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# **THE RECRUITMENT AND SELECTION OF STAFF IN THE PORTUGUESE ADMINISTRATION**

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## **1. The Organizational System of the Portuguese Public Administration**

### **1.1 Democratic Republic**

Portugal is a democratic State based upon the rule of the law.

According to the parliamentary regime the government has competences at legislative, political and administrative levels. The government is therefore the superior organ of public administration.

The Public Administration aims to meet public interest and to comply with rights and duties of citizens who are constitutionally protected.

Currently Public Administration is supervised by the Minister of Finance and Public Administration. It is incumbent upon the Directorate General for Public Administration to coordinate and provide specialized support in matters pertaining to the organizational structure and human resources of the Civil Service. This Directorate General has also an important role in matters relating to the development and implementation of new staff recruitment and selection techniques.

### **1.2 The Portuguese Public Administration**

The Public Administration is organized through a system of careers. The legal employment relationship in the Portuguese system assumes the form of appointment or contract. The appointed staff acquire the status of civil servants, belong to the single service establishment plan and advance in their careers by progression (in the same category advancing in pay grade) or by promotion (for a higher category of the same group of staff or of a different staff group whenever the law so allows).

The Portuguese Public Administration has nearly 700 different careers regrouped in different regimes: general career regime of central and local administration, within this regime careers with specific designations, special career regime and special corps.

The staffs of these as a pillar of Public Administration are essential to the pursuit and materialization of public interest.

However, as occurs in other European Public Administrations, Portugal has serious problems to face in matters regarding personnel.

Since 1974, due to varied factors of political and administrative nature the number of civil servants rose significantly.

After 1974 and in the subsequent three years civil servants of the former African colonies were integrated in the establishment plans of the Portuguese Public Administration.

Between 1996 and 1999 the Portuguese civil servants who worked in the Macao Public Administration were also integrated in the establishment plans of the Portuguese Administration.

This “boom” brought about an extraordinary overload of the number of civil servants and a disparity in matching the positions and functions to the effective needs of services.

Nearly 14% of the active population works for Public Administration, which means that approximately 700,000 people work for the State. 82% are appointed civil servants. The remaining people fulfil functions, on a term contract basis, or on a provisional basis or even on a provision of services basis.

At present, the Portuguese State has to face an aged civil service nearly 60% of its staff is over 50 years of age.

## **2. Reforms in the Portuguese Public Administration**

**2.1. The immediate objectives to be implemented in the Portuguese Public Administration** - It is thus urgent to implement legislative measures in matters pertaining to staff in order to solve in the short term, the serious problems that Public Administration has to cope with, particularly in relation, among other things, to the advanced age of its civil servants and the urgent need for staff reduction.

For this purpose the State will make efforts to solve the shortages of staff in a number of areas or services and organizations by means of staff mobility, and reducing the excess of civil servants in others.

Another goal is to substitute the increased number of civil servants who by 2010 will be retired, by qualified civil servants and fit to the performance of functions, in such a way that this substitution does not cause increase in the number of staff, or increase in public expenses, but only recruit for the areas where staff is most needed.

The solution resides in a reduction of the number of vacancies for open competition. However, an increase in the number of applicants potentially qualified for the performance of those functions for which a vacancy was open for competition is envisaged.

## **2.2 The legislative reforms under way in the Portuguese Public Administration**

In the urgent legislative measures to be regulated, the recruitment, the retirement, the staff performance assessment and the remuneration and career systems, are among others, essential reforms to be implemented in the Public Administration.

This revision is currently underway, namely, with the changes to the regime of retirement with the increase of the retirement age for civil servants and the implementation of a new system of annual assessment based on merit and good performance of functions and on the accomplishment of the objectives laid down for that year.

The following steps which are in progress are related to the staff recruitment and selection and change in the career system and respective rules for promotion and progression.

## **3. The Regulatory Legal Instruments of Public Administration**

**3.1 Public Administration** is governed statutorily by a considerable number of pieces of legislation but it is in the Constitution that the Portuguese Public Administration has established its fundamental principles, namely, with regard to the pursuit of public interest, while observing the rights and interests legally protected of citizens and the performance of functions of staff of the Civil Service with full compliance with the principles of equality, proportionality, fairness, impartiality and good faith.

## **4. Staff Recruitment and Selection**

### **4.1 Open competition**

Under the terms of the Constitution all citizens have the right of access to the civil service in full equal conditions and opportunities.

This access is made as a rule by means of open competition. This open competition is used both for entrance or access to the careers of the civil service.

In spite of open competition constituting the rule as regards staff recruitment for the establishment plans of Public Administration, in relation to management staff, the recruitment for 1st grade positions (directors – general and staff with equivalent rank) is by choice.

The staff recruitment and selection regime for the establishment plans of Public Administration is laid down in Decree – Law 204/98, of 11th July.

The recruitment and selection of management positions have a proper regime. The special career regime and special corps almost always follow a procedure of specific open competition.

The procedure of open competition is de-centralized and de-concentrated, although in the near future it is planned to create a centralized recruitment for entrance positions of an external nature.

Each Ministry or respective service supervised by the ministries concerned launch the respective recruitment and selection procedures.

However, it may be requested by public organizations that hold open competitions that all or some operations of said open competitions are to be carried out by the Directorate General for Public Administration (DGAP) through the Department for Staff Recruitment and Selection (DRSP). It is incumbent upon this department to develop and propose new techniques and procedures of staff recruitment and selection for Public Administration.

#### **4.2 Classification of open competitions**

The open competition may be classified of internal or external. The open competition is external when open to all individuals interested in applying for and internal when the applicants for the same open competition are civil servants or contractual staff.

If the positions to be filled are intended to vacancies of basic categories the open competition is of entrance. If the open competition is intended to fill positions of intermediate categories is designated as access.

Exceptionally, the open competition may be of external access when the filling of the position is intended to staff holding a suitable Master's degree, qualification and professional experience of a duration not inferior to the years normally required for the access to the category, as well as individuals qualified with a post-graduate Master's degree or PhDs.

Internal open competitions of entrance are destined to staff attached by contract of employment governed by public law and to civil servants who meet the general and special requirements of admission to positions of that basic category.

Internal open competitions of access are almost always open competitions for promotion.

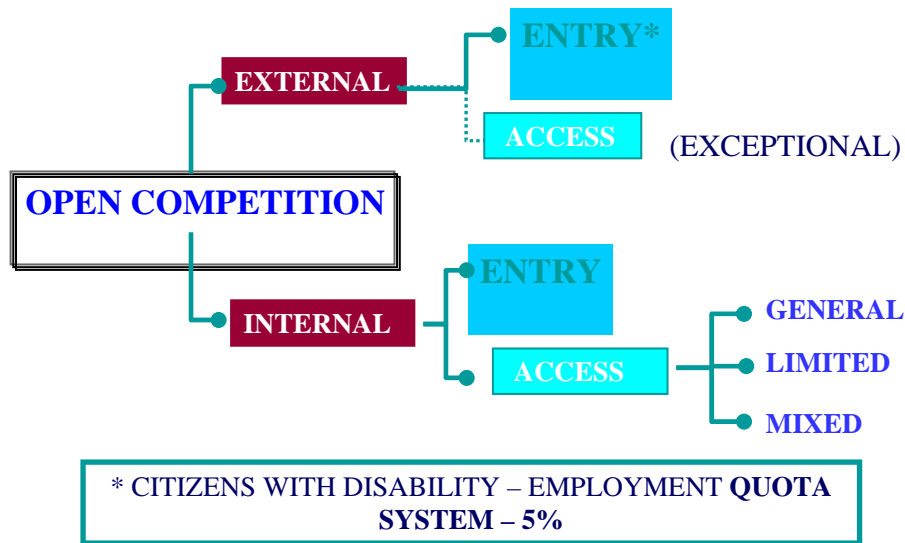
They are solely applicable to civil servants and may assume the following forms:

Internal of general access – when the open competition is for all services irrespective of the service or organization to which they belong;

Internal of limited access – when the open competition is only intended for civil servants belonging to the service or single establishment plan for which it is open;

Internal of mixed access – when they are intended for civil servants in the service for which the open competition is held and to civil servants who do not belong to the establishment plan of that service, because two distinct quotas exist.

## OPEN COMPETITION FORMS



The entrance open competitions presuppose the existence and the filling of vacant positions. In internal open competitions of access only the external quota of mixed open competitions presupposes the existence of a vacancy.

### 4.3 The principles and guarantees of the open competition

In all stages of the open competition the principle of freedom of application and equal conditions and opportunities of applicants must be guaranteed.

These principles are ensured through neutrality of the composition of the Selection Board; divulgation of the selection methods, programmes of tests and the system of final classification in due time; and still by the application of objective methods and procedures of assessment. All applicants are entitled to appeal against the decision of the Board.

## 5. The Procedure of the Open Competition

### 5.1 Opening of the procedure of the open competition

The top manager of the service or Director-General or staff with equivalent rank is empowered to authorize the holding of the open competition.

In the order that authorizes the holding of the open competition the entity concerned appoints the Selection Board that shall hold all operations of the open competition.

### 5.2 The Selection Board – The Jury is composed of a President and two or four members

The President and the members should not have a lower category, for which the open competition is held, save if they perform management positions.

The members of the Jury shall be integrated in the functional areas for which the open competition is held.

The Jury operates with all present members; the deliberations shall be taken by majority. All meetings and respective deliberations shall be drawn up in minutes.

### 5.3 Publicizing of the open competition

Formally, the open competition is deemed to be open with the publicizing of a notice.

The employment offers are made known by means of a notice publicized through the following means:

- In the II Series of the Official Gazette – if it is for the filling of positions of the establishment plan of Central Administration and in the II Series of positions for Local Administration;
- In the Public Employment Pool – [www.bep.gov.pt](http://www.bep.gov.pt) – except, for the positions of the establishment plan of Local Administration, for which there is not that obligation;
- Press media of national wide circulation through concise advertisement with the following data: reference to the service, category for open competition and indication of the Official Gazette where the notice is published.
- Displayed in the services (in the limited open competitions only this means is used);
- Notification of absent civil servants when these shall be notified by this means.
- In mixed open competitions the publicizing of a notice through all means referred to may be used.

#### **5.4 Data of the notice**

In addition to general and special requirements of admission to open competition the notice shall set out the following data:

- the remuneration and working conditions;
- brief description of the functional content of the position to be filled;
- indication of the category, career;
- functional area for which the open competition is held;
- place of the provision of work;
- type of open competition;
- number of positions to be filled and time limit of validity;
- composition of the Jury;
- selection methods and stages to be applied and respective classification system; criteria of appraisal and weighing-up of curricular evaluation and the professional interview, all these shall set out in the minutes.

The place and entity of the submission of the application and formalization of same shall also be indicated. The place of displaying the enumeration of applicants and list of final classification shall be compulsorily mentioned.

### **6. The Application**

#### **6.1 General requirements of admission to open competition**

In order to be admitted to open competition the applicant shall meet general and special requirements of admission and appointment in public functions. The general requirements are as follows:

- a) Having Portuguese nationality, or being natural from a country of the European Community on the condition that meets the terms provided for in special conventions;
- b) Having completed 18 years of age;
- c) Having academic, professional qualifications legally required for the performance of the position;
- d) Having completed military service or compulsory civic service;

- e) Having not been inhibited from the performance of public functions or prohibited for the functions for which he/she is applying for;
- f) Possessing physical fitness and psycho profile indispensable to the performance of the function.
- g) The special requirements are those legally required for access for appointment in positions to be filled.

## **6.2 Submission of applications**

Applications are submitted by request accompanied by documents demanded in the notice.

Electronic application is not still possible, but constitutes one of the objectives to be implemented in the near future.

Non-submission of supporting documents of requirements for admission required merits exclusion from the open competition.

## **6.3 Time limit for submission of applications**

The entity competent to authorize the holding of the open competition sets, in each case, in the notice the opening, the time limit for submission of applications, that ranges between a minimum of 5 working days and a maximum of 20 working days, according to the type of open competition.

## **6.4 Checking of the requirements**

After the applications are received the Jury reviews them, checking the requirements of admission within a maximum time limit of 15 working days. If no applicants have been excluded, the list of the admitted applicants is displayed in the service.

## **6.5 List of excluded and admitted applicants**

If applicants have been excluded the same are notified in order to exercise the right of participation within the time limit of 10 working days.

The time limit have run out, the Jury appraises the allegations made and in the case of maintaining the exclusion, notifies once more the excluded applicants on this decision, in case they wish to lodge a hierarchical appeal before the competent body in order to appraise the act.

This situation does not suspend the procedure of the open competition. The admitted applicants are convened for the selection methods through forms of notification provided for by law.

The application of the selection methods shall initiate within the maximum time limit of 20 working days from the date of displaying the list of admitted applicants or of the notification of the exclusion of applicants.

## **7. Selection Methods**

### **7.1 Eliminary methods**

In open competitions the following methods separately or jointly and with eliminary nature may be used:

- a) Knowledge test – this is a compulsory method in the entrance open competitions and is aimed at assessing academic and professional levels of applicants. Knowledge tests focus on matters of general and specific knowledge and follow a programme approved by order. Should the matter be of general knowledge the programme is approved by the member of the government responsible for Public Administration, if it is of specific knowledge it shall be approved by that member of the government and by the member of the government that supervises the service or body in question. This method may encompass several stages.

- b) **Curricular evaluation** – it is intended to assess the personal path of the applicant through his/her individual curriculum and has, as weighing-up factors, academic qualifications, vocational training, professional experience and performance assessment (in open competitions of limited access or by option in open competitions of general or mixed access).

## **7.2 Complementary methods – The following methods of a complementary nature may be used:**

- a) Selection professional interview – This intends to assess, professional and personal abilities of applicants, in an interpersonal relationship and in a systematic way. It may be used in external and internal open competitions of entrance not of an eliminatory nature, provided that the functional content and specificities of the position so justify.
- b) Selection psychological examination – This aims to evaluate cognitive capacities, characteristics of the personality of behavioural nature of applicants and is used in open competitions of entrance; in addition, it may assume eliminatory nature. This method may encompass various stages.
- c) Selection medical examination – This aims to assess physical and psychological conditions of applicants, with a view to determining their ability for the performance of the function and is solely used in open competitions of entrance of an eliminatory nature.

## **7.3 Classification of results of the methods**

The results achieved in the application of the methods are classified from 0 to 20, except the medical examination in which the qualitative mention is *fit* or *not fit* and the psychological examination which makes the following correspondence: *favourable preferentially* = a score of 20; *rather favourable* = a score of 16; *favourable* = a score of 12; *with reservations* = a score of 8 and *not favourable* = a score of 4.

In the final classification the applicants who in the stages or methods of eliminatory selection or in the final classification, obtain classification below a score of 9,5 and those who are considered not fit in the selection medical examination are not approved.

The final classification results from the simple or weighed-up arithmetic average of classifications obtained in all methods; however the complementary methods cannot have a weighing-up above that set for the knowledge test or curricular evaluation.

## **8. Final Classification and Appointment**

### **8.1 Final decision**

The decision relating to the classification of applicants and ordering of same is made by the Jury within the time limit of 10 days after finalizing the application of selection methods. Those applicants are notified within the time limit of 10 working days to exercise the right of participation of the interested parties, stating their opinion on the decision and are free to consult with the file in the timetable and place indicated in the notification.

This time limit having run out the Jury appraises the allegations made and makes final classification and ordering of applicants.

### **8.2 Homologation**

The minutes that accompany the list of final classification is subject to homologation of top manager or the member of the government concerned. After the minutes have been homologated, the applicants are notified on the list of final classification under the terms provided for by the law.

### **8.3 Appointment**

The applicants approved in the positions for open competition are appointed in the category for which they apply for provided that the time limit has elapsed to lodge a hierarchical appeal.

Should the position be of entrance the applicant approved is appointed as a trainee for a one year period.

### **8.4 Appeal**

The homologation of the list of final classification may be the subject of a hierarchical appeal to be lodged within the time limit of eight days to the member of competent Government.

The lodging of this appeal suspends the appointment until the decision has been taken.