

WORDS BEYOND THE PANDEMIC: A HUNDRED-SIDED CRISIS

Coord.: José Reis
A collective work by CES

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Centro de Estudos Sociais
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WORKING CONDITIONS IN COURTS

João Paulo Dias, Paula Casaleiro, Teresa Maneca Lima

The working conditions of court clerks, public prosecutors and judges have been characterised, among other aspects, by a lack of organisation in task distribution, obsolete and/or complex computer hardware and software resources, problems with teleworking, cramped work space, inadequate furniture, poor air quality, low income among court clerks, and excessive working hours.

When the state of emergency was decreed, Portuguese courts entered a period of minimum service provision, accompanied by an expected reduction in operationality. But unlike the National Health Service or the public education system (from primary schools to universities), courts showed great difficulty in adapting to the new demands, evidencing a worrying organisational inflexibility. The COVID-19 pandemic therefore laid bare the physical and organisational limitations of Portuguese courts.

This operational “inflexibility” of the courts and management bodies, in courts or high councils and including the Ministry of Justice (and related institutional structures), created delays in the courts’ response. For three months these bodies almost stopped operating, due to a lack of working conditions that made it impossible to ensure minimum health and safety standards for the judicial professions. Also, these were the last public services to resume activity, albeit in a limited way, in the third phase of deconfinement, due to the difficulty in implementing suitable working conditions in the fight against the COVID-19 pandemic.

Together with the Directorate General for Health, the judicial management bodies defined “Measures to reduce the risk of virus

transmission in courts”. However, in addition to good practice measures with regard to personal hygiene, cleaning and disinfection, and also space reorganisation, a Judicial Intervention Plan (JIP) remains to be defined and implemented. This plan would structurally address the physical needs of the courts and ensure adequate, healthy, safe and efficient working conditions for the various judicial professions, as well as better conditions for the use of courts by lawyers and the general public.

The JIP should thus include, among other measures, the adaptation of the “judicial space” by assessing current working conditions, in accordance with the new rules of physical distancing, safety and health; reorganising services according to the buildings’ physical limitations; implementing a management structure with the participation of the numerous actors involved, taking into account the needs and interests of the various professions and citizens; introducing mechanisms for assessing compliance with approved measures and public “accountability”; and allocating the necessary financial means, making use of available European funds.

A JIP for the courts is not the same as a quick response to the COVID-19 pandemic. It must instead be an opportunity to empower courts to respond to the real shortcomings of the facilities, both in physical and organisational terms, ensuring safe and healthy working conditions for the professionals and all the citizens who use them.