

WORDS BEYOND THE PANDEMIC: A HUNDRED-SIDED CRISIS

Coord.: José Reis
A collective work by CES

WORDS BEYOND THE PANDEMIC: A HUNDRED-SIDED CRISIS

Coord.: José Reis
A collective work by CES



Centro de Estudos Sociais
Universidade de Coimbra



UNIVERSIDADE DE
COIMBRA



Organização
das Nações Unidas
para a Educação,
a Ciência e a Cultura



Universidade de
Coimbra - Alta e Sã
inscrita na Lista do Património
Mundial em 2013



PROGRAMA OPERACIONAL COMPLEXIDADE E INOVAÇÃO



UNIÃO EUROPEIA

Fundo Europeu
de Desenvolvimento Regional



Fundação
para a Ciência
e a Tecnologia

WORDS BEYOND THE PANDEMIC: A HUNDRED-SIDED CRISIS

Editor

José Reis

Publisher

Centre for Social Studies
University of Coimbra

Scientific Review

Ana Cordeiro Santos, António Sousa Ribeiro, Carlos Fortuna, João Rodrigues,
José Castro Caldas, José Reis, Pedro Hespanha, Vítor Neves

Linguistic Revision

João Paulo Moreira

Editorial Assistant

Rita Kacia Oliveira

Design and Pagination

André Queda

December, 2020

This work is funded by ERDF Funds through the Competitiveness Factors Operational Programme - COMPETE and by National Funds through the FCT - Foundation for Science and Technology within the UIDB/50012/2020 project.

The data and opinions included in this publication are the exclusive responsibility of its authors.

ISBN

978-989-8847-28-7

BASIC ENVIRONMENTAL SERVICES

Alexandre Oliveira Tavares

Basic services are constitutionally described as those needed for the safety and maintenance of equipment and facilities, as well as those indispensable to meet overriding social needs. In the legal field they take the form of a law (Law No. 23/96 and its successive amendments until the 2019 version) which defines the framework and mechanisms aimed at protecting the users of basic public services. The definition and operation of these services must be compatible with the theory of fundamental rights, both in regard to access and disruption of services and the right to strike by the workers who provide them. Legally, it is believed that this is a markedly technical definition, aimed at establishing metrics for minimum levels of activity, as opposed to safeguarding rights.

Basic environmental services include, in the broadest sense, those related to water, energy, sanitation, waste or mortuary, and are based on assumptions of access and quality. In addition to their relevance and indispensability, they provide for vital needs, both individual and collective, and determine the duty of continuity in the provision of services, in abundance and with respect for environmental and public health values. These services can be analysed from three distinct perspectives: a technical-operational approach, based on the interrelationship between technical infrastructures and people and institutions; a socio-natural approach, based on the balance between resource mobilisation and the flows

of environmental sustainability; a social-legal approach, based on the rights of freedom or social rights in accordance with a citizen's or community's right to life, safety and health.

An alternative vision for basic environmental service management must be based on the primacy of collective over individual interests, the public over the private domain, obligation over contractual exceptionality. The ensuring of basic services must rest on the principles of proportionality or reasonableness, for example with regard to the right to strike or mobilise workers, or on flexibility and the capacity to adapt to practical realities, as opposed to the inviolability and non-waiverability of individual and collective rights.

Conformity between collective and individual interests makes it possible, for example, to prohibit suspension of access to basic services and goods and to allow deferral of payment with no need for a contract release, according to the principle of objective good faith in contractual relations.

In a contingency situation, collaborative forms of mobilisation are required to carry out the duty of service provision or readiness, based on consistency of approach and on the proportionality of the measures. In this context, it is fundamental that responsibility be shared and that transparency be guaranteed with regard to how decisions are taken and what the resulting implications are.