuntary and total, includes: the unemployment insurance benefit, the unemployment assistance benefit, initial or subsequent to the unemployment benefit, and the partial unemployment insurance benefit.

These benefits aim at compensating the beneficiaries for the lack or reduction of income resulting from unemployment or acceptance of a part-time job, as well as at promoting job creation, through a lump-sum payment of the total amount of the unemployment benefit, aiming at the creation of own job.

There is different qualifying periods to insurance and assistance unemployment benefits, and the assistance unemployment benefits depends of the incomes of the family. The duration of benefits is proportional to age and length of contribution.

The law on protection of unemployment introduced active measures for beneficiaries and increased the intervention of the public employment services.

11. According to the Framework Law of Social Security, the complementary occupational schemes are of facultative creation and collective initiative in favour of a certain group of persons. These schemes regulation should respect the principle of equal treatment on ground of sex and the protection of rights, both the acquired and those in formation. It should also define the rules concerning the portability of the rights, the equality of fiscal treatment between schemes, and the right to information.

There are occupational schemes established by undertakings, mutuality's associations and collective agreements within an occupational sector or an undertaking or group of undertakings. The most common ones concern big undertakings. Sometimes, occupational schemes are in the internal regulations of undertakings. In the case of collective agreements, there is a significant diversity of occupational schemes. The most common concern supplementary benefits granted by the welfare system, namely in the risks of

sickness, old age pension, family and death benefits, or benefits which are not granted by this system.

According to the Law, the undertakings with occupational social schemes should inform the social security services about some provisions of these schemes, including the observation of the principle of equality of treatment. In what concerns occupational social schemes financed through pension and/or insurance funds, the social security services must transmit this information to the Portuguese Insurance Institute.

Some occupational schemes replace, totally or partially, the general regime of social security. This is the case of the current convergent regime for civil servants and the schemes of social security of bank employees and of lawyers and solicitors.

Nowadays, the two first schemes are closed schemes - no more workers can be enrolled - destined to integrate, in the future, the general regime of social security. The convergent scheme for civil servants assures protection in old age, invalidity and survival to all civil servants whose admission into public service occurred till the 31st December 2005.

The registration in the social protection of lawyers and solicitors (CPAS) is mandatory upon the registration in the Bar Association or in the Solicitors' Chamber. Registration is not allowed to lawyers and solicitors aged over 60. This limitation, that could be understood as discrimination based on age, occurs because CPAS is financed essentially by the contributions of its beneficiaries, in a scheme of self-insurance, without any contribution either from the social security's budget or from the State's budget. It is possible to accumulate mandatory registrations in CPAS and in the welfare system, resulting from cumulative activities determining such registration. In those cases, accumulation of benefits will take place. The CPAS assures protection in old-age, invalidity, maternity and survival. In the last case, the surviving partner is not covered.

12. In what concerns private schemes, the Law establishes the prohibition of direct and indirect discrimination, through actions, omissions or contractual clauses regarding the access to and supply of goods and services. The Law adds that the discriminatory acts and clauses are considered as null and imply civil responsibility according to the damages caused.

With regard to insurance contracts and other financial services, this Law states that considering sex as a factor for the calculation of the premiums and benefits of insurances and other financial services must not result in differentiation on those premiums and benefits. Differentiations are nonetheless possible according to certain conditions. Notwithstanding, the costs related to childbearing and maternity cannot result on a differentiation of premiums and benefits of insurance contracts and other financial services.

13. The Law 26/2008 created the public scheme of capitalisation of individual and voluntary adherence, aiming at the reinforcement of social protection. With the adherence to this scheme, complementary rights to the old-age or retirement pension are formed, as well as to the pension of absolute invalidity, with reference to the values deposited in the individual account. By the time of retirement the adherent may choose to convert the capital into a lifetime income, to acquire the capital through a lump sum payment or to transfer it to the spouses' or the children's plans.

In the private sector, the saving plans for retirement (Planos de Poupança Reforma –PPR) are other solution for complementing pensions. They offer a significant diversity, trying to answer the needs and the risk profile of the subscriber. Minimum periods of permanence are usually present. There are also cases where there is a maximum age for subscription and for the end of the PPR. The total or partial reimbursement is usually allowed in case of

retirement due to old-age or when the age of the subscriber or of the subscriber's spouse is equal or higher than 60 years old and the insurance is a couple's common good. It is also allowed in case of long-term unemployment, permanent incapacity for work or illness of the insured person or of any member of his/her household, as well as due to death of the insured person or of his/her spouse, when the insurance is a common good of the couple.

14. Health insurances have been registering a progressive adherence. Individual adhesion is considerably expensive with an increasing cost throughout the lifecycle and when there are aggravated health risks. It can be subscribed by any citizen but requires acceptance of the conditions of the contract, which are different according to the risk and the insurance company. Some rules were established, trying to avoid the usage of statistical and actuarial data in a discriminatory manner, namely in the aggravation of the insurance premium and the refusal of services. The aggravation of the insurance premium is possible when there is an increase in risk, but it must be guaranteed the proportionality between the risk and the aggravation.

Law 72/2008 considers discriminatory on grounds of disability or aggravated health risk the actions or negligent or harmful omissions which give to people in these situations a less favourable treatment than the one that would be given to any other person in a comparable situation.

The coverage by a health insurance implies, as a rule, a waiting period, and age limits both regarding subscription and exit. Notwithstanding, there are insurances without a maximum age limit.

In case of refusal of an insurance contract or aggravation of the premium on grounds of disability or aggravated health risk, the insurance company must provide the insurance taker with information about the ratio between the specific risk factors and the risk factors of a person in a comparable situation but not affected by such disability or aggravated health risk. In order to solve possible divergences resulting from a decision of refusal or aggravation, the insurance proponent may request a tripartite commission to deliver opinion about the ratio between his/her own specific factors of risk and the risk factors of a person in a comparable situation but not affected by the same disability or aggravated health risk.

15. Regarding discrimination on grounds of sex, age and disability, as far as the social security system is concerned, there is no evidence of discrimination based on any of these grounds. This situation was confirmed in the interviews of the Ombudsman and the Vice-President of the Institute of Social Security. Specific mention on this regard should be made to III Pillar, given that private old-age schemes, at the moment of getting a for-life income, take into consideration the mortality rates, which are different for men and women. Also in the case of health insurance schemes, aggravated health risks are considered in order to calculate the amount due and the conditions proposed. In some cases, age and disability may be a conditioning factor to adhere and to maintain these private schemes.

B. Description of the important socio-economic and demographic tendencies

The resident population in Portugal is estimated¹ in 10.617,6 thousand persons – 5.138,8 thousand men and 5.478,8 thousand women (INE, Estatísticas de População Residente). In spite of a slowing down in the pace of population growth, a slight increase of the resident population has been registered in the last five years.

This increase is only due to positive migration flows. Portugal which was traditionally an emigration country had become, in the last decades, simultaneously an emigration and an immigration country: 240.096 foreign men and 195.640 foreign women (in a total of 435.736) are living in the country with a regular situation (INESEF and SII).

On the other hand, fertility rates have been decreasing, reaching 9.7‰. This fall in fertility associated with an increasing life expectancy – 75,71 years for men and 82,22 years for women – has contributed to the ageing of Portuguese society: older people (aged 65 or over) represent 17,4% of the overall population. This ageing process is highly feminised, especially in very old ages. (INE, Estatísticas Demográficas)

Family structures have also been changing fast. Some indicators: the divorce rate has been growing, reaching 2,4‰; the marriage rate has been decreasing, reaching 4,4‰; the percentage of children born out of the wedlock has been growing, now reaching 33,6%; the average dimension of households has been decreasing; and the percentage of single-parent households has been growing, mainly those headed by a woman. (INE, Estatísticas Demográficas)

Labour market is characterised by strong gender inequalities (INE, Inquérito ao Emprego). The gap between female and male employment rates has reduced in recent years: 74% for men and 62,5% for women aged 15-64². However, labour market is still highly gender segregated, both in terms of sector and occupation and of qualification level: in spite of the growing female educational level, women tend to be over-represented in the categories which correspond to a lower qualification level. On the other hand,

¹ Unless stated otherwise, demographic data presented in this section B. refer to 2007.

² Unless stated otherwise, labour data presented in this section B. refer to 2008.

sectors such as ‘construction’, for instance, remain strongly male-dominated (95,7% of men) while other sectors are over-feminised, such as ‘other services’ (98,1% of women) ‘health and social action’ (83,5% of women) and ‘education’ (76,7% of women).

Part-time work is not very relevant in Portugal; however, women are the ones who mostly work part-time: 17,2% compared to 7,4% of men (INE, Inquérito ao Emprego).

Women are also more prone to hold a non-permanent job contract: 24,1% of female employees compared to 21,7% of male employees.

This clearly impacts on their vulnerability to unemployment: 8,8% of women compared to 6,5% of men are unemployed.

Portuguese labour market is also characterised by a wide gender pay gap: (in the private sector), women earn 80,6%, compared to men, in terms of the average monthly basic wage, and only 77,2%, compared to men, in terms of average monthly earnings (GEP, Quadros de Pessoal, 2006).

Low wages are one of the factors impacting on the high poverty rates in Portugal: 18% for the all population. Women are more vulnerable to poverty (19%), especially in old ages: 27% of older women compared to 24% of older men are at-risk of poverty (Eurostat, SILC, 2007).

The gender differences regarding paid work, although still relevant, have been reducing. The main gender gap remains in terms of unpaid work. Men spend each week more 2h24m to paid work; but women spend each week more 16h to unpaid domestic and care work, either to children or to adult dependent people, due to age or disability. (Eurofound, 4th Working Conditions European Survey, 2005)

C. Description of the social security system

According to the Framework Law of the Social Security - Law 4/2007, of the 16th January, the Social Security system is composed by the citizenship social protection system, the social welfare system and the complementary system.

The citizenship social protection system aims at guaranteeing the citizens' basic rights and equal opportunities, as well as promoting wellbeing and social cohesion. In order to accomplish such objectives, the system must: a) guarantee minimum rights to citizens in economic difficulties; b) prevent and eradicate poverty and exclusion situations; c) compensate for family duties; d) compensate for duties regarding disability and dependency situations.

In order to promote fecundity, law must create special conditions favouring the reconciliation between personal and professional lives.

The citizenship social protection system encompasses social action, solidarity and family welfare subsystems.

The solidarity subsystem (first pillar) is based on the solidarity of the whole community and aims at guaranteeing basic rights in order to prevent and eradicate poverty and exclusion situations, as well as ensuring revenue for situations of verified personal or family need.

This subsystem covers mainly the following risks: a) lack or insufficiency of revenue of individuals or families to assure their fundamental needs and the promotion of their social and professional integration; b) invalidity; c) old-age; d) death; e) insufficiency of the substitute benefits of labour income or the contributory career.

It includes the non-contributory scheme, the special scheme for agriculture activities, the transitional and other schemes formally equivalent to non-contributory. The benefits of the solidarity subsystem are: the social insertion income; social pensions; unemployment social benefit, solidarity supplement for the elderly; social supplements and other transfers for specific purposes in the framework of the concretisation of the subsystem's objectives.

The welfare system (first pillar) aims at guaranteeing, on the basis of the principle of professional solidarity, replacement revenue for the loss of labour income as a consequence of the legally predicted risks.

The welfare system, is compulsory for employees – or similar – and for self-employed (general social security regime). It can also cover persons who are able to work and who are not compulsory covered by a social protection regime (voluntary social insurance regime).

The risks covered by the first regime are: a) sickness; b) maternity, paternity and adoption; c) unemployment; d) working accidents and occupational diseases; e) invalidity; f) old-age; g) death. The risks covered by the second regime are: a) invalidity; b) old-age; c) death.

The eligibility conditions are: registration; the payment of contributory duty of workers; the payment of contributory duty of employers, if applicable.

The qualifying conditions are: having fulfilled a minimum period of contributions – or similar situation – whenever required. Law may establish specific conditions regarding each risk.

The complementary system, established by the Framework Law of the Social Security", is composed by a public scheme of capitalisation and by complementary schemes of collective or individual initiative (second and third pillars).

The public scheme of capitalisation is a scheme of defined contribution (DC). It is organised and managed by the State and admission is voluntary and individual. It is complementary to the benefits of the social welfare system and essentially it consists on the establishment of individual accounts for every beneficiary, managed on a financial scheme of capitalisation.

The complementary schemes of collective initiative, complementary occupational schemes included, are facultative or mandatory schemes instituted in favour of a group of persons. They may cover the employees of an undertaking or group of undertakings or other employers of a certain professional or inter-professional sector, including self-employed workers.

According Law, the regulation of the complementary schemes of collective initiative must ensure the principle of gender equal treatment.

The complementary private schemes (third pillar) from voluntary initiative consist of retirement savings plans, life insurances, capitalisation insurances and mutuality modalities, amongst other options.

Till recently, the social protection system for civil servants consisted of a statutory special scheme. Such scheme has progressively converged with the general social security system.

When Law 4/2009, of the 29th January, came into force, the social protection of civil servants enrolled from the 1st January 2006 onwards became integrated in the general social security system. Those enrolled before that date became integrated on the "convergent social protection scheme of workers with public functions"³.

This scheme intends to develop the same objectives of the social welfare system, within the same framework (see above). In the light of ECJ sentences, this should be considered a complementary professional scheme (second pillar).

There are other professional schemes, such as the bank employees and the lawyers and solicitors social protection schemes. The latter aims, essentially, to assure protection in invalidity, old-age and death. It is complemented with modalities of an assistencial nature.

Bank employees who are not wholly framed by the welfare system⁴ are only covered for some risks under this system, as the collective agreement predicts the protection in different risks.

Recently, through Law 54/2009, of the 2nd March, all workers hired by bank sector after the 3rd March 2009, are obligatorily covered by the general social security regime. Those admitted prior to this date will be on a closed scheme.

The set of schemes in the first pillar cover almost the whole population. In spite of the lack of statistical data on this field, it is common knowledge that the proportion of population covered by the second and third pillar is relatively modest. However, this proportion has been evolving in the last few years, mainly because of the increase of those who have joined the public scheme of capitalisation or the complementary private schemes.

³ Since this is a very recent scheme, there are still some issues that need to be regulated.

⁴ Some bank employees are totally covered by the compulsory social scheme.

The recent reform of the Social Security system was preceded by a wide national debate and it was grounded on the Agreement of October 2006 between the Government and the social partners represented at the Permanent Commission of Social Conciliation of the Social and Economic Council⁵.

The reforms of Social Security System, already made or currently underway, with a major impact regard mainly: the introduction of a sustainability factor, linked to the average life expectancy, for the calculation of future pensions; the protection of long-lasting contributory careers; the new rules of indexation for public support and for the indexation and updating of pensions, that have replaced the national minimum wage as reference; the introduction of a limitation for higher-value pensions; the promotion of active ageing; the convergence of social protection schemes; the reinforced protection to lone parenthood and invalidity; the change on the financing model of Social Security; the reinforcement of the combat against fiscal evasion and the recovery of debt to Social Security; the approval of a contributory code; the revision of the scheme for self-employed workers; the development of complementary schemes; the incentives to childbirth; the improvement of the information system and the participation of social partners.

The different systems, sub-systems and schemes became coherent with the Framework Law of the Social Security, in the sense of its harmonisation and complementarity (unity principle) and the consecration of the principles of universality, equality, non-discrimination, solidarity, equity, social integration and positive discrimination (flexibilisation and modulation of the benefits, depending on earnings, social risks and other factors, mainly in social, working, family and demographic terms). These principles are present at the several laws deriving from the Framework Law.

Consequently, and taking into account the emergence of new risks and new social realities, the reform predicted the revision of a set of benefits, mainly of those due in cases of disability, invalidity, lone parenthood and survivors. Such revision accorded to the principle of reinforcement of protection and equity, through positive differentiation of the amounts of the benefits.

The different grounds for discrimination were always underlying the process leading to the Social Security reform. In fact, age, maternity, gender and migration, acted as background for reform; the high female activity rates, the low birth rates and an ageing population became distinctive of the national social context, so much as the coexistence and diversification of emigration and immigration processes, both intra and extra EU. Moreover, there was an evolution of the labour market, characterised by self-employment, unemployment, precariousness and atypical work. Women are particularly affected by such features, as well as by the feminisation of ageing and the changing role of women within and out of family structures. This led to a wide debate on the equity of the system a whole. The issues of equality and gender mainstreaming were and are still present at the conception, on-going assessment and evaluation of the reform.

On the other hand the strategic approach of the integration of people of disabilities in the society and the fight against discrimination is mainstreamed in all areas and in all specific plans.

Several measures have been adopted namely of medical, social and fiscal nature, aiming at ensuring rehabilitation, education, social protection and participation of

⁵ One of the Labour Unions – CGTP-IN – did not sign the agreement due to its disagreement regarding some of the issues.

people with disability in the labour market and in society. Given the low qualifications level of and the high levels of unemployment and inactivity of these people, financial and technical support were adopted aimed at promoting the personal and professional development of people with disabilities and their full integration in the labour market. There are also reduced social security contributions for the employment of people with disabilities.

D. Antidiscrimination framework

The Constitution of the Portuguese Republic establishes that all citizens have the same social dignity and are equal before the law. It states that no one can be privileged, benefited, harmed or deprived of any right or exempt from any duty because of one's ascendancy, sex, race, idiom, territory of origin, religion, political or ideological beliefs, education, economic situation, social condition or sexual orientation.

The constitutional precepts on rights, freedoms and guarantees, on which those connected to equality and non-discrimination are included, are directly applicable and they bind public and private entities. Law can neither restrict nor diminish the extent and the reach of their essential content, except on the cases clearly established in the Constitution. Such restrictions should be limited to the necessary so that other constitutionally protected rights or interests may be safeguarded.

The principles of equality and non-discrimination are at the core of the juridical system, including in the social protection system.

The Constitution places, among the fundamental duties of the State, the promotion of equality between men and women. The Constitution also includes provisions on equality and non-discrimination regarding certain areas and specific categories of people. In what areas are concerned, and for the purposes of this research, labour and social security must be mentioned. Regarding specific categories of people, the Constitution consecrates the right to equality and non-discrimination to foreigners and stateless people, workers, children, youngsters, people with disability, and the elderly.

Labour is one of the areas where the Constitutional principles of equality and non-discrimination are most implemented in ordinary law. In this area, gender is treated in a special way. However, there are other laws that, in other areas and regarding other grounds develop the constitutional principle of non-discrimination, mainly in terms of race, colour, ascendancy, national or ethnic origin, disability and religion.

In Portugal, contrary to the situation regarding non-discrimination based on race, ethnic origin or disability, there is no general law on equality and non-discrimination based on gender encompassing all domains. Nonetheless, there is an entity – the Commission for Citizenship and Gender Equality (CIG) – depending directly on the Prime-Minister, whose mission is guaranteeing the implementation of public policy regarding citizenship and the promotion and defence of gender equality in general. It is on the Commission's duties to file the complaints regarding situations of discrimination. CIG has procedural legitimacy in main and protective proceedings before administrative and judicial courts, as well as before regulation entities in what the rights and interests it is intended to protect are concerned.

Law 14/2008, of the 12th March, transposed to the internal juridical law the European Directive 2004/113/CE on the equal treatment between men and women on the access to goods and services and their supply. Law 14/2008 states that it is the responsibility of CIG to monitor the application of the law and to give legal opinion about the processes brought before from such application, whenever requested. It also has the duty to organise the record of the decisions proving discriminatory acts, proffered by courts and by the administrative entities with the capability to apply fines.

CIG has been elaborating National Plans for Equality. The Third National Plan for Equality – Citizenship and Gender (2007-2010), currently in force, puts an emphasis on the reinforcement of the strategy for integration on a gender perspective in all levels of political decision as a requisite for good governance. It also emphasises the fight against gender inequalities and the situations of multiple discrimination faced by women, mainly in terms of race, territory of origin, religion, disability, age or sexual orientation. One of the Plan's priority areas in terms of gender mainstreaming is inclusion and social development. The objectives for this domain are: a) the decrease in poverty feminisation, including the improvement of the support mechanisms to lone parent families, the evaluation of the mechanisms of calculation of current pensions mainly regarding the inclusion of factors linked to unpaid activities, and the improvement of living standards of elderly women; b) the promotion of gender equality and of the citizenship of migrant and ethnic and cultural minorities' men and women.

In the area of Labour, the legal framework of equality and non-discrimination on the basis of sex is part of the revision of the Labour Code (LC), approved by Law 7/2009, of the 12th February which has revoked the previous Code and respective regulation. The LC includes general standings on equality and non-discrimination in labour which, given its general character, are also applicable to sex-based discrimination, and specific standings on equality and non-discrimination on the basis of sex. These standings report: the prohibition to discriminate on the access to employment, professional activity and training, which violation is considered as a very serious administrative offence; the right to equal labour conditions, mainly regarding remuneration, whose violation is also considered a very serious administrative offence; and the obligation of employers to maintain a record of the recruitment processes for a period of five years.

The LC establishes that the provisions of the collective conventions or of the companies' internal regulations establishing labour conditions – mainly remuneration – encompassing only workers of one of the sexes are to be replaced by the most favourable provisions applicable to the workers of the other sex which, therefore, become applicable to all workers. The Ministry of Labour has 30 days after publication to appreciate the legality of the collective conventions in terms of equality and non-discrimination and for sending the appreciation to the competent court for judicial declaration of annulment, in case any discriminatory provisions arise.

In what regards workers with public duties, whose working conditions are regulated by Law 59/2008 of the 11th September, the issue of equality and non-discrimination, in general terms as well as on the basis of sex, is regulated in identical terms to the ones of the Labour Code.

It is up to the Labour Inspection to control the compliance of working norms.

The Commission for Equality in Labour and Employment (CITE) is a specific entity for the promotion of equality and non-discrimination between men and women in labour, employment and training, covering both public and private sectors. CITE is a tripartite body, formed by representatives of the ministries of the areas of labour and public service, of CIG, and the trade union confederations and employers' organisations represented in the Permanent Commission of Social Conciliation of the Social and Economic Council. The competences of CITE include mainly: evaluating the situations presented – mainly complaints – regarding equality and non-discrimination in labour, employment and professional training; communicating the Labour Inspection any situation indicative of discriminatory labour practices; visiting labour places; and

organising the record of judicial decisions regarding gender discrimination. Complaints for discrimination regarding issues of social protection are relatively scarce and regard equipment and social benefits consecrated in collective conventions and issues usually overcome through the reform of Social Security⁶. Some of the complaints gave origin to recommendations to the competent authorities.

In what regards the burden of proof, the Labour Code establishes that it is up to who alleges discrimination to indicate the worker or workers regarding whom he or she feels discriminated. It is up to the employer to prove that different treatment does not derive from any ground of discrimination.

Among the reports of the responsibility of entities receiving complaints in terms of discrimination, it should be highlighted the Report of the Ombudsman to the Assembly of the Republic.

According to the results of the interview with the Ombudsman's staff, 6.961 complaints were received in 2008, of which 924 regarded social matters (labour, social security, social housing), thus representing 16% of the total. From the 924 complaints, 840 regarded social security (general scheme and civil servants' scheme). From the 924, 20,4% was considered ungrounded. 90% to 95% of those considered grounded were solved successfully. However, in none of these complaints discrimination on the ground of sex was invoked. A few cases regarded foreigners.

The matters for discrimination contemplated in the anti-discrimination laws depend on the scope though they are largely coincident when laws or legal provisions about discrimination in general are concerned. The matters for discrimination foreseen in the Constitution were already mentioned. It must be stressed that, according to doctrine, it is not an exhaustive enumeration. Factors other than those expressly mentioned may be invoked.

The Labour Code and the Regime of Labour Contract for Civil Servants prohibit discrimination on the access to employment and on labour based namely on: ascendance, age, sex, sexual orientation, marital status, family situation, economic situation, education, origin or social condition, genetic patrimony, reduced working capabilities, disability, chronic illness, nationality, race or ethnic origin, territory of origin, idiom, religion, political or ideological beliefs and membership of trade unions. Such enumeration is close to the one of the Constitution but not totally coincident. However, this is not relevant as the list is not exhaustive.

Laws 134/99, of the 28th August and 18/2004, of the 11th March prohibit discrimination based on race, colour, nationality or ethnic origin, namely regarding the access to and the supply of goods and services; the access or limitation to the exercise of an economic activity; the refusal of the sale, letting, or sub-letting of dwellings; the refusal of access to public or private places; the refusal or limitation of access to healthcare services in public or private health facilities; and the refusal or limitation of access to public or private education facilities.

⁶ See, amongst others, the Opinions 2/89, 1/94, 26/2001 and 57/2003, respectively about the usage of a crèche exclusively by the children of female workers; about a clause of a collective convention that recognised the right to a nursery benefit only to mothers and widowers, divorcees or judicially separated men to whom it had been attributed with exclusiveness the paternity power; about divergences regarding the amount of maternity benefit, motivated by the transition of the system of social protection of civil servants to the Social Security system. www.cite.gov.pt.

Regarding people with disability, the Law 38/2004, of the 18th August establishes the legal framework for the prevention, rehabilitation and participation of these people. This law prohibits the direct and indirect discrimination, by action or omission, aiming at the promotion of equal opportunities and the development of the skills, autonomy and quality of life of the people with disability. The Law 38/2004 adopts measures of positive action in several areas, namely: employment, labour and training, reconciliation between professional activity and family life, access to goods, social security, health, housing, urbanism, transportation, education and teaching, culture and science, fiscal system, sport and leisure time. This framework Law is complemented by the Law 46/2006 which aims at preventing and prohibiting any direct or indirect discrimination based on disability, or of health aggravated risk, as well as sanctioning all acts of violation of any fundamental rights and all acts leading to the refusal or hampering of any economic, social, cultural or other type of rights.

The Law 18/2004 – applicable both in the public and the private sectors – is the one considering more explicitly the non-discrimination on social security. It states as areas where discrimination is prohibited: social protection, including social security and healthcare, welfare benefits and the access to and the supply of goods, as well as the providing of services to the public. This seems to encompass all three pillars.

The Law 46/2006, does not explicitly refer to the social security schemes. However, these must be considered as included, as the concepts of direct and indirect discrimination and of discriminatory practices are open concepts. This law includes among the discriminatory practices the refusal or the aggravation of insurance contracts, which includes the complementary schemes of individual initiative (e.g. private old-age pension plans and health and life insurances).

Regarding gender, the Framework Law of Social Security states as general principles of the social security system, among other, the principle of universality, consisting on the access of all persons to the social protection assured by the system; the principle of equality, which is characterised by the non-discrimination of the beneficiaries, namely in terms of sex and nationality, without prejudice to the condition of residence and reciprocity and the principle of non-discrimination. This principle is concretised namely in Law 307/97, of the 11th November, on professional schemes of social security, that transposed Directive 86/278/CEE, as amended by Directive 96/97/CE.

The above-mentioned Law 4/2009, on social protection of civil servants, establishes that the general principles stated on the Framework Law of Social Security are applicable to those workers' convergent scheme of social protection. Thus the principles of equality and non-discrimination are also applicable.

The National Strategy for Social Protection and Social Inclusion, that includes the three areas around which the so-called Open Method of Coordination in the social area is developed – social inclusion, pensions, and healthcare and long-term care – *adopted, in its conception, the gender mainstreaming, and has the participation of CIG.*

In Portugal there is a gap between law and reality, in particular regarding work and employment, for reasons having to do, namely to the citizens' insufficient knowledge of laws, to the multiplicity of laws on the same matters, succeeding over time, and also to the sometimes unclear way laws are written. Conscious of this situation, the Government decided, on the Great Options of the Plan - GOP (2005-2009), to simplify the social security system. This was implemented in several laws as well as through the

development and implementation of a national integrated system of information which improved the quality of the services⁷.

Under this scope, the Framework Law of the Social Security states the principle of information, consisting on a widespread divulgation of peoples' rights and duties, as well as their situation regarding the system and a personalised assistance.

In spite of the adopted measures, the report of the Ombudsman (2007) highlights the persistence of problems on the organisation, functioning and articulation of the several departments and entities with responsibilities in the social security system, though it recognises that the national centralisation of information enhanced improvements on this area. Regarding the ongoing legislative reform of social security, mainly in the field of the support to families, specific campaigns to disseminate new laws were developed.

The Framework Law also consecrates the principle of judicial warrantee. This principle assures the beneficiaries a timely access to courts to guarantee the right to the benefits⁸. The judicial procedures against actions and omissions of social security are due before Administrative Courts.

The analysis of some complaints and judicial decisions of the last few years shows no cases of direct or indirect discrimination.

Regarding this subject it should be highlighted that the analysis of the judicial actions on Labour Courts evidences that women go to courts less often than men though there has been a progressively evolution towards convergence⁹.

The labour relationship is condition to be covered by welfare system and for receiving the benefits. The law obliges the employer to display, in a proper place of the undertaking, all the information regarding the rights and duties of the workers in terms of equality and non-discrimination. However, not complying with such obligation is only considered a minor administrative offence. As such, it is doubtful that the corresponding sanction is dissuader enough. For that reason, the violation of the dispositions on equality and non-discrimination in labour may create difficulties regarding the access to the benefits of social security, as well as the reduced amount of certain benefits – situations affecting mostly women but also possibly affecting other groups such as foreigners and people with disability.

Such difficulties are further augmented by the difficulties in proving the existence of discrimination, even when the allocation of the burden of proof favours the victims.

The anti-discrimination laws usually define the existence of entities with competences to receive and analyse the complaints.

Equality and non-discrimination on the grounds of sex, family responsibilities, disability, sexual orientation, ethnical or national origin and other grounds has been object of several conferences and debates at the political, academic and civil society levels. However, such debates have not usually been focused on the legal framework of new grounds for discrimination. Such situation is explained by the fact that law only refers the grounds for discrimination in a merely exemplificative way, which favours the legal coverage of new grounds. The discrimination for association or transfer, for

⁷ Great Options Plan (2004-2009).

⁸ One of the recognized problems of the country regards the delay of justice and even of social security, as stated on the Report of the Ombudsman 2007.

⁹ FERREIRA, António Casimiro (2005), *Acesso ao direito e mobilização dos tribunais de trabalho, O caso da discriminação entre mulheres e homens*, CITE, Estudos n.º 4, p.80 and the following.



instance, as well as the discrimination for assumption have not been considered, since they are included in the general framework of discrimination.

E. Analysis of statutory social security schemes

E.1. Analysis of the elements of the legislation by risks (functions) and schemes (statutory pillar)

E.1.1 Old age schemes

The available data on the Portuguese population, by age groups, show that the country is facing a strong population ageing which is reflecting on the activity rates and, consequently, on the social security system. This situation was taken into account in the Agreement for the Reform of the Social Security (2006), already mentioned, which included measures aiming at ensuring the system's sustainability. Some of these measures are specifically addressed to old age protection. This is the case for example of the incentives to the continuation of old-age workers in the labour market. These are achieved both by a bonus on the pension formation for each actual working month going beyond the moment in which the person is entitled to the full pension and by a reduction factor for each month of reduction below 65 years old. The change in the calculation rules of the pensions, namely by the introduction of a sustainability factor related to the evolution of the average life expectancy, in place since 2008, and the creation of a new public complementary scheme, made up of individual accounts, of voluntary participation also contribute for the achievement of that goal. Regarding the evolution of the average life expectancy, it is important to highlight that although this is higher among women, which does not influence the way the pensions are calculated. These measures were translated into Framework Law of the Social Security (Law 4/2007, of the 16th January), and in the Decree-Law 187/2007, of the 10th May, which contains the scheme of protection in invalidity and old-age of the general regime.

Old-age is one of the risks covered by the social security general regime which compulsorily includes, as beneficiaries, employees, or other workers considered similar by law and self-employed. The different work contracts, the low-income earners, the short term-contracts or the fact that it is a sheltered workplace for people with disability are irrelevant for the coverage of the risk. This is due to the fact that the enrolment in the social security system is mandatory¹⁰ and the calculation of the pensions is based on the work incomes, re-valued, regarding the full contributory career.

In fact, the amount of the registered remunerations is the basis for calculating the amount of monetary benefits which replace the incomes, actual or estimated, coming

¹⁰ The unfulfilment of the obligation to enrol, including the lack of declaration regarding the beginning of the professional activity or the lack of payment concerning contributions relating to periods of professional activity as employees, the responsibility of which may not be imputed to them, does not compromise the right to the benefits. Employers are responsible for the payment of their workers contributions, for which they should make an anticipated retention of the respective amounts in the moment the salaries are paid. Any contractual dispositions, individually or collectively assumed, by which the workers declare themselves responsible to pay, totally or partially, any contributions which are the employers' duties are not valid.

from the professional activity. The law may, however, foresee a positive differentiation of the replacement rates in favour of lower wage beneficiaries, as long as the principle of the contribution's participation is ensured. This is a good practice that limits the impact of the gender pay gap on the gender differentiation of old-age pensions.

The law guarantees minimum levels of old-age pensions and relative and absolute invalidity pensions. When the amount of the calculated pension is lower than the minimum guaranteed, the pension is topped up by a social supplement, the value of which corresponds to the difference between the guaranteed amount and the amount of the statutory or regulametary pension.

People who are considered able to work and who are not compulsorily covered by any social protection scheme may voluntarily enrol in the social voluntary insurance. This is a contributory scheme which essentially covers beneficiaries in case of invalidity, old-age and death, in similar conditions to the ones established by the general contributory scheme, although presenting some specificity.

Old-age also represents one of the risks covered by the solidarity subsystem (non-contributory scheme), which aims to guarantee, based on solidarity from all the community, basic rights and benefits in situations of confirmed need, which are not covered by the compulsory social security system, as well as to compensate situations arising from contributory insufficiencies. In the solidarity subsystem it is important to highlight the old-age social pension and the solidarity supplement for the elderly, created by the Decree-Law 232/2005, of the 29th December, which is an extraordinary benefit to fight poverty.

In the legal social security system there is no evidence of discrimination either based on gender, or based on any of the other grounds. However, there are significant differences in the amounts of the benefits between men and women which are connected to the women's situation in the labour market mainly to the gender pay gap, and to the fact that usually women have shorter contributory careers, often linked to undeclared work and low-skilled occupations. This situation explains the high poverty rate among older women and the fact that they are the biggest beneficiaries of social supplements of the solidarity subsystem. The access to solidarity subsystem benefits, by non-nationals, may depend on minimum periods of legal stay in the country or equivalent conditions. There is still in some domains, improvements to be made in order to achieve equality based on nationality, which result mainly from its non-contributory nature.

The qualifying conditions for an old-age pension in the statutory scheme depend on: a) the minimum age legally presumed as adequate for the termination of the professional activity which is 65 years old, not considering specific measures or schemes regarding anticipation; b) a qualifying period of 15 years of insurance; c) presenting the application. The old age pension is not subject to any residence condition in the country. The beneficiaries covered by the scheme of the social voluntary insurance have a specific condition regarding the qualifying period which is of 144 months of contributions.

In the non-contributory regime, the right to the old-age social pension depends on: a) 65 years old or older; b) income below 30 or 50% of the Social Support Index, for a person living alone or for a couple, respectively.¹¹ The right to the solidarity supplement for the

¹¹ The social support index (SOCIAL SUPPORT INDEX) replaced the National Minimum Salary (RMMG) as a referee for the fixing, calculation and updating of the social benefits (Law 53-B/2006, of

elderly also within this scheme, depends on the presentation of an application form and on the fulfilment of one among the following conditions: a) 65 or older; b) benefiting from an old-age pension, a survivor pension or an equivalent benefit; c) being a national citizen benefiting from a monthly life long subsidy; d) being a national citizen and not fulfilling the conditions to be granted a social pension on the grounds of the means-tested condition. The applicant will also have to comply to the following conditions cumulatively: a) not having annual incomes above a certain amount; b) living in national territory, for at least a period of 6 consecutive years immediately before the date of the application; c) to authorise the social security services to have access to fiscal and banking information which is relevant for eligibility under the solidarity supplement, an authorisation also applying to the spouse or the cohabiting partner; d) availability to move forward regarding the recognition of rights and for credit recover, which extends to the spouse or the cohabiting partner.

A dependency supplement may be added to the old-age and invalidity pensions which is addressed to those who cannot autonomously perform tasks indispensable for assuring a person every day's basic needs, and who, therefore, needs the support of another person. There are two degrees of dependency (1st and 2nd degree) to which respectively correspond 50% or 90% of the social pension amount.

The law does not contain any direct or indirect discrimination on the grounds of gender or on other grounds. It is important to mention that, although there is a large pool of case law on retirement pensions, it is mainly related to the application of the law on time, arising from the succession of laws. No case has been identified regarding any direct or indirect discrimination on the grounds of gender or on any other grounds.

The Framework Law of Social Security explicitly foresees that the law may establish measures aiming at the flexibility of the legal age for the granting of pensions by introducing reductions or bonus, when the age is either lower or higher than the one defined in the general dispositions. This issue is regulated by the Decree-Law 187/2007, which establishes the minimum age for acceding old-age pension at 65 years old, although considering the following schemes and special anticipation measures: a) flexibility of the old age pension scheme; b) old-age pension anticipation schemes, on the grounds of the particularly difficult or erosive nature of the professional activity considered, explicitly recognised by the law; c) temporary protection measures regarding activities or undertakings determined by cyclical reasons; d) old-age pension anticipation scheme in situation of involuntary long-term unemployment.

The flexibility of the legal age of the old-age pension consists of the right to apply for the pension before or after 65 years old. The beneficiary who has accomplished the guarantee period, who is at least 55 years old and who on the date of completing that age, has also 30 civil years of contributions is entitled to anticipate the access to the old-age pension. The financial support for anticipating the pension is guaranteed by the introduction of an adequate reduction factor into the old-age pension. The amount of the old-age statutory¹² pension granted to a beneficiary older than 65 years and with at least 15 years of contributions is calculated according to the general rules and gets a bonus

29th December). The decree order 1514/2008, of the 24th December fixed the SOCIAL SUPPORT INDEX in 419,22 Euros.

¹² The statutory pension is the one that results from applying the calculation rules of the pension. The monthly amount of the statutory pension is equal to the product of the reference salary by the global rate of the pension's formation and by the sustainability factor.

through the introduction of the legally defined factor. The amount of the statutory pension also gets a bonus up to 65 years old, in the case of those beneficiaries who although having access to the full anticipated old-age pension, continue to work.

There is no general rule (except for civil servants and other specific occupational activities) defining a specific age after which individuals are obliged to retire. However, in the Labour Code, the labour contract ends with the retirement of the worker either by old-age or by invalidity reasons, and is transformed into a term contract, whenever the worker remains working, as well as when he/she reaches 70 years old, and no retirement has yet occurred.

The accumulation with earnings from work is defined in the Decree-Law 187/2007. This establishes that the monthly amount of the statutory pension is increased in 1/14 of 2% of the registered remunerations. The above mentioned increase is in force from January 1st every year, regarding remunerations registered in the previous year. Thus the law allows the accumulation with earnings from work, which are valued every year for the purpose of the statutory pension. However, it is forbidden to accumulate the anticipated old-age pension, granted within the flexibility system, with earnings from work or activity developed, under any circumstances, in the same undertaking or group of undertakings, during a period of three years counted from the date of access to the early retirement pension. According to the Law 59/2008, of 11th September, the contract of civil servants ends when he/she retires on the grounds of old-age or as soon as he/she reaches 70 years old age. Retired civil servants, although allowed to work in the private sector, cannot perform public tasks or provide any paid work, even if temporary, in State related services, public collective organisations or public undertakings, except in specific situations allowed by the law, or when it is an explicit decision, duly justified, taken by the Prime Minister, on the grounds of exceptional public interest. Such decision cannot be taken in relation to anyone who is in a situation of early or compulsive retirement. When this permission is granted, the person keeps the respective pension, which is topped up by one third of the base salary, or when the salary's amount is kept, in case it is the most favourable option, and the pension is reduced to one third (Decree-Law 179/2005 of November 5th).

In this domain, too, the law does not contain any discrimination.

The Decree-Law 91/2009, of the 9th April, on protection in parenthood, within the welfare system¹³ defines the periods of benefits due to clinical risk during pregnancy, pregnancy interruption, parental leave, enlarged parental leave, adoption, specific risks, care for sick children, care for children with a chronic disease or a severe disability, and support to grandchildren. These periods of benefits are equivalent to the register of contributions, and considered as actual work. Part-time working periods due to caring responsibilities, are considered as full time work. The periods of leave regarding care to children are taken into consideration for the formation of the amount of invalidity and old-age contributory scheme.

This new scheme defines gender equality as one of its priorities, through the reinforcement of the father's rights and the incentive to a shared parental leave, and it promotes family and professional life reconciliation and the protection of parenthood for children with chronic disease or disabled children. All these measures have positive effects in correcting actual inequalities affecting women, particularly in old-

¹³ This law also established parenthood benefits within solidarity subsystem. The periods of benefits are not relevant for the calculation of the pensions or other benefits.

age. The solution adopted regarding part-time work also contributes to greater gender equality, namely regarding the formation and the amount of pensions.

The periods of disease or occupational disease, which determine temporary incapacity or unemployment, covered by benefits of the social welfare system are considered as work. This means that the rights achieved within the contributory career are therefore guaranteed, namely for purposes of entitlement to future pensions. The amount of the statutory pension is equal to the product of the reference remuneration by the global formation rate of the pension and by the sustainability factor. The amounts of the registered remunerations to be considered for determining the reference remuneration are updated through the introduction of the consumers' general price index, excluding housing. The reference remuneration used for determining the amount of pensions is defined by the formulae $RR(n \times 14)$, RR representing the total annual remunerations revalue by the entire contributory career and n the number of civil years where salaries' register exists, up to a limit of 40. When the number of civil years with remunerations register exceeds 40, the reference remuneration is based on the sum of the 40 highest annual salaries revalue. The annual pension formation rate varies between 2.3% and 2%, according to the number of civil years where salaries were recorded and to the amount of the reference remuneration. The global rate of pension formation corresponds to the product of the annual rate by the number of civil years which have a contributory density equal or higher than 120 days with recorded salaries.

This scheme is not influenced by factors other than those deriving from the contributory career and from *life time expectancy, regardless of the different men and women life expectancies, which are clearly more favourable to women than men.*

There is a supplement for dependent spouse which is granted to the pensioner who is caring for his/her spouse and whose own income is no higher than the supplement amount. According to the Decree-Law 187/2007 the right to the supplement for dependent spouse benefit only applies when it is granted or it is going to be granted referring to pensions given under the previously existing legislation and within its specific conditions.

This benefit, which is residual, is mainly granted to women, but is also applicable to men.

Anticipation of an old-age pension on the grounds of the nature of the occupational activity is established by law defining the respective entitlement conditions, namely the identification of the particularly painful or difficult nature of the occupational activity of the beneficiary and the specific conditions which are relevant for its performance. Such is the case of mine workers, maritime professions, civil aviation pilots, air traffick controllers and ballet professionals. The duration of the activity and the time of contributions are taken into consideration.

The anticipation of temporary measures of specific protection is established by law and has an age limit of 55 years old.

Anticipation on the grounds of long-term involuntary unemployment has an age limit of 57 years old.

No direct or indirect discrimination has been identified during the analysis of the legal framework of social protection in old-age.

E. 1.2. Invalidity – First pillar

Invalidity is one of the risks covered by the social welfare system. The nature of the contract is irrelevant in terms of the coverage of invalidity it what is concerned, since enrolling in social security is compulsory and the calculation of invalidity pensions is based on revalued work earnings during the entire contributive career.

The invalidity is certified by a special social security unit which takes into account the permanent incapacity for work not covered by the specific legislation on employment injuries and occupational diseases. This certification process is ensured by medical experts. Except in what regards employment injuries and occupational diseases, there is no sickness list to be taken in consideration for the granting of the invalidity pension.

In invalidity, as well as in old-age, the amount of the registered remunerations is the base for calculating the amount of the monetary benefits which will replace the actual or presumed earning from professional activity. In the case of low-wage workers, the Framework Law foresees a positive differentiation in the replacement rates in favour of those beneficiaries who have lower wages, as long as the contributory principle is respected. This is a good practice that limits the impact of the gender pay gap on the gender differentiation of invalidity pensions.

Similar to old-age protection, during periods of parenthood leave, sickness, or occupational disease leading to temporary incapacity for work, or unemployment which entitle individuals to benefits within the welfare system, there is ground for a record of remuneration by the equivalence to the entrance of contributions based on the remuneration that was used to calculate the respective benefits. *The rights in terms of the contributory career are therefore ensured namely regarding the granting of future pensions.*

The scheme for invalidity protection under the general regime of social security is defined in the Decree-Law 187/2007, of May 10th. It defines invalidity as any disabling situation not caused by professional¹⁴ activity leading to physical, sensorial or mental permanent incapacity for work.

The social voluntary regime includes the invalidity event within the conditions defined for the general regime, with the special reference to a qualifying period of 72 months.

In the non-contributory regime, which is included in the solidarity subsystem, there is the invalidity social pension, characterised by the following entitlement conditions: a) having gross monthly income equal or lower than 30% of the Social Support Index or, in the case of a couple, than 50% of that amount; b) aged 18 years or older; c) having a confirmed disability regarding the performance of any profession; d) being uncovered by the contributive scheme, or covered but not entitled to invalidity pension.

In the case of dependency as well as of old-age pensioners, the social invalidity pension is complemented by a supplement which amount varies according to the level of dependency (for the 1st degree of 45% and for the 2nd degree of 85% of the social pension).

The conditions for entitlement to invalidity pensions are: a) fulfilment of the qualifying period; b) presentation of the application form.

¹⁴ A professionally based disabling situation is defined as the one arising from work injury or occupational disease.

Those pensioners who have the conditions for being entitled to the old-age pension, or beneficiaries from old-age pension are not eligible for the right to the invalidity pension. Regarding the contributory density, the dispositions referred to above regarding the old-age pension also apply in this case.

For purposes of protection in invalidity the law distinguishes between absolute invalidity and relative invalidity. Absolute invalidity refers to situations where the beneficiary has a permanent and definite incapacity to perform any kind of work or professional activity, i.e., individuals who do not have any supplementary income earning capacity, or about whom it is not foreseeable that he/she may recover that capacity up to the age of 65 years old (legal access age to old-age pension).

Relative invalidity refers to the situation of a beneficiary who, because of permanent incapacity, cannot earn by their profession more than one third of the wage corresponding to their normal performance.

Incapacity towards work is permanent when it is presumable that the beneficiary does not recuperate, within the three subsequent years, the ability to earn more than 50% of the salary corresponding to the last profession performed within the general scheme framework.

The qualifying period for the attribution of the relative invalidity pension is 5 civil years, consecutive or interrupted, with remuneration record. The qualifying period for the attribution of the absolute invalidity pension is 3 civil years, consecutive or interrupted, with remuneration record.

The fulfilment of the qualifying period is not compulsory in situations where the beneficiary depletes the period of 1.095 days of sickness benefits and he/she maintains the situation or permanent incapacity for work. On the other hand, at the moment of the conversion of the absolute invalidity pension into old-age pension, there is no room for applying the *sustainability factor*, whenever the beneficiary has received this pension for a period over 20 years.

The amount of the invalidity pension is calculated by applying the same rules of the old-age pension, once, apart from specific conditions, the scheme is common to both risks. The minimum amount of the relative invalidity pension is equal to the minimum amount of the old-age pension and the amount of the absolute invalidity pension is equal to the minimum amount of the old-age pension corresponding to a full contributive career (40 years), to be reached in a progressive way until 2012¹⁵.

Pensioners are allowed to accumulate the relative invalidity pension with earnings from work, taking into consideration their remaining capacities and their rehabilitation and professional integration. If the accumulation regards earnings from the occupation the beneficiary was performing at the date of the invalidity event, its limit is 100% of the reference wage for calculating the amount the pension.

When the accumulation comes from earnings from different activities, the accumulation is limited to up to twice the reference salary, during the first accumulation year, up to 1,33 times, during the 4th and subsequent years.

¹⁵ The Decree-Law 187/2007 established that invalidity pensions which are active at the date of their entry into force will be converted into relative invalidity pensions, subject to a further request for revision of the incapacity situation, meaning that the beneficiaries may benefit from the new rules regarding the amount of the minimum pension, in case they may be considered definitively and permanently unable for any professional activity or work.

The accumulation of the absolute invalidity pension with earnings from work is forbidden.

When, following a revision of the incapacity status, the beneficiary becomes entitled to the relative invalidity pension, the pensioner keeps the right to this pension even if he/she does not fulfil the respective qualifying period.

The granting of the general scheme invalidity pension is not subject to any age limit, except when it involves beneficiaries who are in condition to be entitled to an old-age pension.

In all matters not referred to, the conditions regarding old-age apply since most regulations are common. For the same reasons, the commentaries already made referring to equality and non-discrimination also apply here.

E.1.3 Survivors

Protection in the risk of death of beneficiaries of general social security regime, which applies to employees and self-employed workers, is ensured by the granting of survivor pensions and death allowances. The survival pensions are monetary benefits which aim at compensating the beneficiaries' kins for the loss of work income as a consequence of his/her death.

According to Decree-Law 322/90, of 18th October, the following persons are entitled to the right to receive survival pensions: a) spouse or divorced former spouse, entitled to alimony pension; b) children, including unborn children, and fully adopted children; c) and parents, if dependant from the deceased beneficiary and if there are no other persons entitled to the benefits.

The right of the surviving spouse to the benefits, in the absence of children, even unborn ones, depends on the fact that he/she married the beneficiary at least one year before the death, except in case of accident or illness occurred after the marriage.

The right to the benefits is still recognised to the surviving partner, who at the time of the beneficiary's death, unmarried or judicially separated, was living with him/her for over two years in conditions similar to a spouse, if the right to receive alimony has been recognised.¹⁶

The fact that the surviving partner co-habiting with the deceased beneficiary in a recognised similar situation of spouse is obliged to prove in the court that he/she is deprived of alimony and cannot obtain them neither through the heritage, nor through the kins recognised by law, has been the object of wide case law, inclusive from the Constitutional Court and from some legal authors's.¹⁷ These case law and legal authors have mostly been pointing in the direction of recognising that the spouse's situation and that of the surviving partner in are not comparable.¹⁸

¹⁶ Regulatory Decree 1/94, of January 18.

¹⁷ Judgements of the Institutional Court (TC) 88/04 and 159/05.

¹⁸ See for example: Agreements of the Supreme Court of Justice dated 23/9/08, 16/9/08, 10/7/08, 27/5/08, 28/2/08, 23/10/07, 20/9/07, 13/9/07, 28/6/07, 24/5/07, 24/5/07, 24/4/07, 5/12/06, 14/11/06, 22/6/06, 25/5/06, 6/7/05 e 27/5/03. In the opposite sense: Agreements of the Institutional Court n.º 88/04 and of the Supreme Court of Justice of 18/5/2004 and of 15/6/2004. All available at www.dgsi.pt Qas for the legal theory, see Pereira Coelho and Guilherme Oliveira, *Curso de Direito de Família*, vol I, p. 84 and 115, Rita Lobo Xavier, *Unões de facto e Pensões de sobrevivência*, in *Jurisprudência Constitucional* n.º 3, anotação aos Acórdãos do Tribunal Constitucional n.º 88/04 and n.º 159/05, Maria João Vaz Tomé, *O direito à pensão de reforma enquanto bem comum do casal*, pp. 45 and following.

Although the entitlement of the survival pension is granted without any gender based discrimination, the difference conditions for attribution between the surviving spouse and the surviving partner may represent a discrimination based on family status.

It is important to mention that this situation may change soon, given that the Parliament is discussing the revision of the framework law of cohabiting couples.

Entitlement to the pension is granted to descendants children: a) until 18 years old; b) between 18 and 27 years old, according to the level of education they are attending; c) with no age limit, in case of permanent total incapacity for work and of being entitled to family benefits.

The pension entitlement to the spouse, divorced former spouse or surviving partner, *regardless of sex*, varies according to age:

- By a period of five years, if at the date of the beneficiary's death those persons are aged less than 35 years old. This period is extended, if they have children from the beneficiary, up to the limit of the concession of the survival pension to those children;
- Without limit, if by the date of the beneficiary's death, they are 35 years or older or they reach this age while they are still entitled to the pension or in case they have a total and permanent incapacity for any work.

The qualifying period for the entitlement to the survival pension is 36 months with contributions. No qualifying period applies to the death allowance.

The legislation of social protection on the risk of death ensures equal treatment between men and women. However it establishes differences based on the family status and age.

The judicial decisions over the last years related to this matter¹⁹ are not reported to situations regarding any gender related direct or indirect discrimination, but rather, in most cases, to difficulties on the proof in the courts proving the cohabitation.²⁰

However, the fact that there is still today a greater dependency of women spouses, leads to that after the marriage dissolution, it is the former, who clearly outnumber men, who are entitled to an alimony pension, a situation which has consequences in terms of protection in case of death.

In the solidarity subsystem, the non-contributory scheme includes the widow's pension and the orphan's pension.

The widow's pension is granted to the surviving spouse of the social pension's pensioner who does not have, on her/his own, the right to any pension and who does not have a gross monthly income higher than 30% of the Social Support Index. The orphan's pension is granted to children and young people up to they become major of age and whose situation relates to people not included in any social protection scheme and whose net monthly incomes are equal or lower than 40% the amount of the Social Support Index; their household income has to be no higher than 1,5 times the Social Support Index.

¹⁹ Under the application of the former law there are several judicial decisions over discrimination on the grounds of gender referring to the widow spouse. See Fernandes, Maria Paula Sá, Rocha, Rui António Martins da, Cerqueira, Magda, *22 Anos de Jurisprudência Portuguesa sobre Igualdade Laboral em Razão do Sexo*.

²⁰ Agreement of the Supreme Court of Justice n.º 05B4159, of the 9th February 2006, on the evidence of cohabitation proof and Agreement of the Institutional Court n.º 312/02, of the 9th April 2003, on cohabitation situation for the purpose of survivor pension and death allowance.

E.1.4 Sickness/health/ long-term care

Health care is the responsibility of the health system, through a universal, public health service, the so-called National Health Service (NHS), which is tax funded. Every individuals living in Portugal are beneficiaries of the NHS, respecting the reciprocity principle regarding citizens from third countries.

In 2006, the Integrated National Network of Continued Care was created aiming at responding to the existing needs in terms of continued care (medium and long-term convalescence) and in the area of palliative care to old-age and dependent people. Its progressive implementation represents *a positive impact on the life of women, since they are usually the main carers, allowing them to remain longer in the labour market, as well on the life of older carers, contributing towards a more active ageing.*²¹ It is important to highlight that the National Health Plan *comprises a gender dimension* in the reform of health care and long-term care policies.

Along with the National Health Service, but bearing no consequences as regards its access and coverage, since it is a universal system, there are professional schemes of health protection, such as the civil servants' one and the bank workers' scheme (II Pillar), as well as individual health insurances (III Pillar).

The social security system comprises, as beneficiaries, employees and self-employed workers. The protection granted to employees in case of incapacity for work due to sickness is ensured, no matter the nature of the labour contract. There are two types of benefits in the case of sickness: a) sickness benefit; b) compensatory benefit for holidays and Christmas' benefit or other similar ones. Self-employed workers are also entitled to sickness benefit as long as their respective scheme includes the sickness situation.

Qualifying periods for the benefits are: a) 6 months affiliation with registered remunerations by the starting date of the incapacity situation; b) 12 days with a remuneration record by actual work performed during the 4 months immediately before the one preceding that of the beginning of the incapacity situation.

The granting of the benefit is subject to a waiting period of 3 days, concerning employees, and of 30 days for self-employed workers, except in case of hospitalisation or tuberculosis. The sickness benefit is granted for a maximum period of 1.095 days and 365 days for employees and self-employed workers respectively. This benefit depends on the incapacity certification awarded by a medical doctor.

There is no waiting period in cases of tuberculosis and hospitalisation. Incapacity due to tuberculosis does not have a maximum duration.

The beneficiaries of the solidarity supplement for the elderly are entitled to additional co-funding, regarding health expenses, namely for spectacles, dentist and prosthesis.

Some of the questions referred to in the *guidelines* become irrelevant by the universal nature of protection in sickness.

E.1.5 Family benefits

The family protection subsystem, which is integrated in the social protection citizenship system, aims at ensuring the compensation for family charges and for expenditures in the area of disability and dependency.

Protection for family expenditures is regulated by Decree-Law 176/2003, of August 2nd and its subsequent changes, of which the most recent is included in the Decree-Law

²¹ National Strategy for Social Protection and Social Inclusion, 2008-2010, September 2008.

245/2008, of 18th December. Family protection covers national citizens and foreigners, refugees and stateless persons which are defined as: a) refugees or stateless persons who have a valid temporary protection document; b) foreign citizens' holders of valid documents or respective extensions, which combine the general and specific conditions for the granting of the benefits.

Benefits granted are: a) child benefit; b) pre-natal child benefit; c) funeral grant.

The child benefit is a monthly income benefit, which aims at compensating the family expenses incurred in maintenance and education. It can be subject to an extra credit in order to make up for expenses arising from children with disability aged under 24 years old. This benefit is granted independently of the family's income.

The holders of the right are children, living in national territory, whose household reference income is below 5 times the Social Support Index, or in the case of single households, as long as they comply to the following conditions: i) being born alive; ii) no professional activity; iii) being within certain age limits.

Entitlement to the family benefit for children is recognised up to 16 years old and between 16 and 24 years old, as long as they are attending a level of schooling which is compatible to their age. In case of children with disability the benefit is granted up to 24 years old, without any restriction.

The amount of the child benefit varies according to the level of income indexed to the Social Support Index and to the number of individuals entitled to the benefit within that family household.

The amount of the child benefit is increased:

- by the birth or integration of a second or third child in the household, twice or three times respectively the amount of the benefit to be granted to each children between 12 and 36 months, respectively;
- during the first 12 months of the child's life;
- by 20% for children living in lone parent households²².

Children between 6 and 16 years old have the right to receive, in September, an additional amount which aims to compensate the household's schooling expenses, as long as they are enrolled in school.

The right to the pre-natal child benefit depends on the cumulative fulfilment of the following conditions: a) the reference incomes of the family household are lower than the limit established in determining the higher income level; b) proof of pregnancy duration, and foreseeable number of children to be born.²³ The amount of the pre-natal child benefit is equal to the family benefit, increased by a similar amount of that which is given during the first 12 months of the child's life, multiplied by the number of unborn children certified by a doctor.

Children aged less than 24 years old, having a disability, are entitled to an allowance for the attendance of a special education school. This is a changeable monthly allowance, aiming at compensating the expenses arising from the attendance of private for profit or co-operative institutions, or specific educational support by a specialised for profit organisation outside the institution. There is also a monthly life allowance, which aims at making up for the increase in family expenses related to children with disability older

²² Decree-Law 87/2008

²³ The pre-natal child benefit established by Decree-Law 308-A/2007 is granted to pregnant women from their 13th week of pregnancy.

than 24 years old, who are in a situation that makes it impossible for them to provide for their own subsistence by the performance of any professional activity.

It is also important to mention, the existence of the monthly allowance for the support of a third person in order to compensate for the increase of family expenses with children who because of their disability need a permanent support from a third person, at least during 6 daily hours, for the accomplishment of the basic daily life needs.

For the purpose of entitlement to the above mentioned benefits it is considered that a family household is composed by, apart from the person entitled to the benefit, the following persons living with him/her in common household economy: a) spouse or cohabiting partner for more than 2 years; b) kin and the like, in direct and collateral line, up to the 2nd degree; c) adopted and adopters; d) tutors and tutored; e) children and young people judicially or administratively entrusted to any of the family household members.

A lone parent household is the one composed by a single parent or alike in direct ascendant line and in collateral line, up to the second degree or equivalent, living together with the family benefit holder.

Isolated children are defined as children entitled to the benefit who are living in public social support institutions, as well as those who are living in temporary shelters, educational shelters or detention establishments.

Portugal has been making a great effort for the reform of the family protection system and in the promotion of access to services and social support equipment addressed to families as *tools to promote the employability, as well as for the reconciliation of professional activity and personal and family life and for promoting equality between men and women*. For this purpose, several positive action measures have been taken in the field of part-time work for the support of children, particularly regarding the way it is taken into account for the social security contributory career. Concomitantly, there has been an expansion of the social equipment network for dependent children and young people on the grounds of age or disability.

In conclusion, in Portugal the holders of the child benefit are children or unborn children and not the persons who compose the respective family household. This means that in this area there is no room for transferability issues or accessibility for men and women. On the other hand, in supplements applied to the benefit the law takes into consideration situations which deserve specific protection, namely, lone parent families, among which women are overrepresented. Special treatment is also granted to disability situations.

It is important to mention that before the last revision of the law, the Ombudsman received complaints from foreign citizens regarding the restrictive concept of residence used for having access to child benefits. This situation paved the way for a Recommendation issued by the Ombudsman in 2005, which also covered the social insertion income, recommending a change in the concept in order to enable access to child benefits among holders of valid permanent authorisations, or holders of a document which proved that they had requested a renovation or extension of that title, or people who had been authorised to work in Portugal.

The Recommendation was taken into consideration and as a result the concept of resident was altered, by the Decree-Law 41/2006, of the 21st of February, which altered the Decree-Law 176/2003.

E.1.6 Housing and Social assistance not related to risks covered by Directive 79/7/EEC

Benefits covered by the social security system not related to risks covered by Directive 79/7/EEC include the social insertion income (SII), integrated in the solidarity subsystem (I Pillar) and the following benefits of the social assistance subsystem: a) social services and equipment; b) programmes to fight poverty, marginalisation and social exclusion; c) monetary benefits of an occasional and exceptional nature; and d) benefits in kind.

The SII²⁴ consists of a monetary benefit, which is complemented by a social insertion programme, in order to ensure individuals and their family households the necessary income which contributes for the satisfaction of their basic needs and for promoting a progressive social, labour and community insertion.

Entitlement to the SII covers: a) Individuals aged 18 or over, who are in certain conditions, or individuals under 18 who are providing for the exclusive economic survival of under-aged children or young people; or pregnant women; b) who are legally residing in Portugal; c) who do not earn income or social benefits, on their own or within the family household members, higher than those defined by law; d) who are enrolled in a local employment office, in case they are unemployed and have the conditions to work; e) who assume the compromise to subscribe and follow the insertion programme, namely through active availability for work, training or other insertion activities²⁵; f) who provide all requested evidence regarding the applicant and their family household members; g) who allow the respective district social security services to have access to all the relevant information necessary to evaluate the financial and economic situation of the applicant and his/her family household members.

The age foreseen in the Law 13/2003, of 18 years old, as a condition to be entitled to the SII was fixed after a previous appreciation of this law by the Constitutional Court who in its Decision 768/02, of 19th December 2002, declared its unconstitutionality in the part where it only ensured the titularity of the right to individuals aged 25 or over. According to the terms of the above mentioned Decision, the establishment of that age limit was violating the constitutionally defined right to social security, translated into an age related discrimination.

As regards the condition of legal residence in Portugal it is important to refer that the Decree-Law 42/2006 of 23rd February, which altered Decree-Law 283/2003, of the 8th November, took into consideration the Recommendation of the Ombudsman 4/B/2005 of the 7th June, through which foreigners holding valid authorisation visa, permanent visa, working visa, temporary stay visa or extended permanence title, are treated equally to legal residents, for the purpose of the SII and as long as they are living in national territory and have lived there, holding any of the above mentioned documents, at least during the last three years.

In the case of persons aged between 18 and 30 years old, the granting of the right to the social insertion income also depends on the cumulative verification of the following

²⁴ The SII is defined in the Law 13/2003 of the 21st May, published by the rectification Declaration 7/2003 of the 29th May and altered by the Law 45/2005, of the 29th August, which was regulated by the Decree-Law 283/2003, of 8th November, altered by the Decree-Law 42/2006 of February 23rd.

²⁵ According to the terms of the Decree-Law 42/2006 this condition does not apply to those people in one of the following situations: a) long-term illness or permanent incapacity for work; b) those under 16 or aged 65 years or older; c) providers of indispensable support to members of their family household.

conditions: a) being a candidate to a local employment office; b) to demonstrate active availability for a convenient employment, for a socially necessary work or for professional training during the period he/she was enrolled in the employment centre.

For the granting of the SII, the family household includes, apart from the holder of the SII benefit, and as long as they live together in common economy the following persons: a) the spouse or cohabiting partner for over one year; b) under aged kin; c) minors fully adopted; d) minors adopted with restriction; e) minors alike; f) minors who have been entrusted by judicial decision or by minor tutelage services; g) minors in adoption process, as long as the legal process has been initiated. The following adults economically dependent on the benefit holder are also considered to integrate his/her family household: a) direct kin; b) fully adopted children; c) restricted adopted children; d) under protection judicially defined; e) the like; and f) adopters.

The amount of the SII is indexed to the amount of the social pension. The amount is equal to the difference between the amount of the SII corresponding to the family household composition and to the sum of the incomes of that household.

The amount of the SII is topped up, when the applicant is pregnant, his spouse or his cohabiting partner, by 30% of the amount of the social pension, during the pregnancy period and by 50% of that amount during the first year of the child's life.

The SII is still increased by a special support of 30% and 50% of the amount of the social pension for every person in the family household in a dependency situation respectively of the 1st or 2nd degree.

An allowance for compensating housing expenses can also be granted, whenever these are higher than 25% the amount of the SII:

The assessment of the economic deprivation situation, for SII purposes, considers the gross amounts of the total income received by the family household in the month previous to the claim, or in case the income is variable, to the average of the income received during the last three months.

The social action subsystem benefits have the following major goals: a) the prevention and solving of deprivation situations and socio-economic inequality, of dependency, exclusion or social vulnerability; b) the community integration and promotion of people and the development of their skills; and c) to ensure special protection to the most vulnerable groups, namely children, young people, people with disability, the elderly, as well as other people in a social or economic deprivation situation.

Conditions to have access to the benefits include: a) assessment of the social and economic condition; b) financial availability of the social security related institutions; c) the extension of the equipment and service support network in the areas where people are living or in neighbouring areas.

Social assistance is provided by the State, by municipalities and by private not for profit organisations, namely private institutions of social solidarity, or may be included in activities within the social responsibility domain carried out by undertakings or other private organisations or profit or not for profit entities, under specific circumstances.

In spite the social assistance subsystem is subject to the principles of the social security scheme, the assessment of the actual situation for the granting of the benefits makes it difficult to carry out an analysis in a gender and non-discrimination perspective.

E.1.7. Unemployment

The Portuguese labour market is characterised by a sharp gender inequality, as illustrated in chapter B. Although all employed work is covered by the general regime

of social security in a mandatory basis, independent of the nature of contract or the general or special legislation regulating it, *the above mentioned situation reflects on the protection in unemployment, namely regarding the access to the benefits, the kind of benefits granted and the respective amounts*. Social security statistics show that women are over-represented, in the last decade, as beneficiaries both of unemployment subsidy and social unemployment subsidy: in 2008, women represented 106.228 among a total of 199.251 beneficiaries.

Decree-Law 220/2006, of the 3rd November, regulates protection in unemployment of employees and it regards the following benefits: unemployment insurance benefit, unemployment assistance benefit, initial or subsequent to the unemployment benefit, and partial unemployment insurance benefit. These benefits aim at compensating the beneficiaries for the lack or reduction of income resulting from unemployment or acceptance of a part-time job, as well as at promoting job creation, through a lump-sum payment of the total amount of the unemployment benefit, aiming at the creation of own job.

The unemployment insurance benefit is financed by the contributions of workers and employers and the unemployment assistance benefit is financed by taxes.

The entitlement to the unemployment insurance benefit and to the unemployment assistance benefit is recognised to the beneficiaries: a) whose labour contract ceased through one of the ways characterizing unemployment as involuntary; b) fulfilling the qualifying conditions by the time of unemployment in which are to be capable of and available for work, to have registered at the employment office of the area of residence and have completed the qualifying period; c) living in national territory.

Unemployment is considered to be involuntary whenever the cessation of the labour contract derives from: a) initiative of the employer; b) caducity of the contract, undetermined due to attribution of pension; c) initiative of the worker with due cause; d) agreement, as long as integrated in a process of reduction of the workforce, either on the ground of restructuring, making viable or recovering the undertaking or due to its difficult economic situation; e) agreement in a process of collective dismissal or by job extinction.

Qualifying period for the unemployment insurance benefit: 450 days of work, with the corresponding remuneration record, in the 24 months period preceding unemployment.

Qualifying period for the unemployment assistance benefit: 180 days of work, with the corresponding remuneration record, in the 12 months period preceding unemployment.

The unemployment social benefit is also means-tested – the monthly revenue *per capita* of the household cannot be higher than 80% of the Social Support Index. The subsequent unemployment assistance benefit is only attributed when the attribution of the unemployment insurance benefit ends.

The periods of the remuneration records corresponding to situations of equivalence deriving from the granting of unemployment benefits or from the coexistence of a partial unemployment benefit and remuneration from a part-time job are not relevant for verifying qualifying periods.

Entitlement to partial unemployment insurance benefit is recognised to beneficiaries that, while receiving unemployment insurance benefit: a) establish a part-time labour contract; b) earn a part-time salary lower than the amount of the unemployment benefit; c) have a part-time working week equal or higher than 20% and equal or lower than 75% of the full-time equivalent.

Entitlement to the unemployment benefits is not recognised to beneficiaries who, at the time of unemployment, have reached the legal age for the access to old-age pension, as long as the respective qualifying period is fulfilled.

The daily amount of the unemployment insurance benefit equals 65% of the reference remuneration and is calculated on a 30 days basis. The reference remuneration corresponds to the mean daily remuneration defined by $R/360$. R corresponds to the total remunerations in the first 12 months preceding the second month prior to the one where unemployment took place.

The maximum monthly amount for the unemployment insurance benefit is three times the amount of the Social Support Index. The minimum limit is the amount of the Social Support Index or of the reference remuneration if lower. The monthly amount of the unemployment insurance benefit cannot be, in any case, higher than the net amount of the reference remuneration used as base of calculus for the benefit.

The amount of the unemployment assistance benefit is 80% of the Social Support Index for isolated beneficiaries and 100% for those integrated in a household. Every time that, from those percentages, results an amount higher than the net amount of the reference remuneration – $R/180$ with R corresponding to the total remunerations in the first 6 months preceding the second month prior to the one where unemployment took place – the amount of the benefit is reduced to the value of such remuneration.

The amount of the partial unemployment insurance benefit corresponds to the amount of the unemployment insurance benefit plus 35%, minus the amount of the part-time retribution.

The granting period of the unemployment assistance benefit and of the initial unemployment social benefit is established according to the beneficiary's age and number of months with a remuneration record, in the period preceding unemployment. It varies between 270 days for beneficiaries aged less than 30 with a remuneration record no higher than 24 months, and 720 days for beneficiaries aged 45 or more with a remuneration record no higher than 72 months. These periods may be longer when the contributory career is also longer.

The granting period of the subsequent unemployment assistance benefit is half the above-mentioned periods, taking into account the beneficiary's age by the time the granting of the unemployment insurance benefit is finished.

Very recently, the Government, considering the aggravation of the country's economic situation, and as a measure aiming to support the long-term unemployed – mostly women – decided for a prorogation of the unemployment assistance benefit, initial or subsequent, ceasing in 2009, for a period of 6 months. The daily amount of this benefit is $1/30$ of 60% of the amount of the Social Support Index. This amount may be increased in $1/30$ of 10% of the Social Support Index per each child but the monthly amount cannot exceed $1/30$ of the Social Support Index²⁶.

The granting period for the partial unemployment insurance benefit is the same as the one defined for the unemployment insurance benefit that was in force.

The granting period of the unemployment benefits is longer for older beneficiaries.

In situations of duly verified long-term unemployment, and after the granting periods of the unemployment insurance benefit or of the initial unemployment assistance benefit are exhausted, beneficiaries may accede early retirement in the following conditions; a)

²⁶ Law 68/2009, of the 20th March.

at the age of 62 if beneficiaries were at least 57 at the time of unemployment and fulfill the legal qualifying period; at the age of 57 if beneficiaries were at least 52 at the time of unemployment and if the respective contributory career is at least 22 civil years with remuneration record. In this latter situation, the reduction factor previewed for the scheme of flexing of the retirement age is applicable to the statutory pension, according to the number of years of anticipation regarding the age of 62.

Unemployment assistance benefit may be extended till the early retirement age if the beneficiary was at least 52 at the time of unemployment and if he/she complies, at the time of the extension, with the conditions for the attribution of the benefit.

Unemployment benefits are not cumulative with: a) compensatory benefits for the lost of labour remuneration; b) pensions attributed by social security schemes or by other system of social protection of mandatory registration, including those of civil servants and foreign schemes; c) early retirement benefits.

The accumulation with labour income is forbidden because the protection of unemployment requires the total inexistence of employment, except in the case of the partial unemployment benefit. This condition is considered to be fulfilled when, along with the employed work whose contract ceased, the beneficiary is also in self-employment but the respective monthly income is lower than 50% of the Social Support Index.

Without prejudice of the scheme of the partial unemployment benefit, carrying out employed or self-employed work for a consecutive period lower than 3 years determines payment suspension of the unemployment benefits.

Sanctions are applicable to the following: a) no fulfillment of duties regarding the services of social security or the employment offices; b) carrying out a normally remunerated activity during the granting period of the benefits, even if payment of retribution is not proven. These sanctions may be added with a complementary sanction of deprivation of access to unemployment benefits for a maximum period of two years, if there is a violation of the duty to communicate the beginning of a professional activity determining the suspension of the payment of the benefit.

The activity reports of the competent bodies to file in complaints for discrimination do not mention cases of discrimination regarding unemployment benefits. The same is true regarding the reports of the Ombudsman, although the total number of complaints regarding this matter is relatively high. However, the complaints do not shape direct or indirect discriminations.

E.2. The exemptions from the Directive 79/7/EEC

None of the exceptions predicted in article 7 number 1 of Directive 79/7/CEE is transposed into the internal juridical law.

E.3. Description of the current changes of the social security system (if any)

The process of reform of social security underway is not related to elimination of the exceptions mentioned in article 7 paragraph 1 of Directive 79/7/CEE.

F. Analysis of the occupational social security schemes

F.1. Analysis the elements of legislation or other provisions, including contracts (II pillar)

The Framework Law of Social Security considers the complementary schemes as significant instruments of protection and social solidarity, concretized through the sharing of social responsibilities. Its development should be stimulated by the State through adequate incentives. The Framework Law also states that the creation and modification of the complementary schemes as well as their articulation with the social welfare scheme are defined by law, regulating, namely, its material scope, technical and financial conditions of the benefits and the guarantee of the respective rights.

The complementary occupational schemes are schemes of facultative creation in favour of a certain group of persons and are integrated in the complementary schemes of collective initiative. According to the Framework Law, the regulation of the complementary schemes of collective initiative should respect the principle of equal treatment on the grounds of sex and the protection of rights, both the acquired and those in formation. It should also define the rules concerning the portability of those rights, the equality of fiscal treatment between schemes and the right to information.

In Portugal, there are, for many years, occupational schemes established by undertakings, mutuality's associations and collective agreements within occupational sectors or undertakings. The most common concern the big undertakings.

Sometimes occupational schemes are in internal regulations of undertakings. In this case they are not published and consequently they are not accessible to the public.

In the case of collective agreements, published in the Official Journal of the Ministry of Labour (BTE), there is a significant diversity of occupational social schemes. As such, they cannot be subject to a deep analysis in this research. The most common schemes concern supplementary benefits granted by the welfare system, namely in the risks of sickness²⁷, old age pension²⁸, family benefits²⁹ and death benefits³⁰, or benefits which are not granted by this system. The collective agreements do not contain any discriminatory dispositions. The Ministry of Labour has 30 days after publication to appreciate the conformity of the collective agreements with the equality and non-discrimination law and to send the appreciation to the competent court for judicial declaration of annulment, in case any discriminatory provisions arise.

²⁷ V.g. Collective Sector Agreement between APAT and the Trade Unions of the Merchant Marine, Travel Agencies, Transportation and Fisheries, BTE n. 19, of 22/05/2009; Collective Company Agreement between Carris de Ferro de Lisboa and The Trade Union of the Carris Transit Staff, SA, BTE n.17, 8/05/2009; Collective Company Agreement between PT Communications, SA, and SINDETELCO-Trade Union of the Workers of Communication, Media and similars, BTE n.22, 15/6/2008.

²⁸ V.g. Collective Company Agreement between Carris de Ferro de Lisboa and The Trade Union of the Carris Transit Staff, SA, BTE n.17, 8/05/2009.

²⁹ V.g. Collective Sector Agreement between ANIL, Wood Association and FESETE, Trade Union of the Têxtil, Wood, Clothes Shoes and similars, BTE,n.17,8/5/2009.

³⁰ V.g. Collective Company Agreement between Carris de Ferro de Lisboa and The Trade Union of the Carris Transit Staff, SA, BTE n.17, 8/05/2009; V.g. Collective Sector Agreement between APAT and the Trade Unions of the Merchant Marine, Travel Agencies, Transportation and Fisheries, BTE n. 19, of 22/05/2009.

In some situations, occupational social schemes are shaped as pension funds. When it is the case they are subject to special legislation³¹.

Sometimes, occupational social schemes replace, totally or partially, the general regime of social security. This is the case of the current convergent regime for civil servants and the schemes of social security of bank employees and of lawyers and solicitors.

Till recently, the social protection system for civil servants consisted of a mandatory special scheme, parallel to the general regime of social security. Such scheme has progressively converged with the general regime.

When Law 4/2009, of the 29th January, came into force, the social protection for civil servants enrolled from the 1st January 2006 onwards became integrated in the social security system. Those enrolled before that date became integrated on the "convergent social protection scheme of workers with public functions".

The system of social protection for civil servants, as it existed before reformation, was considered to be a special statutory scheme for various reason, even historical³²: a) it was regulated by law; b) it covered all civil servants, militaries included; it was compulsory in all its elements (registration, contributions and, within certain parameters, age of retirement); c) it covered the risks predicted in article 7 of Directive 79/7/EU, with the exception of unemployment, given the guarantee of safety that was characteristic of employment in the public service; d) functioned autonomously from the general regime of social security; e) it had its own funding, constituted essentially by contributions of the workers, though there were transfers from the State Budget; f) the old age benefits, paid according to the period of service and remuneration³³, were the responsibility of a specific public entity, Caixa Geral de Aposentações (CGA). According to the current reform to social protection for civil servants, on the terms of article 7 n. 2 of Directive 2006/54/CE, and taking into account the case law of the Court of Justice, the convergent scheme should be considered an occupational scheme, though destined to be extinguished in the future.

However, this question is not relevant within the framework of the exception predicted in paragraph a) of n.1 of article 7 of Directive 79/7/CEE, since retirement age for men and women has always been the same and Portugal never used any of the exceptions admitted. Also, this scheme never used elements of actuarial calculation different according to sex. Self-employed workers are covered by the general regime of social security although with some specificities. However, self-employed workers in some professions, mainly liberal professions, have complementary or substitutive professional schemes, as it is the case of lawyers and solicitors.

Law 307/97, of the 11th November, transposed Directive 86/378/CEE, on equality treatment between men and women in occupational social schemes, as amended by Directive 96/97/CE. According to this Law, the undertakings encompassed by it, disposing of occupational schemes, should inform, otherwise incurring sanctions, the Direcção Geral dos Regimes de Segurança Social (DGRSS) regarding the following

³¹ Law 12/2006, of the 29th January, that transposed Directive 2003/41/CE.

³² Civil servants were the first workers to have a scheme of protection in old age, in 1929, with the creation of the Caixa Geral de Aposentações. Only much later, a general scheme covered private sector workers.

³³ The method of calculation of pensions according to service periods and remunerations suffered legal changes throughout time. Till recently, the remuneration used was the last one. Currently, the calculation encompasses the whole contributory career, though subject to updating factors.

aspects: a) characterization of the scheme as for its origin and managing entity; b) personal and material scope; c) observation or not of the principle of equality of treatment at the time of publication of the law; d) measures adopted in observance of the law; e) possible existence of situation prior to 17 May 1990, to which the principle of equal treatment is applicable. DGRSS should transmit this information to the Portuguese Insurance Institute regarding the occupational social scheme financed through pension funds and/or insurance contracts.

F.1.1. Old age and disability pensions

Given the diversity of occupational social schemes, attention will be drawn upon the following: a) convergent scheme for civil servants; b) scheme for lawyers and solicitors; even though the first is a closed scheme, destined to become extinguished in the future.

The successive reforms of the scheme of social protection for civil servants have turned it into a particularly complex one, impossible to describe in brief, mainly because they tried to take into account the expectations arising from the successive laws and to respect the rights acquired or in formation. For these reasons, only the more relevant aspects for this research will be analysed.

According to the retirement statute, Law 498/1972, of the 9th December, still in force regarding some matters for workers registered, all civil servants receiving wages, salaries or any remuneration susceptible, by its nature, to payment of a contribution, were mandatory registered as subscribers of the CGA. The maximum age for registration in the CGA was the one corresponding to the possibility of the subscriber to complete a minimum of five years of service till the time for retirement stipulated by law regarding the specific position.

Thus, CGA assures protection in old age, invalidity and survival to all civil servants whose admission into public service occurred till the 31st December 2005.

From the 1st January 2006, when Law 60/2005, of the 29th December – establishing the mechanisms for convergence with the general scheme of social security regarding the conditions for retirement and for the calculation of pensions – came into force, the CGA stopped accepting new registrations, keeping only former contributors and beneficiaries.

Law 52/2007, of the 31st August, amended this Law, which come into force on the 1st January 2008, adapted the scheme applied by the CGA to the general scheme of social security in what concerns retirement and the calculation of pension. As such, regarding the calculation of retirement pensions of the subscribers of the CGA registered till the 31st August 1993 the following aspects were introduced: a) a sustainability factor; b) bonus rates for the extending of active life, similar to those of the general regime; c) penalisation of 0,5% for each month of anticipation of the legal age for retirement regarding the age of 65; d) rules of actualisation similar to those of the general scheme.

Regarding invalidity, the absolute incapacity was consecrated, for which a shorter qualifying period (three years) became required. This period is the same as the one for the general regime of social security. Additionally, a minimum value for the respective pension was also set, equal to the one set for the general regime of social security, as well as the non-applicability of the sustainability factor till the time the pensioner turns 65.

The social protection of lawyers and solicitors is consecrated in the Regulation of the Caixa de Previdência of Lawyers and Solicitors (CPAS) and in various complementary regulations. The registration in CPAS is mandatory upon the registration in the Bar Association or in the Solicitors' Chamber. Registration is not allowed to lawyers and

solicitors aged over 60. This limitation, that could be understood as discrimination on the ground of age is justified by the fact that CPAS is financed essentially by the contributions of its beneficiaries, in a scheme of self-insurance, and without any contribution either from the social security's budget or from the State's budget³⁴. It is possible to accumulate mandatory registrations in CPAS and in the general regime of social security, resulting from cumulative activities determining such registration. In those cases, accumulation of benefits will take place.

The two schemes are of mandatory registration. Optional registration in the system of social protection for lawyers and solicitors, whose beneficiaries are workers of liberal professions and, as such, self-employed workers, is allowed only to probationers. Nonetheless, no differentiation regarding either contributions or the formation of rights is made between optional and mandatory registers.

Thus, there is no differentiation resulting from the voluntary or compulsory participation in the professional schemes under consideration.

In the convergent scheme for civil servants, a 10% deduction of the total remuneration of the workers is made to the CGA, meant for the coverage of risks in terms of invalidity, old age and survival.

In what regards the scheme of social protection of lawyers and solicitors, the contributions of the beneficiaries are calculated through the setting of a 17% rate to a conventional remuneration, between 10 and 15 monthly national minimum wage, picked by the beneficiary and distributed by ten echelons. Retired beneficiaries still developing their activity and paying contributions after retirement are entitled to a bonus in the monthly amount of the pension, becoming effective after the payment of every 12 monthly allowances.

For civil servants, retirement on the ground of age may occur by: a) initiative of the civil servant, when all criteria are fulfilled; b) incapacity; c) age limit. As for this latter criteria, contrary to the situation within labour contracts, the labour contract for civil servants ceases when the civil servant reaches the age of 70³⁵. The entitlement to retirement presupposes registration and a minimum of five years of service or three years in case of permanent and absolute incapacity for any and every profession or activity.

Retirement of civil servants may be voluntary or result from age limit. It may also be regular or early retirement. Regular retirement depends, cumulatively, from age and time of service. These conditions are under progressive alteration so that, from 2015 onwards, the age condition is set at the age of 65. It is also considered a regular retirement when the civil servant has, at least, five years of service or completes that period with a period or periods contributing to other social security institutions and the following conditions are fulfilled: a) the age limit for carrying out his/her tasks is reached; b) he/she is declared to be permanently and absolutely incapable for carrying out his/her tasks. Civil servants who, on the 31st January 2005, were aged 60, at least, and had 36 years of service, may exert their right to retirement whenever they want.

The civil servants may require early retirement when he/she is aged at least 55 and has fulfilled at least 30 years of service.

The analysis of the legislation of the convergent scheme for civil servants did not detect any discrimination on the ground of sex, nor of any other factor, unless the setting of a compulsory retirement age might be considered discrimination on ground of age.

³⁴ Judgement of the Supreme Administrative Court, of the 15th October 2007.

³⁵ Law 59/2008, of the 11th September, article 254.

As for lawyers and solicitors, the entitlement to retirement is granted to beneficiaries with full payment of contributions that: a) have completed 65 years of age and have, at least, 15 years of registration; b) are aged more than 60 and have, at least, 36 years of professional activity.

Beneficiaries with, at least, 10 years of registration and having not reached retirement age, are entitled to invalidity subsidy when, for reason of illness, disease, or accident they are considered to be definitely incapable for fulfilling their professional activity.

Due to the successive laws aiming to the convergence with the general regime of social security, the current status of civil service includes not only one but several formulas of calculation of pensions, applicable according to the scheme in force in the date the beneficiary became entitled to the retirement pension. Therefore, for instance, the subscribers registered at the CGA till the 31st August 1993, entitled to a regular retirement till the 31st December 2005, have the right to a pension corresponding to the last monthly remuneration, deducting the percentage of the contribution to the CGA. The retirement pension of subscribers registered till the 31st August 1993, concerning the period till the 31st December 2005, is calculated according to two parts: the first corresponding to the remuneration in the most recent position and the second corresponding to the appliance of the rules of the general scheme of social security regarding the time of service subsequent to the 31st December 2005. Through the sum of these two parts the full career will be set.

The amount for the invalidity pension is calculated according to the laws applicable to the old age pension. However, the sustainability factor is not applied till the pensioner reaches the age of 65. The sustainability factor is also not applicable to pensioners who, by the time they reach the age of 65, are receiving a pension attributed on ground of general absolute incapacity for a period over 20 years.

The monthly amount of retirement pension of the lawyers and solicitors corresponds to the sum of the following parts: a) 2% of the reference remuneration per full year of registration with full payment of contributions; b) 12,47 euro per full year of registration with full payment of contributions beyond 25 years; c) 0,6% of the national minimum wage in force in the year previous to the start of the pension per every group of 12 national minimum wage on which there has been incidence of contributions during the whole time of registration in the CPAS.

The amounts of the retirement pension and of the invalidity subsidy cannot be lower than the national minimum wage if the beneficiary is registered for, at least, 20 years and lower than what is established for the invalidity and old age pensioners of the general regime if the beneficiary has been registered for 15 to 20 years.

Civil service uses actuarial factors when the retirement pension includes a part calculated according to the rules of the general regime of social security. *However, these factors include no differentiation on ground of sex.* The scheme for lawyers and solicitors does not use actuarial factors.

In the convergent scheme for civil servants, and while protection for different risks is not regulated by the general regime of the social security, retribution is paid during the periods regarding parental and adoption leaves, assistance to sick relatives, illness, incapacity due to labour accident and occupational disease and these periods are also considered for the acquisition of future rights.

In the scheme for lawyers and solicitors, the contributive obligation is kept independent of the occurrence of the above mentioned risks.

Law does not allow retirement age to be established through an individual contract or collective convention as it would correspond to a change on the norms regarding the cessation of the labour contract that, according to the Labour Code, are imperative. Nonetheless, after the worker's old-age retirement or after he has reached the age of 70 without retiring, the contract expires, except if, 30 days after both parties are aware of the retirement, the worker is still on duty. In that case, the contract will be transformed into a term contract, valid for six months and renewable for equal and consecutive periods, without being subject to maximum limits. The Labour Code foresees the celebration of pre-retirement agreements between the employer and the worker aged 55 or plus. In such cases, there will be a reduction or suspension of labour and the worker will receive a monthly payment.

Within the convergent scheme for civil servants, and regarding the beneficiaries that, in December 2005, did not fulfill the requisites to accede a pension, the normal age for acceding an old age pension has been progressively increased by 6 months per year, so that it reaches the age of 65 in the year 2015. Regarding lawyers and solicitors, the normal age to accede the pension is 65 years.

In civil service, the pensioners having required early retirement pension cannot accumulate the pension with earnings from the public sector. Other pensioners, in exceptional cases and depending on authorization from the Prime-Minister, may accrue the pension with income from civil service, up to a certain amount. No limitations are set regarding work in the private sector.

As for lawyers and solicitors, once retirement pension is granted, registration in the CPAS is kept if they still pursue their professional activity, mandatory till the age of 70 and optional from that age onwards.

In the convergent scheme for civil servants there is no reimbursement of contributions. CPAS, on the other hand, admits, at all times, the repayment of contributions, consisting on the devolution of the contributions paid throughout the contributory career to which is deducted the value of the benefits received and the percentages destined to assistance and administration expenses (20%). The pensions, whatever their origin, are taxed through the personal income tax (IRS), being subject to aggregation with the other incomes. It is subject to progressive rates, generically lower than those applicable to labour income and *without any differentiation between men and women. People with disability benefit from reductions that have progressively been diminished, on the material relevant to taxation, according to the degree of disability.* Married people should present a joint declaration. Cohabiting partners may take an option for joint declaration, as long as they live together for more than two years.

F.1.2. Survivors

In the convergent scheme for civil servants, qualification to a survivor pension is granted to: a) surviving spouse; b) divorced former spouse or legally separated, as long as, at the time of death, he/she is entitled to alimony ; c) surviving partner, under the conditions legally determined, as long as there is a sentence recognising the entitlement to alimony; d) minor children; e) children of full age in the following conditions: i) with permanent and total incapacity, preventing them from earning their subsistence; ii) up to the age of 24, if attending a schooling level compatible to their age; f) grandchildren, parents and grandparents under the special conditions predicted by law. It must be

highlighted that, in Portugal, there is no distinction between children born inside or outside wedlock.

The amount of the survivor pension is determined according to the amount of the pension the beneficiary had or was entitled to have at the time of death, calculated through the following percentages: a) 60% if it is a spouse or person treated as such and 70% if it is two or more; b) 20% to 40% if it is one or more descendants or the double when there is no spouse or person treated as such.

The legislation analysed poses no questions regarding equality and non-discrimination except for cohabiting partner as mentioned on the subject of the general regime of social security.

In the case of death of a lawyer or solicitor having completed five years of registration, the relatives are entitled to receive from CPAS a subsidy amounting to six times the value of the national minimum wage, retirement pension or invalidity subsidy, according to case.

In case of death of a beneficiary having completed the age of 70, either retired or not, or having completed 10 years of registration, the attribution of a survivor subsidy may be requested by: a) the surviving spouse; b) children or parents if there are no children. There are however, restrictions to the right to the subsidy. The surviving spouse is only entitled to the subsidy if wedlock lasted for at least one year by the time of death. If the surviving spouse is aged less than 35, and unless he or she has disability, the length of wedlock must be five years. As for children, they will only be entitled till the age of 18. Entitlement may be extended till the age of 21 or 25 if they attend successfully medium or higher education, respectively. No age limit is applicable if they are totally and permanently incapable for working. Ascendants will only be entitled if they are totally and permanently incapable for working.

Contrary to the general regime of the social security, the scheme of CPAS does not cover the surviving partner or the divorced former spouse. Doubt arises if, in such situation, should not prevail the provisions of Law 7/2001, of the 18th May, regarding cohabiting partners.

The non-recognition of the right to a survivor pension to divorced former spouses and cohabiting partners entitlement to alimony may shape a direct discrimination on the ground of family situation or indirect on the ground of sex, as women are affected in a much higher percentage than men.

As for differences between the mandatory or voluntary nature of the occupational social schemes that may possibly connect to discrimination, it must be stressed that both schemes under analysis are mandatory. Thus, the impossibility of establishing comparisons on the basis of that criterion. However, differences shouldn't exist since the constitutional principles of equality and non-discrimination are of direct application and mandatory for both public and private entities.

The analysed schemes predict minimum periods of contribution or employment and maximum ages for admission. However *these rules are grounded on the need to guarantee a minimum period of contributions and thus sustainability. As such they seem not to shape any form of direct or indirect discrimination*³⁶.

³⁶ In this sense, Acórdão do Supremo Tribunal Administrativo, de 15-10-2007, Caixa de Previdência dos Advogados e Solicitadores, aplicação da lei no tempo, prazo de garantia.

F.1.3. Health

The protection in health to all civil servants, as well as to retired civil servants and to the dependents of the beneficial owners – spouses, partners, children and parents or treated as such in certain conditions – is assured by an autonomous health subsystem. This is called ADSE (Assistance in Illness to Civil Servants). ADSE finances the expenses the beneficiaries have with treatment, rehabilitation and surveillance. Beneficiaries of ADSE have the right to: a) resort to the institutions and services providing healthcare integrated in the National Health Service; b) resort to the institutions and services providing healthcare with which ADSE has settlements; c) a subvention regarding the price of medicines acquired in pharmacies; d) a subvention regarding the charges with healthcare obtained on private care without settlement; e) medical assistance in a foreign country. The beneficiaries of ADSE contribute through the payment of 1,5% of their total remuneration, while working, or 1% of their total retirement pension if its value is higher than 1.5 times the national minimum wage³⁷. The National Health Service, through local health centres, assures health care to lawyers and solicitors, in equal circumstances regarding the other citizens. CPAS attributes, to the beneficiaries with over one year of registration: a) a benefit for the support to recovery in a hospital internment for reason of illness or disease; b) a subvention for internment expenses and/or surgical procedures of the beneficiary, spouse and minor children, as well as for the maternity of the beneficiary or the beneficiary's spouse. It also grants a subvention for the expenses of retired beneficiaries, spouses and children of retired or disabled beneficiaries, and beneficiaries who are holders of a survival subsidy regarding: hospital internment; b) surgical procedures; c) medical and medicinal assistance; d) auxiliary means of diagnosis. *In the domain of healthcare, as regarding survivors, it is possible to verify that cohabiting partners are not covered, what may shape discrimination on the ground of family situation.*

F.1.4. Other occupational schemes, if any

According to Ordinance 1084/2008, of the 25th September, civil servants for more than six months, retired and pensioners of civil service, independently of the social protection scheme, and staff in situation of special or general mobility in the terms of the respective diploma, as well as their relatives, are entitled to certain benefits attributed by the Social Services of Public Administration (SSAP). The relatives considered for the effect of attribution of these benefits are: a) the members of the household of the beneficial owner; b) the members of the household of a deceased beneficial owner, as long as the fixed conditions for their registration are kept; c) persons entitled, by judicial decision, to maintenance support from the beneficial owner. The status of beneficial owner depends on registration. The benefits are of very diverse nature involving, namely, leisure activities subsidised according to the beneficiary's family income, crèche subsidies, nannies and pre-schooling education, health benefits, access to refectories, etc.

No form of discrimination was detected in any of the analysed provisions.

CPAS of lawyers and solicitors attributes maternity benefits to beneficiaries registered for over two years, amounting to ten times the value of the monthly contributions,

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The scheme of benefits of the ADSE is defined in Law 118/83, of the 25th February, with the alterations introduced by Law 234/2005, of the 30th December.

amounting to the national minimum wage, at the minimum, to and six national minimum wages, at the maximum. It also grants birth benefits to all beneficiaries with more than one year of registration. It amounts to one national minimum wage. If both parents are beneficial owners, the value of the subsidy is two national minimum wages. *The maternity benefit, as it is attributed only to female beneficiaries may configure discrimination on the ground of sex, except if it is considered that it intends to minimize the effects of the absence from a professional activity during the period for the physical recovery of the mother, which corresponds to the period of unavailability of the mother after childbirth.*

CPAS provides assistance, on an exceptional basis, through the attribution of subsidies to beneficiaries or to former lawyers and solicitors. In case of death of the beneficial owners, such support may also be granted to a spouse or divorced former spouse, as well as to children and parents. These subsidies are intended to help in severe cases of economic distress and depend on the financial availability of CPAS in each year. *The casuistic nature of such intervention does not allow the analysis of the existence or not of discriminatory elements, except in what concerns cohabiting partners.*

F.2. Deferral of application of the Directives on occupational social security schemes

Article 11 of Law 307/97, of the 11th November, transposed the Directive 96/97/CE that amended the Directive 86/378/CEE. According to this article, the special schemes of self-employed workers containing provisions contrary to the principle of equal treatment should be reviewed in a six-month time-limit, producing effects from the 1st January 1993. The set up of the age for old-age pension and its consequences for other benefits, as well as the differences in the elements of actuarial calculation in the case of defined-contributions schemes could be postponed till the 1st January 1999.

Regarding retirement age, there is no knowledge of any professional schemes for self-employed workers consecrating different retirement ages for men and women and it is not likely that they exist. Also regarding survival pensions there is no acquaintance of discriminations between men and women. However, as previously mentioned, cohabiting partners may, eventually, in some schemes not be entitled to this benefit. As for the possibility of different levels of contributions related to the usage of actuarial factors in the calculation of pensions, it was already mentioned that occupational social schemes are sometimes pension plans. In such cases they are not only covered by Law 307/97 but also by Law 12/2006, of the 20th January, on pension funds, that transposed Directive 2003/41/CE to the internal law.

On this matter it was not possible to obtain elements allowing for an exact answer to the pointed question.

G. Analysis of the private schemes -third pillar

Law 14/2008, of the 12th March, transposed to the internal law the European Directive 2004/113/CE. This Law establishes the prohibition of direct and indirect discrimination, based on actions, omissions or contractual clauses regarding the access to and supply of goods and services. Practices and contractual clauses are considered discriminatory namely when: a) there is a refusal to supply or an impediment to the use of goods or services; b) the supply or the use of goods or services occurs under unfavourable conditions; and c) there is a refusal or unfavourable conditions to the access to healthcare in public or private establishments. Also any instructions or orders aiming to discriminate directly or indirectly are discriminatory. The Law adds that the discriminatory acts and clauses are considered as null and imply civil responsibility according to the damages caused.

With regard to the insurance contracts and other financial services, *this Law states the general principle that the consideration of sex as a factor for the calculation of the premiums and benefits of insurances and other financial services should not result in differentiation on those premiums and benefits.* Differentiations are nonetheless possible according to certain conditions. Notwithstanding, *the costs related to childbearing and maternity cannot result on a differentiation of premiums and benefits of insurance contracts and other financial services.*

It is also important to mention in this matter the Law 12/2006, of the 20th January, regulating the creation and functioning of pension funds and of the entities managing such funds. This Law covers pension plans, health benefit plans and pension funds. It establishes that patrimony, contributions and pension plans must be, at all times, balanced according to actuarial systems of capitalisation allowing for equivalence between patrimony and the predicted returns of the pension funds, on the one hand, and, on the other, the future pensions due to beneficiaries and future management and deposit remunerations. *In this Law there are no explicit prohibitions of discrimination on the ground of sex or any other factors.*

Law 72/2008, of the 16th April also has repercussions on this matter. This Law approved the framework of insurance contract that comprehends the coverage of risks related to life, health and physical integrity of a person or group of persons. Among other objectives, this Law aimed at protecting the feeblest part in the insurance contract and thus reaffirmed the application of the constitutional principle of equality, through the prohibition of discriminatory practices, duly characterised according to the nature of the insurance area. *However, the prohibition to discriminate on the ground of sex is remitted to special legislation.*

It is up to the Portuguese Insurance Institute to regulate, control and supervise the activities of insurance and reinsurance, as well as the insurance mediation, pension funds and related activities.

G.1. 3rd pillar old-age insurance

Regarding old-age individual schemes, the public system of social security created the public scheme of capitalisation. This scheme, regulated by Law 26/2008, of the 22nd February, aims at the reinforcement of social protection through the attribution of complementary benefits.

This State organised and managed scheme, which is of real capitalisation and of individual and voluntary adherence, integrates individuals framed by a compulsory scheme of social protection due to their integration in a professional activity. The amount of the contribution is credited every month in the individual account of the adherent. The contributory rate is 2% or 4% but adherents aged 50 or plus may opt for a rate of 6%.

The rate is applied upon the mean of remunerations that were the basis for the calculation of the social contributions. The contributions deposited in the individual account are converted into retirement certificates, integrating an autonomous fund. This fund is managed, in a scheme of capitalisation, by the Instituto de Gestão de Fundos de Capitalização da Segurança Social (IGFCSS).

With the adherence to this scheme, complementary rights to the old-age or retirement pension are formed, as well as to the pension of absolute invalidity, with reference to the values deposited in the individual account. By the time of retirement the adherent may choose to convert the capital into a lifetime income, to acquire the capital through a lump sum payment or to transfer it to the spouses' or the children's plans.

In the private sector, the PPR is a solution for complementing pensions. These PPRs are much diversified in terms of offer, trying to answer the needs and the risk profile of the subscriber. Minimum periods of permanence are usually present in the analysed situations. There are also cases where there is a maximum age for subscription and for the end of the PPR. The total or partial reimbursement is usually allowed in case of retirement due to old-age or when the age of the subscriber or of the subscriber's spouse is equal or higher than 60 years and the insurance is a common good. It is also allowed in case of long-term unemployment, permanent incapacity for work or illness of the insured person or of any member of his/her household, as well as due to death of the insured person or of his/her spouse, when the insurance is a common good of the couple.

It must be mentioned the existence of ombudsperson for the participants and beneficiaries of the individual adherences to open pension funds. These are independent entities or experts, of recognised prestige and integrity, to whom the above-mentioned individuals or their representatives may complain regarding the actions of the entities managing the insurances. Once such complaints are assessed, the ombudsperson may present recommendations to the managing entities. These recommendations are sent to the Portuguese Institute of Insurance, following the legislation and regulation currently in force.

The diversity of types of PPR does not allow assessing if the principles of equality and non-discrimination consecrated constitutionally are being upheld and it was not possible to find jurisprudence on the matter.

Taking into account the purpose of the PPR - to grant an effective additional income- it needs to be subscribed during a certain time. For this reason, the exigence of an age limit for the subscription of PPR should not be considered as age discrimination.

G.2. 3rd pillar health insurance

In Portugal, health insurances have been registering a progressive adherence, namely group ones. In many cases, companies use these as a complementary benefit. Individual adhesion is considerably expensive with an increasing cost throughout the lifecycle and when there are aggravated health risks.

Health insurance can be subscribed by any citizen and require acceptance of the conditions of the contract. There is variation according to the risk and to the insurance company responsible for the contract. On this matter, the principle of private autonomy is in force. However, the freedom to sell insurance and tariff policy liberty do not imply complete deregulation. As such, rules were established, trying to avoid the usage of statistical and actuarial data for discriminatory practices, namely in terms of the aggravation of the insurance premium and the refusal of services. The aggravation of the insurance premium may be comprehensible when there is an increase in risk, but it must be guaranteed the proportionality between the originating factor and the range of the aggravation.

Law 72/2008 considers as discriminatory practices on the domain of disability or of aggravated health risk those actions or negligent or harmful omissions violating the principle of equality and implicating that the conduct regarding people in the above mentioned situations is less favourable than that it would be bestowed to any other person in a comparable situation. *However, there is no prohibition, for the effect of establishing, executing and terminating the insurance contract, regarding the evaluation practices and techniques, selection and acceptance of own risks of the insured person that are objectively based on the ground of relevant rigorous statistical and actuarial data.*

In practice, as a rule, the coverage by a health insurance implies a waiting period and age limits both regarding subscription and exit. Notwithstanding, there are insurances without a maximum age limit. Subscribing may include the protection of the spouse and offspring as well as childbirth expenses, depending on the chosen option.

In case of refusal of celebration of an insurance contract or aggravation of the premium on grounds of disability or aggravated health risk, the insurance company must provide the insurance taker with information about the ratio between the specific risk factors and the risk factors of a person in a comparable situation but not affected by such disability or aggravated health risk. *In order to solve possible divergences resulting from a decision of refusal or aggravation, the insurance proponent may request a tripartite commission to deliver opinion about the ratio between his/her own specific factors of risk and the risk factors of a person in a comparable situation but not affected by the same disability or aggravated health risk.*

The opinion is elaborated by a commission composed by a representative of the National Institute for Rehabilitation, I.P., a representative of the insurance company and a representative of the National Institute of Legal Medicine, I. P. In spite of this legal

provision, according to information gathered by interview, this commission is not yet operating.

It was not possible, from the information gathered, to evaluate which are the tests necessary for the subscription of a health insurance.

H. Uncertainties and debates related to the Community legislation on statutory and occupational social security schemes and private insurance

The reform of the social protection system has raised a wide debate, not only at a political level, but also within the civil society, given its consequences in the lives of individuals. This debate has gained an even more relevant profile following the economic crisis, the unemployment growth and the increasing poverty. There is no notice of problems with the implementation of the Community legislation, or the ECJ case law in this area. It is important to mention that is very rare that national courts raise issues to the ECJ, as a preliminary ruling procedure. As a matter of fact, the national case-law as regards equal treatment and non-discrimination in the social security domain is relatively rare and there is no knowledge of pending cases in this field that may pose questions to be presented to the ECJ.

On the other hand, the information collected did not identify any infraction process regarding the non fulfilment of Directives 78/7/EEC, 86/378/EEC as amended by Directive 96/97/EC, nor of Directives 2006/54/EC and 2004/113/EC.

I. Recommendations

I.1. EU Level

Even if equality and non-discrimination on grounds of sex, race, or ethnical origin, age, disability, sexual orientation and religion is, still today in Europe, far from being achieved, the Community legislation and its application by the Court of Justice has given an important contribution to its fulfilment.

The legislative progresses achieved are more important in what concerns equality between men and women in the employment and professional activity, mainly because those are the areas where the first directives were approved. However, the addition to the EC Treaty of article 13 enlarged the scope of action of the Community and gave a new impetus to the fight against discrimination based on other grounds and in other fields, which is in the origin of the Directives 2000/43/EC, 2000/78/EC and 2004/113/EC. Along the road, some incoherence and failures have been identified and they have mainly arisen from the way that historically these issues have been successively addressed.

In what concerns the principle of equal treatment between men and women in employment and professional activity, the Directive 2006/54/EC (recasting) played a major role in the creation of a clear, coherent and enlarged legal framework. However, directives on maternity and parental leave were not included, as well as social security directives, with the exception of the directives of occupational schemes. The recasting task is therefore not complete, and should be further developed.

Among the directives which have not been covered by the recasting, the Directive 78/7/EEC is, no doubt, the one that needs a quicker revision, since it no longer corresponds to the challenges and risks faced by the European society, which the economic crisis has been deepening.

In fact, social protection has reached such an importance in the organisation and in the social cohesion of EU countries that its regulation needs to be done in a complete, global and autonomous way and subject to the cross-cutting implementation of the equality and non-discrimination principles.

The ideal solution, would therefore be a new Directive which would recognise every individual, *without any kind of discrimination*, the right to be protected, from birth to death, from the risks that may affect his/her dignity as a human being. It is in this sense that the list of discrimination factors, contained in article 13 of the EC Treaty represented a constraint to the widening towards new factors, except for those related to the ones referred to in the list, such as *multiple discrimination and discrimination on grounds of association*.

The importance of maintaining a Community detailed juridical body, which is coherent as far as social protection is concerned and which ensures equality and non-discrimination principles, should be highlighted, given its repercussions in the social cohesion and in the fight against poverty in the different EU countries and in the EU as a whole.

However, the different dispositions on which this juridical body would have to be laid upon, as well as the fact that there are relatively recent directives (2000/43/CE, 2004/113/EC and 2006/54/EC) and even a directive proposal on equality and non-

discrimination, which cover social protection issues, although handled in a very generic or partial way, make this solution, for the time being, difficult.

In conclusion, *it seems that the most feasible solution is the creation of a new tool that revisits Directive 79/7/EEC, but covering all area of social protection, exception made to the one foreseen in Directive 2006/54/EC.* The *Study on gender aspects and discrimination with regard to social protection* might provide elements regarding the issues to be included.

As far as Directives 2000/43/EC and 2000/78/EC are concerned, considering that there is *a directive proposal which aims at implementing the equal treatment principle regardless of people's religion or belief, disability, age and sexual orientation in domains other than work*, which covers social protection and health care, as well as social benefits and access to goods and to other public services, including housing, we might say that a long road has already been made. Therefore, the only foreseeable change is a more detailed development of these matters in a *specific directive* on social protection which *covers all discrimination factors mentioned in article 13 of the Treaty.*

Regarding the first of the proposed solutions, *the new recasting directive should cover social protection as a whole and, namely, the benefits not included in Directive 79/7/EEC, as well as to revoke the exceptions it considers. The possibility to postpone the application of the equal treatment principle contained in Directives 86/378/EEC and 2006/54/CE should also be re-considered.*

The right to equal treatment and to non-discrimination in social protection, given the implied values of human dignity thereof contained, should be submitted to a complete and coherent juridical treatment, which would make it easily accessible to the ordinary citizen. The existence of several directives on the matter and of disperse dispositions contained in directives within other domains, turn this into a complex right and difficult to apprehend, which harms its actual implementation, since it makes it difficult for citizens to fully understand it and therefore to actually exercise their rights. Thus, we welcome all effort made in order to simplify and to bring this right closer to citizens which will be an important contribution for European construction.

1.1.2. Please consider any other measures such as OMC measures (identification of good practices, development the indicators on discrimination etc).

Apart from the reform in the existing legislation, it is important to adopt or reinforce other measures, at the European level, in order to decrease inequalities still persisting between men and women and other underprivileged groups, namely regarding old-age pensions, invalidity, disability, and unemployment and poverty reduction. Particular attention should be given to the fight against inequalities between men and women and people with disabilities in the labour market, particularly regarding wages, as a previous condition to eliminate inequalities identified in social protection. In order to achieve this goal it is necessary to reinforce the *gender mainstreaming* across all policies and legislative policies in particular and among these in the domains of work and social protection.

On the other hand, measures should be taken in order to strengthen the right to information. If people are not aware of their rights, they will not claim them and

discriminations will go on, in spite of the law. The lessons learnt, for example, from the European Year for Equal Opportunities for All should be multiplied.

The launching of new programmes, as well as the development of studies and new indicators, able to measure the existing situation in terms of equality and non-discrimination in social protection, may equally contribute towards the goal. It is vital to improve knowledge on the social reality, re-strengthening the tools for analysing discrimination phenomena, through more and better indicators. These indicators are particularly necessary as regards III Pillar. The OMC is an essential cooperation tool promoting exchange of experiences and mutual learning between member states, allowing them to define their policies in a more sustainable way. In the areas of social protection and fight against poverty, the OMC has revealed itself as a fundamental instrument, and therefore it must be continued and deepened.

I.2. National level

I.2.1. The increase in the efficacy of the right to equality and non-discrimination, in general, and within social protection in particular, depends on the adoption of measures, which, on the one hand ensure its fulfilment and, on the other hand, enable people to have a better knowledge of their rights and a greater facility in exercising them. This implies, namely:

- a) laws which reinforce the protection against discrimination which are clear, coherent and easily accessible to all, and which avoid as far as possible the maintenance of simultaneous schemes in place;
- b) repairing mechanisms and a sanctions' system which is sufficiently deterrent;
- c) effective information policies, resorting to all mass media in order to reach people, particularly women; the opening of telephone information lines, internet sites and in site information desks;
- d) easy access to justice, to administrative processes and to entities which receive and analyse the presentation of complaints, in due time, and with no undesirable costs;
- e) training policies addressed at judges, civil servants, lawyers and other social actors, alerting and sensitizing them towards direct and indirect discriminations, based on gender or on other factors, namely disability and age, which may affect the application of the right to social protection;
- f) reinforcing the competences of entities responsible for equality in the area of social protection;
- g) greater interaction between national courts and the ECJ.

In order to eliminate the inequalities between men and women which have been identified in the granting of social security benefits it is essential to fight discrimination, at the level of wages, but also in work, affecting women's position in the labour market. Family responsibilities still very much pending on women also contribute for maintaining those inequalities. Therefore, it is necessary to reinforce the policies which have been adopted aiming at a more balanced sharing of family and professional responsibilities.

I.2.2. Portugal has good practices as far as equality and non-discrimination in the social protection are concerned, both at the legal level, and in the field of government policies, and also at the level of companies' practices.

As an example we would highlight the following:

- a) the new law on the social protection of parenthood according to which part time work is considered twice for the purpose of the contributory career;
- b) the positive differentiation of the replacement rates in favour of lower wage beneficiaries, as long as the principle of the contribution's participation is ensured, since this may limit the impact of the gender pay gap on the gender differentiation of old-age and invalidity pensions;
- c) the investment of public responsible bodies in informing and disseminating the rights and the duties which are defined in the social security legislation;
- d) the existence of information lines open to public, both telephone lines, on line sites and in site information desks;
- e) an actual co-operation between the government and social partners and their participation, as well as the NGO's in the national equality bodies;
- f) the existence of national action plans for equality and non-discrimination (CIG, ACIDI, IND) in several domains and also companies' plans in this area;
- g) the existence of a public award for companies and other employer organisations with good practices regarding gender equality in labour and employment, as well as in work-family balance (Equality is Quality Award);
- h) the existence of a customer's ombudsperson who receives complaints and adopts recommendations on pensions and insurance funds.

I.2.3. The area that seems to be demanding a deeper analysis, since there is a wide variety of situations, and the available information is relatively scarce is, similarly to what happens at a EU level, the Pillar III domain, particularly regarding the retirement savings plans and life and health insurances. On the other hand, the study on discrimination based on age should be deepened, particular its association to other factors, such as gender and disability.

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- Acórdão do Supremo Tribunal Administrativo, de 15 de Outubro de 2007, Caixa de Previdência dos Advogados e Solicitadores, aplicação da lei no tempo, prazo de garantia
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www.dgsi.pt

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- Constituição da República Portuguesa

Anti-discrimination

- Lei n.º 134/99, de 28 de Agosto, proíbe as discriminações no exercício de direitos por motivos baseados na raça, cor, nacionalidade ou origem étnica
- Lei n.º 18/2004, de 11 de Março, transpõe para ordem jurídica interna Directiva 2000/43/CE sobre igualdade de tratamento entre as pessoas sem distinção de origem racial ou étnica e estabelece o quadro jurídico de combate à discriminação com base nestes factores
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- Decreto-Lei n° 220/2006, de 3 de Novembro, alterado pelo Decreto-Lei n° 68/2009, de 20 de Março, protecção no desemprego
- Decreto-Lei n° 28/2004, de 4 de Fevereiro, alterado pelo Decreto-Lei n° 146/2005, de 26 de Agosto, protecção na doença
- Decreto-Lei n° 187/2007, de 10 de Maio; Decreto-Lei n° 265/99, de 14 de Julho e Decreto-Lei n° 309-A/2000, de 30 de Novembro, protecção na invalidez e velhice no âmbito do sistema previdencial
- Lei n.º 3-B/2006, de 29 de Dezembro, cria o indexante dos apoios sociais e novas regras de actualização de pensões e outras prestações sociais do sistema de segurança social
- Decreto-Lei n° 322/90, de 18 de Outubro; Decreto-Regulamentar n° 1/94, de 18 de Janeiro e Lei n° 7/2001, de 11 de Maio, protecção na morte no âmbito do sistema previdencial
- Decreto-Lei n° 40/89, de 1 de Fevereiro, regime do seguro social voluntário
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- Decreto-Lei n° 91/2009, de 9 de Abril, protecção na maternidade, paternidade e adopção no âmbito do sistema previdencial e do subsistema de solidariedade
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 - Decreto-Lei nº 498/72, de 9 de Dezembro, estatuto da aposentação
 - Decreto-Lei nº 118/83, de 25 de Fevereiro, alterado pelo Decreto-Lei nº 234/2005, de 30 de Dezembro regula a protecção na saúde dos funcionários públicos
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 - Decreto-Lei nº 54/2009, de 2 de Março, integra os trabalhadores bancários no regime geral de segurança social
 - Decreto-Lei nº 26/2008, de 22 de Fevereiro, regime público de capitalização
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J.4. Interviews

Instituto da Segurança Social (Institute of Social Security)

Vice-President – Maria Luisa Guimarães

Provedor de Justiça (Ombudsman)

Coordinator of Social Affairs –Nuno Simões

Ombudsman Councillor – Margarida Santerre

Comissão para a Cidadania e a Igualdade de Género (Commission for Citizenship and Gender Equality)

President: Elza Pais

Vice-President: Ana Paula Alves

Citizenship Coordinator: Dulce Carrapiço

Lawyer: José Palaio

Espírito Santo Aplicações Financeiras (Espírito Santo Bank Financial Applications)

Director of Pensions Funds: Elisabete Azevedo

Companhia de Seguros Tranquilidade (Tranquilidade Insurance Company)

General-Director T/Vida: Elisa Gaião

K. Annexes

I. Description of the occupational regimes (including regimes for civil servants and self-employed)

	I regime	II regime	III regime	IV regime
Legal framework	Law 4/2009, of 29 th May on the convergent scheme for civil servants	Portaria 487/83, of 27 th April, as amended by Portaria 623/88, of 8 th September and Portaria 884/94, of 15 th October on the scheme for lawyers and solicitors	Framework Law of Social Security (Law 4/2007, of 16 th January) and Labour Code (Law 7/2009, of 12 nd February) - Sector Collective Agreement between APAT and the Trade Unions of the Merchant Marine, Travel Agencies, Transportation and Fisheries	Framework Law of Social Security (Law 4/2007, of 16 th January) and Labour Code (Law 7/2009, of 12 nd February) - Collective Agreement between the Company Carris de Ferro de Lisboa SA and The Trade Union of The Transport Workers of the Company
Do the regime intend to supplement the benefits provided by statutory social security regimes or to replace them	to replace benefits provided by the statutory social security scheme	to replace benefits provided by the statutory social security scheme in some fields	to supplement some benefits provided by statutory social security scheme	to supplement some benefits provided by statutory social security scheme
Who is covered (categories of workers covered, such as employees or self-employed, in an undertaking or group of undertakings, area of economic activity, occupational sector or	civil servants admitted before 31 of December 2005	lawyers and solicitors registered in the Bar Association and in the Solicitors' Chamber	workers covered by the sector Collective Agreement	workers covered by the undertaking's Collective Agreement

group of sectors)				
Coverage (percentage of workers by sex)	unknown	unknown	unknown	unknown
Risks covered (old-age, disability, survivors) and type of regimes (mandatory, voluntary)	old age, invalidity, disability, survivors, maternity, family, sickness - mandatory	old age, invalidity, survivors and social assistance - mandatory	supplement to sickness and death benefits covered by the statutory scheme	supplement to sickness benefit, supplements to old age, invalidity and survivor pensions, and death benefit
Memberships limitation such a minimum period of employment, age limits, low wage earners, seasonal workers, part-time and short-term contract, etc.)	not applicable	not applicable	not applicable	not applicable
Contributions, differentiations regarding sex and age (if any). Do they compensate the gender differences in DC regimes	no	after 57 years it is not possible to change for an echelon superior of which the beneficiary is placed for the calculation of contributions after 70 years the payment of contributions is voluntary	not applicable	not applicable
Suspending the retention or acquisition of rights during periods of child care (paid and not paid by employers)	no	the payment of contributions is not suspended	not applicable	not applicable
Suspending the retention or acquisition of rights during periods of illness and rehabilitation relating to	no	the payment of contributions is not suspended	not applicable	not applicable

accidents in work (paid and not paid by employers)				
Rules for the reimbursement of contributions when a worker leaves a regime without having fulfilled the conditions guaranteeing a deferred right to long-term benefit	no	the reimbursement of the contributions paid throughout the contributory career is admitted but the value of the benefits received and the percentages destined to assistance and administration expenses (20%) are deducted	not applicable	not applicable
Vesting rules (waiting periods, age etc.)	no	60 years old is the maximum age to the affiliation. Different waiting periods according the benefits	not applicable	not applicable
Taxation of benefits (taxable or not taxable)	the pensions are taxable	the pensions are taxable	unknown	unknown
Old –age benefits				
Mandatory and non-mandatory membership	mandatory	mandatory	not applicable	not applicable
Benefits formula (lump-sums, annuities)	the subscribers registered at the CGA till the 31 st August 1993 entitled to a regular retirement till the 31 st December 2005, the pension correspond to the last monthly remuneration. The retirement pension of subscribers registered till the 31 st August 1993, concerning the period till the 31 st December 2005, is calculated according to	the monthly amount of retiremer pension of the lawyers and solicitor corresponds to the sum of the following parts: 2% of the referenc remuneration per full year c registration with full payment c contributions; b) 12,47 euro per fu year of registration with full paymer of contributions beyond 25 years; c) 0,6% of the national minimum wag in force in the year previous to th	not applicable	the amount of the supplement of old age pension is calculated on the basis of 1,5 x N of the monthly wage, on the date of the retirement, and N the number of years working in the company; the total amount can not be higher than the amount of the last salary

	two parts: the first corresponding to the remuneration in the most recent position and the second corresponding to the appliance of the rules of the general scheme of social security regarding the time of service subsequent to the 31 st December 2005	start of the pension per every group of 12 national minimum wage of which there has been incidence of contributions during the whole time of registration in the CPAS.		
Benefits formula (DB, DC), use of gender specific life expectancy tables,	no	no	not applicable	not applicable
Benefits qualifying conditions (Benefits qualifying conditions (periods of memberships, minimum period of employment, etc))	there are qualifying conditions	there are qualifying conditions	not applicable	not applicable
Benefits base for calculation (such as final salary, careers averages, accumulated contributions etc.)	there are different conditions according to the year the civil servant was admitted	based on choice of the level of the contributions	not applicable	the basis is 1,5 of the last remuneration x N the number of years working in the company
Benefits calculation (including a reduced pension where the worker opts to take early retirement)	there is a reduction factor for early pensions	not applicable	not applicable	it is not foreseen in the Agreement

Retirement age (by sex)	no	no	not applicable	not applicable
Disability pensions				
Mandatory and non-mandatory membership	mandatory	mandatory	not applicable	not applicable
Formula of benefits (lump sum or annuities)	the amount for the invalidity pension is calculated according to the laws applicable to the old age pension	the amount for the invalidity pension is calculated according to the rules applicable to the old age pension	not applicable	the amount of the supplement to the invalidity pension is calculated according to the rules applicable to the old age pension
Benefits formula (DG or DC), use of gender specific life expectancy tables,	no	no	not applicable	no
Benefits formula, base for calculation of benefits (final salary, careers averages, contribution accumulated etc.)	the benefits for the invalidity pension are calculated according to the rules applicable to the old age pension there are specific rules about accumulation	the benefits for the invalidity pension are calculated according to the rules applicable to the old age pension the benefit is suspended if the beneficiary continued to work as lawyer or solicitor	not applicable	final salary
Survivors				
	protection in the risk	protection in the risk	supplement to death benefits	supplement to survivor pension and death benefit
Health				
	special regime for civil servants(ADSE)	National Health System	National Health System	National Health System



II. Statistical data

Pillar I - Statutory social protection regimes

Old-age pensions

1 - Old-age pensioners by age cohort: 1990-2008

PENSIONISTAS DE VELHICE EM 31 DEZEMBRO

por grupos etários

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Com menos de 60 anos	6.200	5.939	5.726	5.698	5.700	5.313	4.961	4.703	4.325	7.349	11.420	14.623	17.933	21.749	28.611	37.258	39.993	43.759	43.354
De 60 a 64 anos	114.867	115.171	117.756	121.665	117.524	112.475	94.212	66.975	46.573	35.589	52.148	56.086	59.658	63.230	71.957	97.952	107.489	116.244	128.080
De 65 a 69 anos	387.028	396.223	401.478	408.846	411.239	411.702	413.410	421.111	421.858	417.787	422.819	430.827	426.368	425.437	433.802	431.691	427.935	425.346	427.430
De 70 a 74 anos	309.093	316.725	329.377	347.157	366.461	372.101	381.655	385.559	391.286	392.849	397.313	402.016	411.980	414.296	418.570	423.665	428.416	428.414	432.231
De 75 a 79 anos	262.036	260.654	257.572	251.219	245.290	253.880	261.909	272.625	287.588	302.674	309.138	319.687	324.723	331.225	336.898	340.215	345.352	355.896	360.259
De 80 a 84 anos	160.142	165.388	172.148	176.966	179.918	182.489	182.575	180.347	176.311	171.082	179.297	188.632	198.216	210.521	224.392	230.307	239.206	245.010	261.839
Com mais de 84 anos	89.683	92.966	98.706	104.611	109.500	116.950	122.680	128.401	133.504	134.801	139.156	144.909	146.770	147.122	148.816	156.409	164.976	174.058	183.859
TOTAL	1.329.049	1.353.066	1.382.763	1.416.162	1.435.632	1.454.910	1.461.402	1.459.721	1.460.445	1.462.131	1.511.291	1.556.780	1.585.648	1.613.580	1.662.046	1.717.497	1.753.367	1.790.727	1.827.052

2 - Index of old-age dependency of present level and projections until 2050

PN-C2: ÍNDICE DE DEPENDÊNCIA DOS IDOSOS, NÍVEL ACTUAL E PROJEÇÕES

População de 65+ anos em percentagem da população entre os 15-64 anos.

	2004	2005	2010	2015	2020	2025	2030	2035	2040	2045	2050
Portugal	24,9	25,2	26,5	28,8	31,6	34,8	39,2	43,6	49,1	55,0	58,5
Portugal - EUROPOP 2008			26,6	28,6	30,7	33,2	36,6	40,1	44,6	49,5	53,0

Fonte: EPC/AWG: The impact of ageing on public expenditure: projections for the EU25 Member States on pensions, health care, long-term care, education and unemployment transfers (2004-2050), Special Report n° 1/2006-Annex

3 - Index of dependency on pension system – present level and projections until 2050

PN-C4: ÍNDICE DE DEPENDÊNCIA NO SISTEMA DE PENSÕES

Número de pensionistas em relação ao número de contribuintes, nível actual e projecções até 2050.

	2004	2005	2010	2015	2020	2025	2030	2040	2050
Portugal	71,0	:	74,0	82,0	92,0	102,0	114,0	140,0	157,0
UE 15	71,0	:	71,0	73,0	78,0	85,0	93,0	105,0	109,0
UE 25	68,0	:	67,0	69,0	74,0	79,0	87,0	98,0	104,0

Fonte: EPC/AWG: The impact of ageing on public expenditure: projections for the EU25 Member States on pensions, health care, long-term care, education and unemployment transfers (2004-2050), Special Report n° 1/2006-Annex

Invalidity

4 - Invalidity pensioners by age cohort: 1990 - 2008

PENSIONISTAS DE INVALIDEZ (EM 31 DEZEMBRO)

por grupo etário

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Com menos de 20 anos	865	944	1.018	1.025	984	1.008	930	802	722	538	492	462	543	504	480	433	455	322	308
20 a 24 anos	6.424	6.202	6.291	5.992	5.705	5.436	5.285	5.170	4.895	4.506	4.083	3.885	3.604	3.348	3.254	3.212	3.108	3.087	3.012
25 a 29 anos	9.686	9.603	9.892	9.520	9.192	8.963	8.767	8.429	8.183	7.819	7.486	7.404	7.097	6.749	6.545	6.195	5.852	5.607	5.442
30 a 34 anos	12.353	12.351	12.725	12.405	12.172	11.901	11.685	11.379	11.193	10.890	10.627	10.558	10.223	9.964	9.664	9.422	9.108	8.873	8.470
35 a 39 anos	16.648	16.439	16.625	16.264	15.841	15.481	15.301	15.172	14.789	14.605	14.466	14.378	14.186	13.896	13.687	13.410	13.219	12.953	12.834
40 a 44 anos	24.711	24.288	24.459	23.203	22.473	22.030	21.269	20.833	20.400	20.034	19.667	19.695	19.316	18.907	18.948	18.789	18.583	18.347	18.167
45 a 49 anos	38.344	37.499	36.530	35.883	35.106	34.143	33.795	33.680	32.190	31.009	30.184	29.292	28.792	28.298	28.055	27.529	27.152	26.680	26.046
50 a 54 anos	76.589	70.352	65.717	61.444	57.046	55.916	56.198	55.210	54.374	53.207	51.746	50.830	51.383	49.456	47.879	46.405	44.699	43.158	42.358
55 a 59 anos	146.105	139.774	131.953	125.167	117.733	109.979	102.671	97.574	92.956	88.767	88.006	87.236	86.616	86.120	84.957	82.707	81.383	81.293	76.759
60 a 64 anos	146.895	142.944	141.443	136.752	131.218	125.751	133.423	147.482	157.402	162.600	143.297	133.587	130.271	125.705	122.637	109.821	110.808	109.901	109.143
65 a 69 anos	551	500	751	629	192	2.079	1.974	2.034	442	0	0	0	0	0	0	0	0	0	0
Com mais de 69 anos	290	381	367	354	161	189	203	228	251	0	0	0	0	0	0	0	0	0	0
TOTAL	479.461	461.457	447.771	428.638	407.823	392.866	391.781	398.002	397.797	393.975	370.053	357.327	352.031	342.947	336.206	318.013	314.367	310.221	302.538

Source: Institute of Informatics IP, Department of Information Management

5 - Invalidity pensioners by district and other areas of residence: 1990 - 2008

PENSIONISTAS DE INVALIDEZ EM 31 DEZEMBRO

por distritos e outras regiões de residência

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Aveiro	31.899	30.568	29.755	28.362	26.702	25.315	24.708	25.107	24.823	24.641	22.744	22.142	21.592	21.315	21.100	19.890	19.614	19.513	19.200
Beja	10.818	10.225	9.810	9.261	8.756	8.476	8.417	8.574	8.476	8.436	7.414	6.973	6.679	6.418	6.222	5.750	5.649	5.525	5.361
Braga	39.400	37.853	37.069	35.527	33.581	32.104	32.077	32.719	32.670	32.397	30.718	29.096	28.841	28.324	27.829	26.738	26.506	26.525	26.405
Bragança	10.217	10.074	9.923	9.545	9.023	8.642	8.509	8.747	8.793	8.617	7.594	6.980	6.729	6.332	5.984	5.623	5.356	4.962	4.524
Castelo Branco	13.596	12.747	12.004	11.231	10.463	9.773	9.528	9.556	9.367	9.166	8.367	7.925	7.705	7.327	7.127	6.680	6.481	6.366	6.129
Coimbra	21.228	20.046	19.028	18.152	17.582	17.066	17.323	17.823	17.889	18.003	16.816	16.330	16.423	15.973	15.868	15.420	15.470	15.001	14.516
Évora	9.053	8.472	7.983	7.488	7.033	6.849	7.016	7.362	7.494	7.483	6.910	6.689	6.586	6.424	6.307	5.989	6.007	6.122	6.241
Faro	11.042	10.635	10.256	9.569	8.945	8.564	8.597	8.843	8.783	8.889	8.570	8.344	8.324	8.218	8.131	7.894	7.999	8.111	8.159
Guarda	11.641	11.031	10.451	9.955	9.502	9.168	8.909	8.860	8.725	8.607	7.652	7.237	6.953	6.724	6.545	6.212	6.185	5.964	5.534
Leiria	23.009	21.906	20.799	19.752	18.629	17.624	17.409	17.424	17.385	17.431	16.146	15.737	15.405	15.134	14.914	14.512	14.555	14.594	14.686
Lisboa	101.968	97.680	93.766	90.046	86.714	83.220	82.268	82.367	82.354	81.798	77.154	73.371	71.490	68.761	65.784	59.792	57.705	55.714	52.976
Portalegre	7.564	7.284	7.075	6.894	6.628	6.386	6.407	6.576	6.579	6.388	5.811	5.425	5.287	5.019	4.851	4.544	4.553	4.512	4.405
Porto	71.353	69.224	68.114	65.123	62.591	60.393	60.617	61.384	60.571	61.530	58.791	56.980	56.410	55.135	54.221	51.024	50.628	50.270	49.607
Santarém	20.081	19.388	18.548	17.501	16.494	15.790	15.508	15.671	15.821	15.846	14.655	14.278	14.446	14.453	14.630	14.474	14.650	14.739	14.760
Setúbal	33.243	32.565	31.910	30.895	29.671	28.739	28.674	29.467	29.850	29.801	28.377	27.090	26.356	25.642	25.105	23.489	23.455	23.167	22.014
Viana do Castelo	11.135	11.112	10.923	10.447	10.013	9.899	10.037	10.382	10.627	10.744	9.936	9.744	9.665	9.738	9.618	9.339	9.226	9.001	8.559
Vila Real	14.190	13.038	12.093	11.057	10.044	9.504	9.355	9.245	9.224	9.124	8.345	8.051	7.920	7.705	7.549	7.278	7.139	6.958	6.782
Viseu	20.758	19.349	18.121	16.877	15.418	14.203	13.826	13.763	13.474	12.914	11.473	10.744	10.410	10.008	9.696	9.225	9.091	8.918	8.687
R. A. Açores	9.155	9.034	9.751	9.832	8.142	8.440	8.834	9.507	9.935	6.751	6.945	8.481	8.741	8.777	8.869	8.808	8.743	8.807	8.783
R. A. Madeira	5.338	5.515	5.999	6.299	6.378	6.464	6.862	7.030	7.198	7.347	7.312	7.387	7.561	7.420	7.694	7.593	7.836	7.991	7.588
Estrangeiro	2.757	3.711	4.363	5.025	5.514	6.157	6.930	7.576	7.759	8.162	8.314	8.343	8.508	8.104	8.162	7.759	7.519	7.461	7.626
TOTAL	479.461	461.457	447.771	428.638	407.823	392.866	391.781	398.002	397.797	393.975	370.053	357.327	352.031	342.947	336.206	318.013	314.367	310.221	302.538

Source: Institute of Informatics IP, Department of Information Management

Survivors

6 – Survivors Pensioners by degree of kinship: 1990 -2008

PENSIONISTAS DE SOBREVIVÊNCIA (EM 31 DEZEMBRO)

por grau de parentesco

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Ascendentes ou equiparados	2.311	2.173	2.068	1.985	1.209	1.168	1.108	1.076	1.018	972	911	851	794	571	530	494	404	382	339
Conjuges ou ex-conjuges	316.683	339.870	364.744	398.118	421.538	445.319	466.497	486.961	504.142	517.439	533.159	549.900	562.303	574.257	588.856	599.501	610.278	621.651	629.198
Descendentes ou equiparados	74.741	73.760	69.295	69.759	70.212	69.990	69.216	69.030	68.169	66.254	64.855	64.112	63.208	62.139	62.248	61.452	60.365	59.784	58.719
TOTAL	393.745	415.803	436.107	469.862	492.959	516.475	536.821	557.067	573.329	584.665	598.925	614.863	626.305	636.967	651.634	661.447	671.047	681.817	688.256

Source: Institute of Informatics IP, Department of Information Management

7 - Survivors Pensioners by district and other areas of residence: 1190 - 2008

PENSIONISTAS DE SOBREVIVÊNCIA EM 31 DEZEMBRO

por distritos e outras regiões de residência

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Aveiro	25.274	26.492	27.913	29.936	31.190	32.417	33.801	34.806	35.822	36.516	37.533	38.374	39.198	39.963	40.871	41.454	41.932	42.881	43.495
Beja	8.179	8.679	9.232	10.250	10.727	11.140	11.810	11.984	12.357	12.620	12.832	12.988	13.188	13.311	13.619	13.659	13.787	13.880	13.978
Braga	26.304	28.264	29.583	31.504	32.525	33.910	34.989	36.129	37.133	37.956	38.835	39.708	40.267	41.193	42.368	43.226	43.884	44.766	45.245
Bragança	5.673	6.093	6.621	7.381	8.100	8.636	9.003	9.369	9.535	9.920	10.091	10.310	10.264	10.467	10.736	10.784	10.999	11.166	11.170
Castelo Branco	10.342	11.027	11.780	13.120	14.066	14.673	15.332	15.824	16.277	16.590	16.861	17.150	17.324	17.505	17.713	17.831	17.905	18.005	17.958
Coimbra	17.118	18.155	19.202	20.775	21.900	22.992	23.890	24.681	25.540	26.199	26.892	27.310	27.758	28.055	28.651	29.041	29.359	29.737	29.862
Évora	7.706	8.109	8.591	9.266	9.829	10.297	10.895	11.187	11.580	11.784	12.102	13.159	12.448	12.641	12.872	12.976	13.104	13.277	13.321
Faro	13.503	14.418	15.438	16.711	17.718	18.707	19.566	20.308	21.170	21.868	22.334	22.860	23.368	23.742	24.288	24.695	25.116	25.604	25.889
Guarda	7.200	7.894	8.756	10.015	10.608	11.226	11.851	12.174	12.489	12.833	13.061	13.333	13.384	13.589	13.769	13.783	13.881	13.946	13.927
Leiria	15.939	16.986	18.043	19.871	21.044	22.448	23.388	24.425	25.455	26.324	26.972	27.801	28.314	28.797	29.536	30.197	30.702	31.247	31.563
Lisboa	82.551	86.212	89.102	94.237	97.990	101.893	105.176	108.887	111.928	114.788	117.351	120.015	121.804	123.427	125.653	127.210	128.937	130.380	131.061
Portalegre	6.597	7.072	7.594	8.372	8.760	9.198	9.600	9.870	10.105	10.288	10.428	10.636	10.719	10.815	10.991	11.027	11.041	11.087	11.086
Porto	66.231	68.786	70.405	73.385	75.815	78.648	81.066	83.543	85.471	87.826	89.380	91.692	93.530	95.214	97.411	98.817	100.561	102.365	103.565
Santarém	19.051	20.810	22.343	24.496	25.736	26.980	28.134	29.457	30.129	30.947	31.690	32.276	32.779	33.071	33.758	34.080	34.637	35.021	35.258
Setúbal	27.217	28.560	29.724	31.386	32.839	34.507	36.158	37.699	39.042	40.274	41.429	42.750	43.766	44.582	45.839	46.846	47.595	48.754	49.421
Viana do Castelo	9.046	9.746	10.274	11.099	11.614	12.306	12.850	13.303	13.709	14.058	14.397	14.626	14.857	15.247	15.595	15.808	16.051	16.358	16.519
Vila Real	9.412	10.099	10.672	11.995	12.681	13.252	13.740	14.203	14.499	14.857	15.199	15.514	15.644	15.816	16.077	16.232	16.379	16.473	16.462
Viseu	14.445	15.321	16.451	18.200	19.279	20.582	21.505	22.390	23.023	23.682	24.129	24.230	25.045	25.381	25.970	26.360	26.705	27.002	27.316
R. A. Açores	7.470	7.813	8.368	10.180	11.527	12.352	12.871	13.334	13.851	10.375	11.581	13.470	14.132	14.215	14.448	14.645	14.692	14.743	14.838
R. A. Madeira	11.631	11.922	12.118	13.134	13.846	14.413	15.139	15.744	15.965	15.791	15.752	16.500	16.720	17.082	17.384	17.648	17.841	18.088	17.211
Estrangeiro	2.856	3.347	3.899	4.549	5.165	5.898	6.833	7.750	8.469	9.217	10.078	11.041	11.996	12.854	14.085	15.128	15.939	17.087	19.111
TOTAL	393.745	415.803	436.107	469.862	492.939	516.475	536.821	557.067	573.329	584.693	598.925	615.739	626.305	636.967	651.634	661.447	671.047	681.817	688.256

Source: Institute of Informatics IP, Department of Information Management

Sickness/health/ long-term care

8 – Number of leaves with payment of benefits for giving assistance in health to children or disabled children: 2001-2008

N.º DE BAIXAS COM PROCESSAMENTO DE SUBSÍDIO POR ASSISTÊNCIA NA DOENÇA A DESCENDENTES MENORES OU DEFICIENTES DE 2001 A 2008
por ano e centro distrital

	2001	2002	2003	2004	2005	2006	2007	2008
TOTAL	41.071	52.212	45.353	41.758	37.503	38.198	42.836	51.264
Aveiro	6.560	7.019	6.413	4.617	4.216	4.116	4.666	5.310
Beja	158	242	236	201	216	206	290	433
Braga	4.758	5.330	5.491	4.744	4.312	3.767	3.766	4.040
Bragança	87	86	88	87	88	99	133	188
Castelo Branco	1.218	1.302	1.217	998	814	824	949	1.024
Coimbra	1.414	1.510	1.407	1.410	1.212	1.397	1.635	2.100
Évora	366	416	459	506	437	539	489	697
Faro	547	777	790	852	902	977	1.285	1.692
Guarda	343	529	524	436	490	372	453	505
Leiria	2.011	1.744	1.624	1.860	1.576	1.543	1.739	1.997
Lisboa	7.525	9.448	8.157	8.120	7.691	8.799	9.841	12.593
Portalegre	251	363	366	361	361	352	339	455
Porto	10.523	16.807	12.142	11.304	8.842	8.782	9.929	11.146
Santarém	1.491	1.661	1.723	1.612	1.560	1.659	1.871	2.367
Setúbal	1.158	1.367	1.272	1.281	1.213	1.247	1.443	2.088
Viana do Castelo	764	1.248	1.013	859	884	865	1.006	1.068
Vila Real	236	310	278	330	227	231	243	413
Viseu	637	699	663	699	729	683	762	985
R. A. Açores	701	906	914	870	953	931	1.038	1.273
R. A. Madeira	323	448	576	611	780	809	959	890

Nota 1: Um beneficiário pode ter processamentos de baixas em mais de um centro distrital.

Nota 2: A partir de 2004, apenas são contabilizados beneficiários com lançamento cujo o motivo tenha sido "Concessão Normal".

9 - Beneficiaries with sickness benefit: 2001-2008

N.º DE BENEFICIÁRIOS COM PROCESSAMENTO DE SUBSÍDIO POR DOENÇA DE 2001 A 2008

por ano, regime da ss e tipo de subsídio

	2001			2002			2003			2004			2005			2006			2007			2008		
	Subsídio por Tuberculose	Subsídio por Outras Doenças	Total	Subsídio por Tuberculose	Subsídio por Outras Doenças	Total	Subsídio por Tuberculose	Subsídio por Outras Doenças	Total	Subsídio por Tuberculose	Subsídio por Outras Doenças	Total	Subsídio por Tuberculose	Subsídio por Outras Doenças	Total	Subsídio por Tuberculose	Subsídio por Outras Doenças	Total	Subsídio por Tuberculose	Subsídio por Outras Doenças	Total	Subsídio por Tuberculose	Subsídio por Outras Doenças	Total
Total	2.270	643.940	646.210	2.214	600.786	603.000	2.204	608.325	610.529	2.080	584.170	586.250	1.918	553.613	555.531	1.736	512.222	513.958	1.659	546.797	548.456	1.534	548.357	549.891
Regime Geral / Domésticas	2.085	604.313	586.408	2.045	553.479	555.524	2.052	585.885	588.037	1.822	541.179	543.101	1.791	516.848	518.739	1.623	461.970	483.593	1.580	520.290	521.856	1.480	526.857	528.317
Independentes - Esquema Alargado	175	59.686	59.781	189	47.282	47.431	152	42.302	42.454	158	42.910	43.068	127	36.588	36.716	113	30.178	30.291	93	28.418	26.511	74	21.423	21.467
Regime de Seguro Social Voluntário	0	41	41	0	45	45	0	38	38	0	81	81	0	76	76	0	74	74	0	89	89	0	77	77

Nota: - A partir de 2004, apenas são contabilizados beneficiários com lançamento cujo o motivo tenha sido "Concessão Normal".

Source: Institute of Informatics IP, Department of Information Management

10 – Beneficiaries with sickness benefit in December 2008, by sex

Nº DE BENEFICIÁRIOS COM PROCESSAMENTO DE SUBSÍDIO POR DOENÇA EM DEZEMBRO DE 2008

por sexo e escalão etário

	Feminino	Masculino	Total
TOTAL	61.084	41.693	102.777
< 20 anos	364	382	746
20 a 24 anos	3.275	2.406	5.681
25 a 29 anos	6.550	3.515	10.065
30 a 34 anos	8.690	4.558	13.248
35 a 39 anos	8.068	4.507	12.575
40 a 44 anos	7.817	4.909	12.726
45 a 49 anos	8.002	5.453	13.455
50 a 54 anos	7.715	6.176	13.891
55 a 59 anos	5.976	5.917	11.893
60 a 64 anos	4.121	3.654	7.775
65 a 69 anos	437	190	627
> 69 anos	69	26	95

Nota:

Apenas são contabilizados baixas com lançamento cujo o motivo tenha sido "Concessão Normal".

Source: Institute of Informatics IP, Department of Information Management

11 - Proportion of the population covered by the public and private health system: 2001 - 2006

HC-P4: PROPORÇÃO DE POPULAÇÃO COBERTA PELO SISTEMA DE SAÚDE PÚBLICO E PRIVADO

	2000	2001	2002	2003	2004	2005	2006
Portugal							
Public health expenditure as % of THE ₁	72,5 ^a	71,5	72,2	73,3	72	71,8	70,6
Public system coverage ₁	100,0	100,0	100,0	100,0	100,0	100,0	100,0
Eligibility for public coverage ₂	All population is covered by the National Health Service system, financed by general taxation.						
PHI as % of THE ₁	1.5 (1997)						
Population covered by PHI, % ₃	14.8						
Types of private coverage	Duplicate, Complementary, Supplementary						

Fonte: OCDE

Notas:

1. OECD Health Data 2008. ^a Break in series
2. OECD Regulatory Questionnaire on Private Health Insurance, 2003 and other official sources.
3. OECD Statistical Questionnaire on Private Health Insurance, 2000 data, unless otherwise specified.
4. PHIAC (2002), Operations of the Registered Health Benefits Organisations Annual Report 2001-02. Data refer to June 2001.

Source: OCDE

Family benefits

12 – Beneficiaries of family benefit: 2000 - 2008

Nº DE TITULARES COM PROCESSAMENTO DE ABONO DE FAMILIA
por cdsss e ano

	2000	2001	2002	2003	2004	2005	2006	2007	2008
Aveiro	145.083	143.899	142.735	139.683	134.377	133.232	129.917	134.193	134.340
Baja	21.249	20.659	20.369	19.894	19.346	18.916	19.954	20.477	21.201
Braga	181.049	180.463	176.732	177.230	173.206	168.595	172.439	172.584	172.357
Bragança	20.567	20.147	19.769	18.898	17.937	16.364	16.718	17.409	17.724
Castelo Branco	30.443	29.850	29.102	28.508	27.309	26.772	26.789	27.174	27.375
Coimbra	63.578	62.603	61.647	60.969	58.180	58.870	58.801	60.531	61.693
Evora	24.046	23.548	23.457	23.694	22.788	22.175	22.901	23.255	23.928
Faro	67.578	66.269	66.691	70.809	67.862	66.939	68.810	73.802	78.386
Guarda	28.075	27.367	26.779	25.903	24.448	24.455	23.805	24.048	24.255
Leiria	85.276	84.786	84.228	86.855	83.171	81.635	83.923	84.187	85.109
Lisboa	392.753	402.080	412.872	421.112	397.694	366.574	377.096	395.552	403.283
Portalegre	17.879	17.673	17.721	17.509	16.620	16.373	16.670	17.161	17.357
Porto	365.588	362.642	363.353	359.724	342.798	334.727	343.839	348.412	349.899
Santarém	66.492	66.360	64.579	65.116	63.315	62.054	64.934	66.432	68.192
Setúbal	89.164	90.080	92.169	93.571	89.054	91.831	94.894	107.276	116.974
Viana do Castelo	42.147	40.921	40.488	40.141	38.459	37.696	37.602	38.965	39.292
Vila Real	36.756	35.739	34.366	34.130	32.849	32.112	31.689	32.400	32.333
Viseu	66.865	65.532	64.952	63.461	59.869	58.525	59.406	60.779	61.748
Angra do Heroísmo	14.099	13.686	13.674	13.320	12.858	12.452	12.496	12.408	12.609
Horta	5.801	5.955	6.103	6.121	5.951	5.657	5.743	5.620	5.585
Ponta Delgada	33.085	32.222	31.966	31.369	32.207	30.332	31.692	32.003	32.264
R. A. Madeira	50.791	50.440	50.160	49.225	47.781	46.018	47.527	47.308	46.916
Total	1.848.364	1.843.121	1.847.913	1.847.242	1.768.079	1.732.314	1.747.645	1.801.996	1.832.820

Notas:

Apenas são contabilizados os titulares com lançamento cujo o motivo tenha sido "Concessão Normal".

Caso um beneficiário transite de centro distrital no mês ele é contabilizado uma vez em cada um dos centros distritais

Source: Institute of Informatics IP, Department of Information Management

13 – Beneficiaries of lifetime benefit in 2008, by district

Nº DE TITULARES COM PROCESSAMENTO DE SUBSÍDIO VITALÍCIO EM 2008
por cdsss e mês

	Janeiro	Fevereiro	Março	Abril	Maior	Junho	Julho	Agosto	Setembro	Outubro	Novembro	Dezembro
Aveiro	833	847	-	857	849	837	720	858	123	857	865	855
Beja	188	192	-	196	199	195	172	201	33	203	202	200
Braga	888	883	-	899	902	902	863	911	178	935	942	928
Bragança	117	120	-	121	121	123	110	128	9	130	130	132
Castelo Branco	237	241	-	242	245	243	202	252	43	254	255	251
Coimbra	484	493	-	492	497	491	398	500	69	505	504	498
Évora	146	157	-	161	162	153	142	166	34	167	167	159
Faro	284	289	-	296	301	297	189	301	102	308	308	311
Guarda	155	160	-	164	162	160	136	163	31	165	163	159
Leiria	404	411	-	411	412	415	370	419	87	423	426	421
Lisboa	3.025	3.049	-	3.069	3.065	3.074	2.978	3.091	508	3.121	3.124	3.101
Portalegre	122	128	-	132	133	134	111	134	19	138	138	129
Porto	1.846	1.871	-	1.801	1.909	1.927	1.787	1.938	315	1.953	1.956	1.931
Santarém	407	408	-	415	421	400	365	427	78	430	434	427
Setúbal	454	470	-	481	483	472	410	487	60	488	488	464
Viana do Castelo	278	301	-	313	314	315	261	319	37	324	324	313
Vila Real	177	181	-	186	184	186	154	191	31	192	192	188
Viseu	333	340	-	342	344	344	290	353	46	361	364	360
Angra do Heroísmo	39	40	-	40	39	36	33	39	11	40	40	40
Horta	29	29	-	29	29	29	27	31	6	31	32	30
Ponta Delgada	69	69	-	69	70	64	67	72	8	71	71	73
Madeira	505	506	-	507	506	479	441	508	97	510	511	506
TOTAL	11.000	11.185	-	11.323	11.347	11.276	10.224	11.487	1.925	11.604	11.636	11.474

Notas:

Apenas são contabilizados beneficiários com lançamento cujo o motivo tenha sido "Concessão Normal".

Caso um titular transite de centro distrital no mês ele é contabilizado uma vez em cada um dos centros distritais

Em Fevereiro foi efectuado o processamento referente ao mês de Fevereiro e Março

Em Agosto foi efectuado o processamento referente ao mês de Agosto e Setembro

Source: Institute of Informatics IP, Department of Information Management

14 – Beneficiaries of maternity benefit: 2001 - 2008

Nº DE BENEFICIÁRIOS COM PROCESSAMENTO DE SUBSÍDIO POR MATERNIDADE DE 2001 A 2008

por ano e regime da es

	2001	2002	2003	2004	2005	2006	2007	2008
Total	73.342	72.566	78.672	76.346	76.127	73.110	75.297	75.123
Regime Geral / Domésticas	69.549	69.158	75.399	72.649	72.307	69.693	71.875	71.802
Independentes - Esquema Alargado	3.793	3.408	3.273	3.697	3.820	3.417	3.422	3.321

Nota 1: A partir de 2004, apenas são contabilizados beneficiários com lançamento cujo o motivo tenha sido "Concessão Normal".

Source: Institute of Informatics IP, Department of Information Management

15 – Beneficiaries of maternity by age cohort: 2001 - 2008

Nº DE BENEFICIÁRIOS COM PROCESSAMENTO DE SUBSÍDIO POR MATERNIDADE DE 2001 A 2008

por ano e escalões etários

	2001	2002	2003	2004	2005	2006	2007	2008
TOTAL	73.342	72.566	78.672	76.346	76.127	73.110	75.297	75.123
Menos de 20 anos	1.303	1.149	1.034	851	708	537	515	452
[20 a 24] anos	12.363	11.113	10.959	10.137	9.237	8.032	7.772	7.325
[25 a 29] anos	26.148	25.733	27.521	25.686	24.636	22.586	21.613	21.304
[30 a 34] anos	22.248	22.920	25.618	25.882	27.082	27.115	28.636	28.781
[35 a 39] anos	9.258	9.659	11.105	11.260	11.853	12.008	13.353	14.158
[40 a 44] anos	1.880	1.868	2.286	2.356	2.449	2.660	2.818	2.905
[45 a 49] anos	129	109	124	158	152	161	179	190
[50 a 54] anos	4	10	14	9	3	11	6	4
mais de 55 anos	9	5	11	7	7	0	5	4

Nota1: A partir de 2004, apenas são contabilizados beneficiários com lançamento cujo o motivo tenha sido "Concessão Normal".

Source: Institute of Informatics IP, Department of Information Management

16 – Beneficiaries of the 5 days benefit by district: 2004 - 2008

Nº DE BENEFICIÁRIOS COM PROCESSAMENTO DE SUBSÍDIO POR LICENÇA DE 5 DIAS DE 2004 A 2008

por ano e centro distrital

	2004	2005	2006	2007	2008
TOTAL	40.813	42.984	42.894	45.689	45.976
Aveiro	3.311	3.445	3.378	3.497	3.531
Beja	270	297	331	312	327
Braga	4.942	4.953	4.736	4.587	4.520
Bragança	174	171	171	212	239
Castelo Branco	581	598	596	620	588
Coimbra	1.322	1.432	1.451	1.555	1.500
Evora	429	458	453	479	545
Faro	1.328	1.487	1.553	1.832	1.871
Guarda	323	449	389	393	397
Leiria	2.050	2.333	2.264	2.371	2.353
Lisboa	8.808	9.776	9.919	10.775	10.113
Portalegre	257	288	335	293	311
Porto	9.386	9.097	9.041	9.422	9.656
Santarém	1.646	1.722	1.863	2.048	2.074
Setúbal	2.020	2.069	2.162	2.689	3.249
Viana do Castelo	883	987	906	1.009	901
Vila Real	445	382	368	372	476
Viseu	1.359	1.493	1.379	1.415	1.419
R. A. Açores	787	875	841	912	1.001
R. A. Madeira	482	672	758	896	905

Nota 1: Um beneficiário pode ter processamentos de baixas em mais de um centro distrital.

Nota 2: Apenas são contabilizados beneficiários com lançamento cujo o motivo tenha sido "Concessão Normal".

Source: Institute of Informatics IP, Department of Information Management

17 – Beneficiaries of paternity benefit 2004-2008

Nº DE BENEFICIÁRIOS COM PROCESSAMENTO DE SUBSÍDIO POR PATERNIDADE DE 2004 A 2008

	2004	2005	2006	2007	2008
TOTAL	391	413	438	551	605

Nota 1: Apenas são contabilizados beneficiários com lançamento cujo o motivo tenha sido "Concessão Normal".

Source: Institute of Informatics IP, Department of Information Management

18 – Beneficiaries of parental leave benefit by month, in 2008

Nº DE BENEFICIÁRIOS COM PROCESSAMENTO DE SUBSÍDIO POR LICENÇA PARENTAL EM 2008
por mês

	Janeiro	Fevereiro	Março	Abril	Maior	Junho	Julho	Agosto	Setembro	Outubro	Novembro	Dezembro
TOTAL	3.245	3.008	2.536	3.542	2.503	3.538	3.045	2.527	3.845	4.307	3.457	2.966
Norte	1.153	1.070	817	1.295	861	1.222	1.172	891	1.420	1.512	1.239	1.016
Braga	327	342	188	436	252	454	348	245	407	411	398	254
Bragança	11	10	10	7	10	12	7	21	13	9	14	7
Porto	715	638	529	747	524	640	741	553	873	1.006	742	562
Viana Castelo	82	65	74	81	49	86	56	53	96	62	65	68
Vila Real	18	15	16	24	26	30	20	9	31	24	20	25
Centro	667	611	555	722	563	831	611	615	837	866	723	669
Aveiro	240	242	222	263	209	324	243	210	320	367	272	239
Castelo Branco	54	35	25	45	38	52	34	39	50	35	42	50
Coimbra	93	102	85	106	85	129	85	96	146	117	123	79
Guarda	17	20	21	21	18	27	21	17	32	21	20	16
Leiria	159	142	127	196	137	202	149	169	156	208	157	181
Viseu	104	70	75	91	76	97	79	84	133	118	109	104
Lisboa e Vale Tejo	1.104	1.047	903	1.166	826	1.127	972	746	1.201	1.538	1.146	1.002
Lisboa	730	665	616	763	535	747	642	499	767	1.022	713	640
Santarém	153	143	105	150	103	146	136	113	208	188	152	134
Setúbal	221	239	182	253	188	234	194	134	226	328	281	228
Alentejo	68	67	55	96	50	72	68	60	97	75	60	74
Beja	18	16	14	31	12	19	20	23	30	15	18	18
Evora	39	37	30	38	16	36	36	32	46	41	26	41
Portalegre	11	14	11	27	22	17	12	5	21	19	16	15
Algarve	133	129	112	125	113	143	116	124	159	159	146	114
R. A. Açores	57	35	47	81	44	74	60	54	70	68	71	58
R. A. Madeira	63	49	47	57	46	69	46	37	61	85	72	33

Nota:

Apenas são contabilizados baixas com lançamento cujo o motivo tenha sido "Concessão Normal".

Source: Institute of Informatics IP, Department of Information Management

19 – Beneficiaries of social insertion income by sex and age cohort, in 2008

BENEFICIÁRIOS COM PROCESSAMENTO DE RSI EM DEZEMBRO DE 2008
por sexo e escalão etário

	Feminino	Masculino	Total
<18 anos	64.890	67.853	132.743
18 anos	3.725	3.627	7.352
19 anos	3.628	3.309	6.937
20 a 24 anos	14.046	10.394	24.440
25 a 29 anos	10.979	7.089	18.068
30 a 34 anos	13.252	9.008	22.260
35 a 39 anos	15.338	11.007	26.345
40 a 44 anos	14.851	12.266	27.117
45 a 49 anos	12.268	11.133	23.401
50 a 54 anos	10.341	9.189	19.530
55 a 59 anos	8.940	7.296	16.236
60 a 64 anos	7.846	5.421	13.267
>=65 anos	7.816	6.776	14.592
Total	187.920	164.368	352.288

Nota:

Dados sujeitos a actualizações

Source: Institute of Informatics IP, Department of Information Management

20 – Families beneficiaries of social insertion income by month and by district, in 2008

FAMÍLIAS COM PROCESSAMENTO DE RSI EM 2008

por mês de processamento e centro distrital

	Janeiro	Fevereiro	Março	Abril	Maió	Junho	Julho	Agosto	Setembro	Outubro	Novembro	Dezembro
Aveiro	3.331	3.430	3.472	3.522	3.587	3.714	3.793	3.787	3.886	3.793	3.881	3.863
Beja	2.057	2.078	2.088	2.145	2.223	2.212	2.211	2.222	2.233	2.282	2.277	2.222
Braga	6.486	6.580	6.657	6.662	6.688	6.801	6.880	6.878	7.006	6.986	6.984	6.809
Bragança	384	389	418	446	469	501	532	517	547	571	584	572
Castelo Branco	1.295	1.353	1.404	1.442	1.493	1.514	1.229	1.446	1.481	1.495	1.495	1.222
Coimbra	4.178	4.189	4.196	4.233	4.249	4.312	4.349	4.405	4.374	4.446	4.378	4.311
Évora	1.772	1.792	1.793	1.836	1.839	1.821	1.844	1.792	1.816	1.784	1.789	1.749
Faro	3.207	3.265	3.291	3.413	3.527	3.648	3.775	3.804	3.737	3.736	3.900	3.819
Guarda	1.385	1.380	1.382	1.394	1.449	1.473	1.486	1.485	1.524	1.474	1.504	1.554
Leiria	2.317	2.286	2.311	2.352	2.409	2.432	2.382	2.409	2.372	2.340	2.333	2.335
Lisboa	14.717	14.762	15.111	16.019	16.759	17.587	18.246	18.304	18.747	18.962	19.461	19.811
Portalegre	1.759	1.766	1.751	1.767	1.863	1.922	1.897	1.913	1.905	1.855	1.891	1.895
Porto	40.751	41.241	41.362	41.990	43.157	43.451	44.394	44.893	45.989	46.989	48.446	48.784
Santarém	3.297	3.252	3.238	3.243	3.241	3.197	3.171	3.150	3.110	3.081	3.118	3.099
Setúbal	6.618	6.660	6.805	6.802	6.822	7.097	7.245	7.311	7.524	7.565	7.568	7.600
Viana do Castelo	1.905	1.933	1.921	1.978	1.976	2.000	1.997	1.985	2.002	2.013	1.958	1.934
Vila Real	3.029	3.046	3.112	3.162	3.197	3.214	3.208	3.231	3.227	3.187	3.221	3.194
Viseu	6.233	6.288	6.284	6.301	6.317	6.388	6.344	6.297	6.349	6.278	6.245	6.207
R. A. Açores	4.887	4.868	4.913	4.962	4.985	5.007	5.018	5.026	5.077	5.053	5.079	5.039
R. A. Madeira	2.670	2.664	2.665	2.658	2.653	2.652	2.623	2.622	2.615	2.577	2.566	2.544
TOTAL	112.278	113.222	114.174	116.327	118.903	120.943	122.624	123.477	125.521	126.467	128.678	128.563

Source: Institute of Informatics IP, Department of Information Management

Unemployment

21 – Unemployment rate by sex and age cohort: 2000 - 2007

B3: TAXA DE DESEMPREGO POR GRUPO ETÁRIO

Número total das pessoas desempregadas expresso em percentagem do total da população activa (15+anos)

Taxa de desemprego total (15+ anos)

	2000	2001	2002	2003	2004	2005	2006	2007
Portugal	4,0	4,0	5,0	6,3	6,7	7,6	7,7	8
Homens	3,2	3,2	4,1	5,4	5,9	6,7	6,5	6,6
Mulheres	4,9	5,0	3,0	7,2	7,6	8,6	9	9,6
UE25	8,6	8,4	8,8	9,0	9,1	8,7	7,9	7,2
Homens	7,4	7,3	7,8	8,1	8,1	7,9	7,1	6,5
Mulheres	10,2	9,8	10,0	10,2	10,3	9,8	9	7,9

Taxa de desemprego Jovens (15-24)

	2000	2002	2004	2005	2006	2007
Portugal	8,4	11,6	15,4	16,1	16,3	16,6
Homens	6,3	9,7	13,6	13,6	14,5	13,5
Mulheres	10,9	13,9	17,7	19,1	18,4	20,3
UE25	17,4	18,2	18,7	18,5	17,1	15,3
Homens	16,0	17,3	18,2	18,2	16,5	14,9
Mulheres	19,0	19,1	19,3	18,9	17,9	15,7

Fontes: Eurostat - Harmonized unemployment series, Annual average

22 – Long term unemployment rate by sex and age cohort: 2000 - 2007

B4: TAXA DE DESEMPREGO DE LONGA DURAÇÃO POR GRUPO ETÁRIO

Total da população em situação de desemprego de longa duração (12 meses ou mais), expresso em percentagem do total da população activa

Taxa de desemprego de Longa Duração

	2000	2001	2002	2003	2004	2005	2006	2007
Portugal	1,7	1,5	1,7	2,2	2,9	3,7	3,8	3,8
Homens	1,4	1,2	1,4	1,8	2,6	3,2	3,3	3,1
Mulheres	2,0	1,9	2,2	2,7	3,4	4,2	4,4	4,5
UE25	3,9	3,8	3,9	4,0	4,1	4,1	3,7	3,0
Homens	3,4	3,3	3,4	3,7	3,7	3,7	3,4	2,8
Mulheres	4,6	4,4	4,4	4,5	4,6	4,5	4,0	3,3

Fontes: LFS, Eurostat

23 - Beneficiaries of unemployment benefit by sex and type of benefit: 1999 -2008

NOVOS BENEFICIÁRIOS COM PRESTAÇÕES DE DESEMPREGO NO ANO

por tipo subsídio e sexo

	1999			2000			2001			2002			2003		
	Feminino	Masculino	Total	Feminino	Masculino	Total	Feminino	Masculino	Total	Feminino	Masculino	Total	Feminino	Masculino	Total
TOTAL	77.177	58.538	135.715	78.663	53.659	132.322	87.800	56.858	144.658	93.181	63.483	156.664	130.058	104.211	234.269
Subsídio Desemprego	40.802	37.404	78.206	42.672	35.482	78.154	51.206	38.308	89.604	56.092	43.226	99.318	94.265	80.117	174.382
Subsídio Social Desemprego Inicial	36.375	21.134	57.509	35.991	18.177	54.168	36.504	18.550	55.054	37.089	20.257	57.346	35.793	24.094	59.887

	2004			2005			2006			2007			2008		
	Feminino	Masculino	Total	Feminino	Masculino	Total	Feminino	Masculino	Total	Feminino	Masculino	Total	Feminino	Masculino	Total
TOTAL	123.663	98.290	221.953	117.835	94.678	212.513	110.009	89.925	199.934	98.828	79.734	178.562	106.228	93.023	199.251
Subsídio Desemprego	101.426	83.038	184.464	97.429	80.369	177.818	90.618	76.119	166.737	87.209	59.417	126.626	71.786	68.579	140.365
Subsídio Social Desemprego Inicial	22.237	15.252	37.489	20.406	14.269	34.695	19.391	13.806	33.197	31.619	20.317	51.936	34.442	24.444	58.886

Nota1: Em 2004, os dados dos centros distritais de Beja e Évora dizem respeito aos beneficiários existentes nos meses de Janeiro a Outubro

Nota2: Em 2005, 2006, 2007 e 2008 apenas são contabilizados beneficiários com lançamento cujo o motivo tenha sido "Concessão Normal".

Source: Institute of Informatics IP, Department of Information Management

24 - Foreign beneficiaries of unemployment benefit by type of benefit: 1999 - 2008

BENEFICIÁRIOS DE NACIONALIDADE ESTRANGEIRA COM PRESTAÇÕES DE DESEMPREGO NO ANO

por tipo de subsídio

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Total	5.982	5.656	6.042	9.397	14.177	19.197	24.943	28.268	28.376	31.335
Subsídio de Desemprego	2.465	2.520	2.811	3.761	7.140	12.513	17.258	19.450	18.116	18.364
Subsídio Social de Desemprego	2.842	2.545	2.628	4.901	6.321	5.238	5.148	5.494	6.489	9.308
Subsídio Social de Desemprego Subsequente	675	591	603	735	716	1.446	2.537	3.324	3.771	3.663
Prolongamento de Subsídio Social de Desemprego	0	0	0	0	0	0	0	0	0	0

Nota1: Caso um beneficiário tenha lançamento por mais de um tipo de subsídio no ano, ele é contabilizado uma vez em cada um dos subsídios

Nota2: Em 2005, 2006, 2007 e 2008 apenas são contabilizados beneficiários com lançamento cujo o motivo tenha sido "Concessão Normal".

Source: Institute of Informatics IP, Department of Information Management

Pillar II - Occupational social security regimes

25 – Old-age pensions and survivor pensions: 2003 - 2007

	Valores dos últimos 5 anos (2003 a 2007)	
Pensões novas		
	Aposentação/Reforma	119 660
	Sobrevivência e outras	40 750
Processos de contagem de tempo instruídos		84 282

Source: Caixa Geral de Aposentações *in* <http://www.cga.pt/apresentacao.asp>

26 – Old-age pensions and survivor pensions, in 2007

	Valores actuais (2007-12-31)	
Subscritores inscritos		675 560
Pensões pagas		
	Aposentação/Reforma	402 665
	Sobrevivência e outras	131 603
Valores médios de pensão		
	Aposentação/Reforma	€ 1 168,63
	Sobrevivência	€ 396,07

Source: Caixa Geral de Aposentações *in* <http://www.cga.pt/apresentacao.asp>

27 - Retirement and old-age pensions by public administration sector: 2003 - 2007

QUADRO 2 – PENSÕES DE APOSENTAÇÃO E REFORMA – NOVOS ABONOS

Área de origem	2003	2004	2005	2006	2007	Total
Administração Central	18 697	10 237	10 091	14 949	10 934	64 908
Administração Regional	1 039	633	539	769	371	3 351
Administração Local	3 861	2 552	2 041	2 775	2 087	13 316
Forças Armadas	1 242	994	886	990	1 244	5 356
Forças de Segurança	1 265	2 345	289	303	331	4 533
Empresas Públicas/Soc. Anónimas	2 504	1 224	1 092	1 682	552	7 054
Ex-subscritores e outros	5 459	4 279	4 592	3 244	3 568	21 142
	34 067	22 264	19 530	24 712	19 087	119 660

Source: Caixa Geral de Aposentações *in* <http://www.cga.pt/apresentacao.asp>

28 - Survivor pensions and pensions payable as compensation for death in military service and others: 2003-2007

**QUADRO 4 – PENSÕES DE SOBREVIVÊNCIA E DE PREÇO DE SANGUE
E OUTRAS – NOVOS ABONOS**

Tipo de pensão	2003	2004	2005	2006	2007	Total
Sobrevivência	6 828	7 262	7 282	7 784	7 617	36 773
Preço de sangue e outras	153	206	2 727	570	321	3 977
	6 981	7 468	10 009	8 354	7 938	40 750

Source: Caixa Geral de Aposentações *in* <http://www.cga.pt/apresentacao.asp>

29 - Others benefits: 2003 - 2007

QUADRO 5 – OUTRAS PRESTAÇÕES

Prestação	2003	2004	2005	2006	2007
Prestações familiares					
· Abono de família para crianças e jovens ^(a)	22 027	19 441	17 340	15 621	14 350
· Outras prestações					
Subsídio de funeral ^(b)	1 259	533	553	477	504
Prestações mensais ^(c)	1 712	1 832	1 883	1 899	1 942
Subsídio por morte ^(b)	4 473	4 802	4 813	5 267	8 166
Reembolso de despesas de funeral ^(b)	2 630	2 567	2 591	2 900	3 491

(a) População de titulares em 31 de Dezembro.

(b) Número anual de abonos.

(c) População de titulares em 31 de Dezembro (inclui a bonificação, por deficiência, do abono de família para crianças e jovens, e os subsídios mensal vitalício, de educação especial e de assistência de terceira pessoa).

Source: Caixa Geral de Aposentações *in* <http://www.cga.pt/apresentacao.asp>

30 – Subscribers, retired and pensioners: 1998 - 2007

QUADRO 8 - SUBSCRITORES, APOSENTADOS/REFORMADOS E PENSIONISTAS

	Subscritores		Apos./Reformados		Pensionistas		Indicadores	
	Número (1)	Índice 1997=100	Número (2)	Índice 1997=100	Número (3)	Índice 1997=100	(1)/(2)	(1)/ [(2) + (3)]
1998	681 169	104	293 782	103	113 088	102	2,32	1,67
1999	709 167	103	301 893	106	115 628	104	2,35	1,70
2000	747 449	114	309 077	108	117 333	105	2,42	1,75
2001	771 285	118	316 278	111	119 898	108	2,44	1,77
2002	778 782	119	330 052	116	121 192	109	2,36	1,73
2003	778 357	119	355 097	125	121 756	109	2,19	1,63
2004	737 355	113	368 264	129	123 419	111	2,00	1,50
2005	739 664	113	378 279	133	127 033	114	1,96	1,46
2006	708 997	103	393 663	138	129 867	117	1,80	1,35
2007	675 560	103	402 665	141	131 603	118	1,68	1,26

Taxa média de
crescimento

-0,1%

3,6%

1,7%

Source: Caixa Geral de Aposentações in <http://www.cga.pt/apresentacao.asp>

31 - Pensioners by public administration sector: 2003-2007

QUADRO 9 - APOSENTADOS E REFORMADOS POR ÁREAS DE ORIGEM

Área de origem	2003	2004	2005	2006	2007	Taxa média de crescimento
Administração Central, Regional e Local	228 315	239 787	250 497	266 279	276 636	4,9
Regime da ex-Administração Ultramarina	26 417	25 597	24 850	24 196	23 417	(3,0)
Exército	8 565	8 534	8 390	8 282	8 233	(1,0)
Armada	5 081	5 296	5 547	5 668	5 988	4,2
Força Aérea	3 221	3 289	3 346	3 365	3 483	2,0
Guarda Nacional Republicana	15 019	16 328	16 026	15 685	15 452	0,7
Polícia de Segurança Pública	14 065	14 392	14 157	13 945	13 677	(0,7)
Invalidez de Militares	7 171	7 238	7 169	7 087	6 994	(0,6)
Deficientes das Forças Armadas	6 454	6 461	6 467	6 448	6 476	0,1
Subsídios Vitalícios	2 977	3 147	3 065	2 955	2 753	(1,9)
Subvenções Vitalícias	320	321	364	373	377	4,2
Conservadores, Notários e Funcionários da Justiça	3 730	3 653	3 772	3 747	3 652	(0,5)
Empresas Públicas/Soc. Anónimas	27 630	28 174	28 645	29 718	29 666	1,8
Banco Nacional Ultramarino (D.L. n.º 227/96)	2 859	2 792	2 735	2 659	2 588	(2,5)
Macau (D.L. n.º 357/93 e D.L. n.º 14/94/M)	2 179	2 113	2 046	1 981	1 935	(2,9)
Estabel. Ensino Partic. e Cooperativo	1 094	1 142	1 203	1 275	1 338	5,2
	355 097	368 264	378 279	393 663	402 665	3,2

Source: Caixa Geral de Aposentações in <http://www.cga.pt/apresentacao.asp>

32 – Pensioners by sex and age cohort, in December 2007

**QUADRO 10 - APOSENTADOS E REFORMADOS EM 2007.12.31
DISTRIBUIÇÃO POR SEXOS E IDADES**

Escalões etários	Sexo				Total	
	Masculino		Feminino		N.º	%
	N.º	%	N.º	%		
20/24	0	0.0	0	0.0	0	0.0
25/29	33	0.0	0	0.0	33	0.0
30/34	146	0.0	21	0.0	167	0.0
35/39	417	0.1	31	0.0	448	0.1
40/44	1 074	0.3	183	0.0	1 257	0.3
45/49	2 508	0.6	700	0.2	3 208	0.8
50/54	8 092	2.0	6 332	1.6	14 424	3.6
55/59	30 635	7.6	22 901	5.7	53 536	13.3
60/64	44 532	11.1	35 647	8.9	80 179	20.0
65/69	46 539	11.6	31 952	7.8	78 491	19.4
70/74	43 493	10.8	28 682	7.1	72 175	17.9
75/79	30 829	7.7	19 388	4.8	50 217	12.5
80/84	18 671	4.6	11 491	2.9	30 162	7.5
85/89	8 546	2.1	5 116	1.3	13 662	3.4
90/94	2 355	0.6	1 506	0.4	3 861	1.0
95 ou +	468	0.1	377	0.1	845	0.2
	238 338	59.2	164 327	40.8	402 665	100.0

Source: Caixa Geral de Aposentações in <http://www.cga.pt/apresentacao.asp>

33 - Distribution of pensioners by pension type

QUADRO 17 - DISTRIBUIÇÃO DE PENSIONISTAS POR TIPO DE PENSÃO

Tipo de pensão	2003		2004		2005		2006		2007		Taxa média de crescimento
	N.*	%	N.*	%	N.*	%	N.*	%	N.*	%	
Sobrevivência	115 210	94,6	116 995	94,8	118 322	93,1	120 933	93,1	122 736	93,3	1,6
Preço de Sangue e Outras	6 546	5,4	6 424	5,2	8 711	6,9	8 934	6,9	8 867	6,7	7,9
	121 756	100,0	123 419	100,0	127 033	100,0	129 867	100,0	131 603	100,0	2,0

Source: Caixa Geral de Aposentações *in* <http://www.cga.pt/apresentacao.asp>

34 - Evolution of beneficiaries by type: 2007 - 2009

Tipo de Beneficiários	2007	2008	2009
Titulares/Activo	572.260	555.247	567.029
Titulares/Aposentados	274.575	273.988	276.725
Familiares	449.101	457.487	440.583
Total	1.317.192	1.295.936	1.284.337

Source: A ADSE (Direcção-Geral de Protecção Social aos Funcionários e Agentes da Administração Pública) in <http://www.adse.pt/page.aspx?IdCat=352&IdMasterCat=351&MenuLevel=2>

35 - Distribution of beneficiaries, in 2007

beneficiários	2005	2006	2007	Δ
<u>No Activo:</u>				
Titulares	605.178	585.291	572.260	-13.031
Familiares	416.587	406.579	394.286	-12.293
<u>Aposentados:</u>				
Titulares	258.204	269.050	274.575	5.525
Familiares	56.746	56.272	54.815	-1.457
Total	1.336.715	1.317.192	1.295.936	-21.256

Quadro 9 – Distribuição do número de beneficiários (2007)

Source: A ADSE (Direcção-Geral de Protecção Social aos Funcionários e Agentes da Administração Pública) *in* <http://www.adse.pt/page.aspx?IdCat=352&IdMasterCat=351&MenuLevel=2>

Pillar III - Private regimes

36 - Premiums of direct insurance: 1990 - 2006

Prémios Emitidos de Seguro Directo								
U.: Milhares de euros	1990	2000	2001	2002	2003	2004	2005	2006
TOTAL GERAL	1.443	7.067.384	7.989.395	8.413.570	9.450.664	10.471.673	13.444.243	13.122.072
var%	31,3%	5,7%	13,0%	5,3%	12,3%	10,8%	28,4%	-2,4%
RAMO VIDA	345	3.789.476	4.487.382	4.561.779	5.401.581	6.249.774	9.136.307	8.761.543
var%	51,8%	0,8%	18,4%	1,7%	18,4%	15,7%	46,2%	-4,1%
quota %	23,9%	53,6%	56,2%	54,2%	57,2%	59,7%	68,0%	66,8%
RAMOS NÃO VIDA	1.098	3.277.908	3.502.013	3.851.791	4.049.083	4.221.899	4.307.936	4.360.529
var%	25,9%	11,9%	6,8%	10,0%	5,1%	4,3%	2,0%	1,2%
quota %	76,1%	46,4%	43,8%	45,8%	42,8%	40,3%	32,0%	33,2%

Source: Associação Portuguesa de Seguradores in <http://www.apseguradores.pt/Site/Legislation.jsf>

37 – Retirement savings plans: 2004 - 2007

quadro_6					
PPR		2004	2005	2006	2007
1. Contribuições anuais		1.497.774	1.714.164	1.961.288	1.698.221
	Δ %	15,1%	14,4%	14,4%	-13,4%
2. Número de pessoas seguras		1.448.072	1.515.104	1.808.797	2.015.763
	Δ %	13,9%	4,6%	19,4%	11,4%
3. Contribuições/ pessoa segura (em euros)		1.034	1.131	1.084	842
4. Provisão matemática		6.744.757	7.855.355	9.011.053	10.936.638
	Δ %	8,7%	16,5%	14,7%	21,4%

U: Milhões de Euros

Source: Associação Portuguesa de Seguradores in <http://www.apseguradores.pt/Site/Legislation.jsf>

38 - Health insurance: 2006 - 2007

TOTAL DO RAMO DE SAÚDE												quadro_7	
» PRÉMIOS EMITIDOS			PRÉMIOS ADQUIRIDOS			Nº DE APÓLICES			Nº DE PESSOAS SEGURAS			PR. ADQ. POR PES. SEG.	
	Milhares €	Δ	Milhares €	Δ	% Total	Unidades	Δ	% Total	Unidades	Δ	% Total	€	Δ
2006	408.432	9,2%	399.793	7,7%	100%	652.906		100%	1.775.456		100%	225	
2007	440.492	7,8%	431.046	7,8%	100%	663.962	1,7%	100%	1.888.695	6,4%	100%	228	1,4%
» SEGUROS INDIVIDUAIS													
2006			196.632	16,7%	49,2%	631.245		96,7%	890.431		50,2%	221	
2007			215.796	9,7%	50,1%	636.355	0,8%	96,8%	897.602	0,8%	47,5%	240	8,9%
» SEGUROS GRUPO													
2006			203.161	0,2%	103,3%	21.661		3,4%	885.026		49,8%	230	
2007			215.250	6,0%	99,7%	27.607	27,5%	4,3%	991.093	12,0%	52,5%	217	-5,4%

Extrapolação de uma amostra de: 2006 » 97% 2007 » 97%

Source: Associação Portuguesa de Seguradores in <http://www.apseguradores.pt/Site/Legislation.jsf>