

Gender and Human Resources Management in the Portuguese Ministry of Justice: Statistical Confirmatory Evidence of a Female Ministry

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Abstract: This article aims to delve deeper into the topic of gender equality, through the presentation and analysis of a set of data relating to the distribution of workers in the Ministry of Justice services in Portugal by gender. Using statistical analysis, the figures for the feminisation rate, managerial feminisation and higher education qualifications for the Ministry of Justice's direct and indirect administration services are presented. The results obtained allow us to conclude that the services of the Ministry of Justice are mostly made up of female workers, also noting that it is female workers who reach a higher rate in terms of management positions, as well as educational qualifications at higher education level. It also allows, in conclusive terms, to make a brief observation regarding the possibility of churning of human resources in the Ministry of Justice.

Keywords: Ministry of Justice; gender. Human resources. Feminization.

Género e Gestão de Recursos Humanos no Ministério da Justiça em Portugal: Evidências Estatísticas Confirmatórias de um Ministério no Feminino

Resumo: O presente artigo tem como objetivo aprofundar o tema da igualdade de género, através da apresentação e análise de um conjunto de dados referentes à distribuição dos trabalhadores dos serviços do Ministério da Justiça em Portugal por género. Recorrendo à análise estatística, são apresentados os valores da taxa de feminização, feminização dirigente e habilitações superiores para os serviços da administração direta e indireta do Ministério da Justiça. Os resultados obtidos permitem concluir que os serviços do Ministério da Justiça é maioritariamente composto por trabalhadores do género feminino, constatando-se igualmente que são os trabalhadores do género feminino que atingem uma taxa mais elevada no que concerne aos cargos dirigentes, assim como às habilitações literárias ao nível do ensino superior. Permite ainda, em termos conclusivos, fazer uma breve observação relativamente à possibilidade de rotatividade de recursos humanos no Ministério da Justiça.

Palavras-chave: Ministério da Justiça. Género. Recursos humanos. Feminização.

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Introdução

Inequality between women and men has been one of the world's major problems, and this problem does not only occur in undeveloped countries, including the most economically emerging ones, and this inequality entails many risks, causing property and moral damage, essentially with regard to gender-based violence, or domestic violence (XIMENES, 2022).

The relevance of the concept of gender originally refers to the framework of violence within a patriarchal structure, where masculinity is associated with certain characteristics such as aggression, competition, rationality, dominance and strength. In turn, femininity is associated with gentleness, tolerance, passivity and emotion (MARQUES, 2018).

In this sense, a gender-sensitive budget has emerged, i.e. a budget that makes it possible to reflect on the different needs of men and women. Its purpose is to analyse "how and to what extent policies affect different groups of men and women as consumers of services, users of infrastructure and taxpayers" (RATHO, 2020, p. 7).

In order to empower and valorise women, it is necessary to create suitable and fair conditions and mechanisms to give women opportunities to exploit their abilities and improve their theoretical and practical knowledge so that they can be part of a country's development process. However, the intervention of the state is essential, through its role as the competent body to create mechanisms that promote good management, or an appropriate public policy that is in line with the principle of gender equality and non-discrimination (XIMENES, 2022).

Gender equality is a principle of citizenship enshrined in the United Nations Charter of 1945, as well as in the Universal Declaration of Human Rights of 1948. Both with the aim of promoting gender equality, as referred to at national level in the 1976 Constitution of the Portuguese Republic, which safeguards the principles of equality and non-discrimination on the basis of gender (PERNAS et al., 2008).

In the last years, the issue of gender equality has gained particular relevance at an organisational level, with regard to equal opportunities for men and women and non-discrimination, due to the fact that organisations recognise the direct and indirect benefits of having a diverse workforce at the various organisational levels, as well as due to the measures resulting from the implementation of legislation at national and european level (PIRROLAS; CORREIA, 2020).

In view of the above, it is in this context that I was interested in approaching this topic in the context of the justice sector in Portugal, in order to analyse the reality present in the different entities of the Ministry of Justice in Portugal.

This article was based on an article by Correia (2015) and is structured in the following way: a brief theoretical framework is made that addresses the topic of human resources management in public administration, as well as gender equality in the justice sector, the methodology follows, where data relating to the rate of feminization per service, the rate of managerial feminization and the qualification rate by service and by gender in the Ministry of Justice, the results are presented and the conclusions presented.

Human Resources Management in Public Administration

Considering that human resources are the key factor for organisational success, their management refers to the policies, practices and systems that influence the behaviour, attitudes and performance of the organisation's members in order to increase the organisation's competitiveness and learning capacity (REGO et al., 2020).

In this sense, the human resources management process is related to the survey of human resources needs, the attraction of potential new members (recruitment), the choice and hiring (selection), training regarding work procedures and the development of future skills (training and development, career management), evaluation of your performance (performance evaluation), retribution and motivation (compensation), creation of a positive environment (positive organizational climate, constructive work relationships, occupational health, aesthetics and hygiene and health at work) (REGO et al., 2020). Human resources management concerns the decisions and management actions taken that affect the relationship between organizations and their employees. In this sense, it is desirable that human resources management presents itself as a coherent and strategic approach in the management of the most important asset of organizations, the people who are part of it and who individually and collectively contribute to the achievement of its objectives, as well as to the obtaining a sustainable competitive advantage (BILHIM, 2009).

On the other hand, Pettigrew e Whipp (1991) state that human resources management is related to the set of knowledge, skills and attitudes that organizations need to compete among themselves. Therefore, it is necessary to invest in actions in terms of human resources management, such as: selection, training, development, labor relations and compensation. Such actions must be integrated into a human resources management philosophy.

Human resources management becomes an activity/business-oriented philosophy, with the objective of obtaining its added value in achieving organizational success. However, it has been understood that human resources management functions include: planning (defining goals and strategies), organization (determining what, who, how, for whom, where), leadership (motivating, directing, resolving conflicts) and control (monitor performance against planning) (BILHIM, 2009).

On the other hand, Bilhim (2009) also states that when looking at the human resources manager from the side of the professional profile and not the function, he tends to identify himself with the following roles: interpersonal (leadership and connection of activities), informative (monitoring, dissemination, external representation), decision maker (entrepreneur who solves problems, affects human resources, negotiates).

Directing the theme of human resources management towards public administration, it is important to mention their differences. The big difference between human resources management in private administration and public administration is related to the political context in which they are inserted. Public administration is an entity that carries out administrative activities aimed at satisfying collective needs (BILHIM, 2009).

The difference between public and private administration is only related to the level of framework. Public administration is situated in a particular and specific environment of restrictions of a legal-political nature. Having this state marked by the supremacy of law and the political nature of its ends (BILHIM, 2000).

In this sense, the political context in which the public administration operates affects the type of human resources management. As much as theoreticians have defended the separation of politics and administration, in practice this continues to be one of the differentiating circumstances in human resources management, particularly with regard to recruitment and selection, promotion and remuneration (BILHIM, 2009).

In this context, Machado (2000) states that it is certainly derived from such circumstances that there are medium-profile managers in the public administration and in the state's business sector, who would never have reached high hierarchical positions, if the decision-making process took into account technical rationality and not political rationality.

About Gender Equality in the Justice Sector

The definition of the concept of gender essentially focuses on the values, roles, norms and models attributed throughout society over time, delimiting actions considered correct by both men and women in a given society. However, its definition differs from the concept of sex, which is based on biological characteristics, that is, “different from sex, gender consists of the social dimension of personality” (MARQUES, 2018, p. 20).

It is important to mention the principle of equal treatment, through which all citizens must be treated fairly, appropriately and without discrimination, whether due to their race, sexual orientation, age, religion or disability, in accordance with the terms of article 2º of the Universal Declaration of Human Rights (XIMENES, 2022).

The relevance of the topic of gender equality has increasingly gained relevance over the years, which continues to have the dignity and importance to be addressed and discussed systematically in academic literature (CORREIA, 2015). An example of this is the article on gender equality in the justice sector in Portugal (CORREIA, 2013).

Research carried out, which involves a different number of approaches to the subject, has presented ambiguous results, not allowing linear and objective conclusions to be drawn about the widespread existence of gender equality in Portuguese society, more specifically, in the justice sector (CORREIA, 2015). Given that this heterogeneity and ambiguity may be related to the institutional context in which individuals find themselves.

With regard to equal opportunities and non-discrimination based on gender, in the case of the services of the Ministry of Justice in Portugal, there is no evidence that allows us to conjecture that female workers perform functions in which opportunities for career progression, levels of authority, status and pay are lower. Not only because, by force of law, equality in remuneration levels and career progression opportunities, both for men and women is ensured, but also due to the fact that the proportion of female workers is in majority compared to male workers. In view of the above, there are plenty of examples of female middle managers and top managers of services, endowed with status, authority and organizational power. It should be noted that, at the time of writing this article, the Minister of Justice in Portugal herself is a woman (CORREIA, 2017).

Methodology

This empirical article follows a quantitative approach through which the aim was to statistically analyze the issue of gender in human resources at the Ministry of Justice in Portugal. In this context, this research cycle is divided into two stages, the first involves collecting data through the consolidated social report of the Ministry of Justice for the year 2021, as it is to date the most updated available, with exceptions in which the 2021 social balance sheets of each service were consulted independently, given the absence of variables in the consolidated social balance sheet, and the second stage consists of analyzing the aforementioned data.

Using the data obtained through the aforementioned social report, it was possible to discriminate the data into 11 distinct organic units belonging to the direct administration of the state: Secretariat General of the Ministry of Justice (Secretaria Geral do Ministério da Justiça) (SGMJ); General Inspection of Justice Services (Inspeção-Geral dos Serviços da Justiça) (IGSJ), Directorate-General of Justice Policy (Direção-Geral da Política da Justiça) (DGPJ), General Directorate of Justice Administration (Direção-Geral da Administração da Justiça) (DGAJ), General Directorate of Reinsertion and Prison Services (Direção-Geral de Reinserção e Serviços Prisionais) (DGRSP) and Judicial Police (Polícia Judiciária) (PJ); belonging to the indirect administration of the state: Institute of Financial Management and Justice Equipment (Instituto de Gestão Financeira e Equipamentos da Justiça) (IGFEJ), Institute of Registries and Notaries (Instituto dos Registos e do Notariado) (IRN), Institute of Legal Medicine and Forensic Sciences (Instituto de Medicina Legal e Ciências Forenses) (INMLCF), National Institute of Industrial Property (Instituto Nacional da Propriedade Industrial) (INPI) and belonging to other structures, as

described in the 2021 Ministry of Justice organizational chart, the Center for Judicial Studies (Centro de Estudos Judiciários) (CEJ).

Likewise, it was also possible to present aggregated results, referring to the Ministry of Justice considered as a whole, corresponding to a total of 22,429 workers.

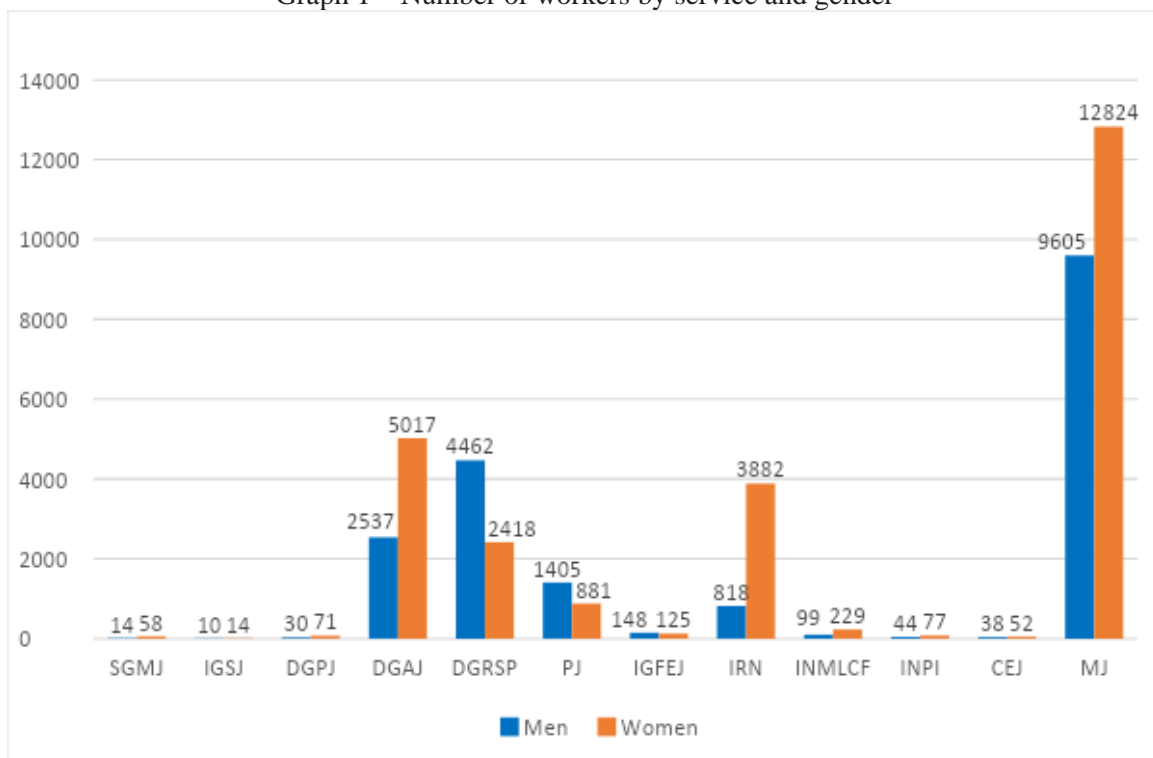
The results presented in point 3, assumed the subdivision of the gender variable into female and male categories, the qualifications variable, in turn, used two categories called: higher qualifications (corresponding to academic degrees of bachelor's degree, degree, master's degree and doctorate) and others qualifications (corresponding to non-higher education degrees, that is, up to 12 years of schooling).

These are presented in the form of rates: feminization (understood as the number of female workers divided by the total number of workers, multiplied by 100%), managerial feminization (understood as the number of female workers occupying positions managers divided by the total number of workers occupying managerial positions, multiplied by 100%) and with higher qualifications (understood as the number of workers with higher qualifications divided by the total number of workers, multiplied by 100%, this rate was subsequently subdivided under function of the gender variable).

Results

Graph 1 shows the overall number of workers by service and gender at the Ministry of Justice. Of the 22,429 workers who make up the Ministry of Justice, in 2021, 12,824 workers were female and 9,605 workers were male. It should be noted that of the 11 services presented, only 3 have a higher number of male workers compared to the number of female workers, with the IGFEJ being made up of 148 men and 125 women, the PJ made up of 1,405 men and 881 women and the DGRSP made up of 4,462 men and 2,418 women.

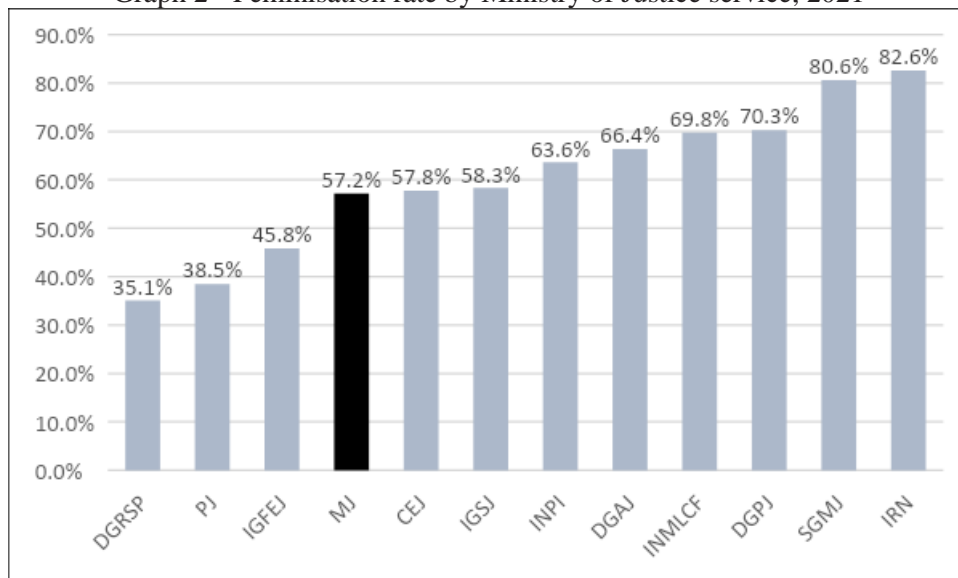
Graph 1 – Number of workers by service and gender



Fonte: Source: Own preparation based on data from the MJ's consolidated social report

Graph 2 presents the feminization rate for each of the Ministry of Justice's services, as well as the global value for the entire Ministry. It appears that these values vary between a minimum of 35.1% for the DGRSP and a maximum of 82.6% for the IRN. In particular, it is important to note that of the 11 services presented, only 3 (corresponding to 27.3%) have a feminization rate of less than 50%, and it is also worth mentioning that overall 57.2% of workers at the Ministry of Justice, in 2021, were female, clearly reflects the relevance assumed by this gender, in this sector of the State.

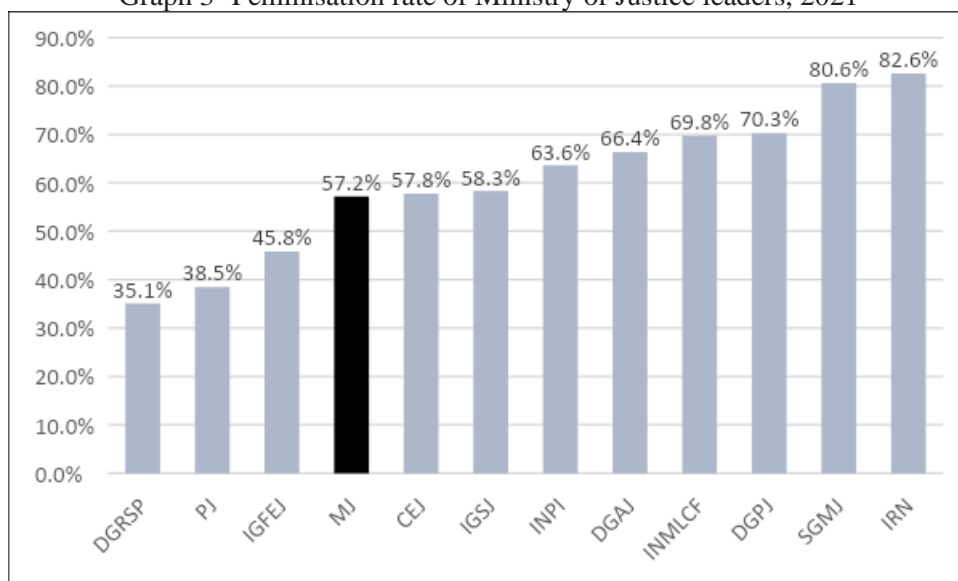
Graph 2 - Feminisation rate by Ministry of Justice service, 2021



Source: Own elaboration based on data from the MJ's consolidated social balance sheet

Graph 3 analyses all the employees in managerial positions and shows that of the 261 employees, 55.17% are female and 44.82% are male.

Graph 3- Feminisation rate of Ministry of Justice leaders, 2021

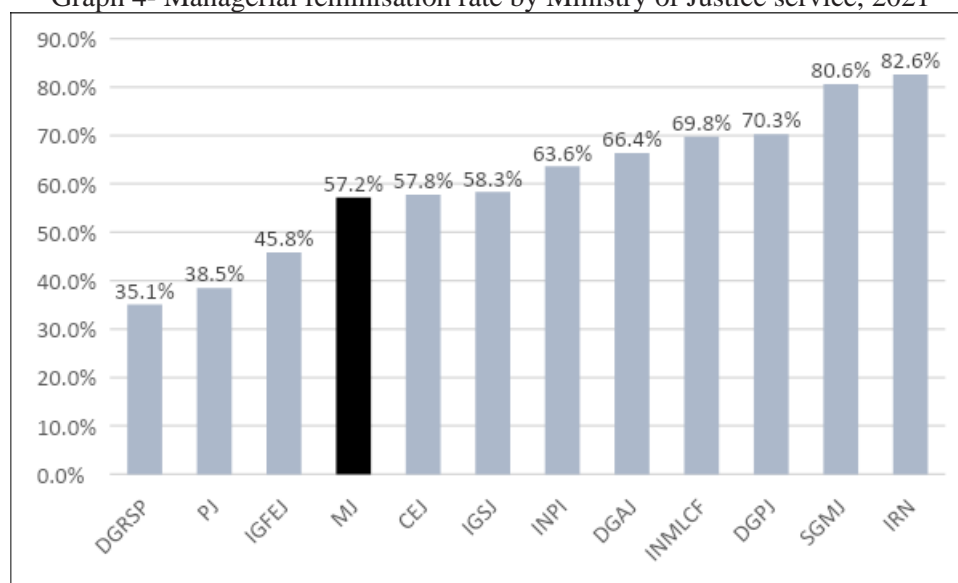


Source: Own elaboration based on data from the MJ's consolidated social balance sheet

Given that the Ministry of Justice's consolidated social balance sheet, as far as managerial positions are concerned, does not present data broken down according to gender, we only analysed the departments that presented the breakdown of this variable by gender in the social balance sheet in an autonomous manner, and the data for the DGRSP and INPI are missing.

Graph 4 shows that managerial positions are not discriminated against or limited to subordinate roles, as is often believed. Among the number of services with a managerial feminisation rate of less than 50%, there are 3 services, with the PJ's rate of 16.7% standing out, possibly justified by the nature of the service's area of activity. There is a managerial feminisation rate of more than 50% in 6 departments, especially SGMJ, DGPI and INMLCF, which have a managerial feminisation rate of 66.7%. Overall, the Ministry of Justice has a managerial feminisation rate of 57.4%.

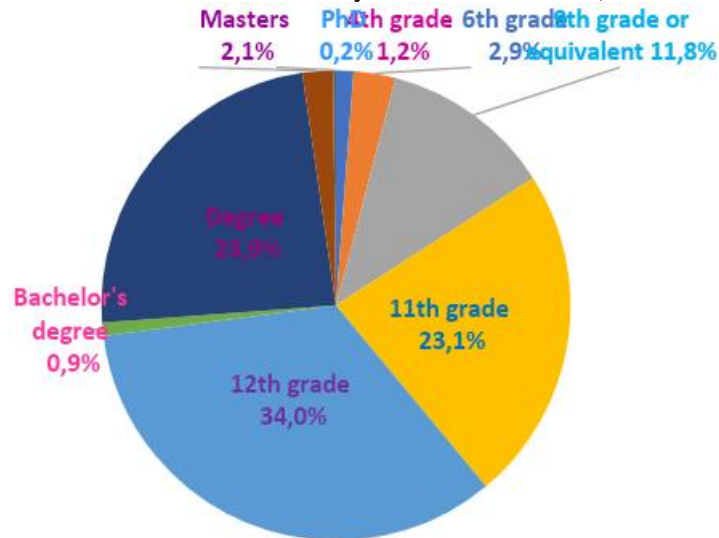
Graph 4- Managerial feminisation rate by Ministry of Justice service, 2021



Source: Elaborated by the authors, based on data from the social balance sheet of these services

Graph 5 shows the distribution of workers in the Ministry of Justice services as a whole, with the highest percentages at secondary and higher education level.

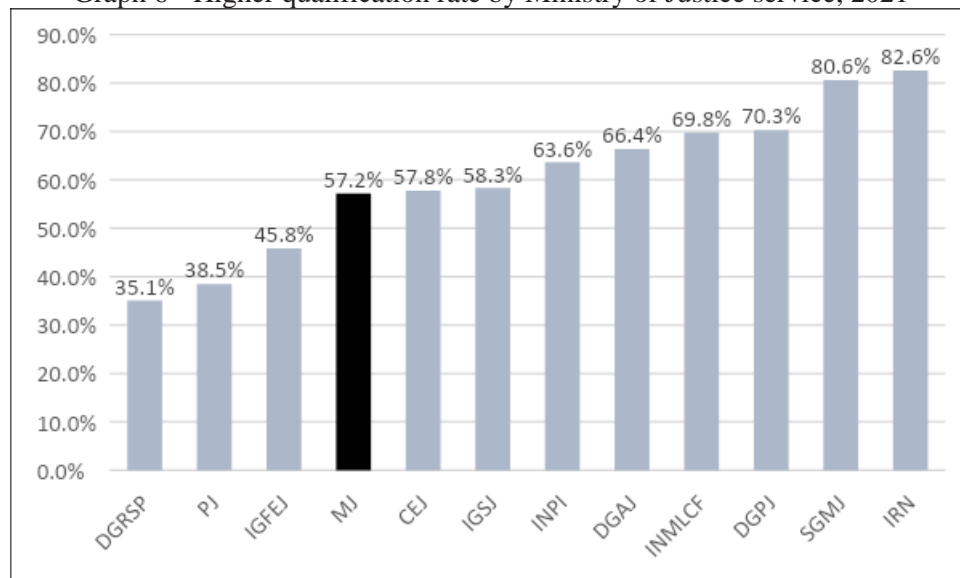
Graph 5- Distribution of workers by level of education (% of total)



Source: Elaborated by the authors, based on data from the MJ's consolidated social balance sheet

Graph 6 shows the rate of higher qualifications by service, and of the 11 Ministry of Justice services, 3 have a rate of less than 50%, with DGAJ standing out with 10.7%. There is a rate of over 50% in 8 services, with CEJ, INMLCF, DGPJ, INPI and IGSJ standing out as having a rate of over 70%.

Graph 6 - Higher qualification rate by Ministry of Justice service, 2021



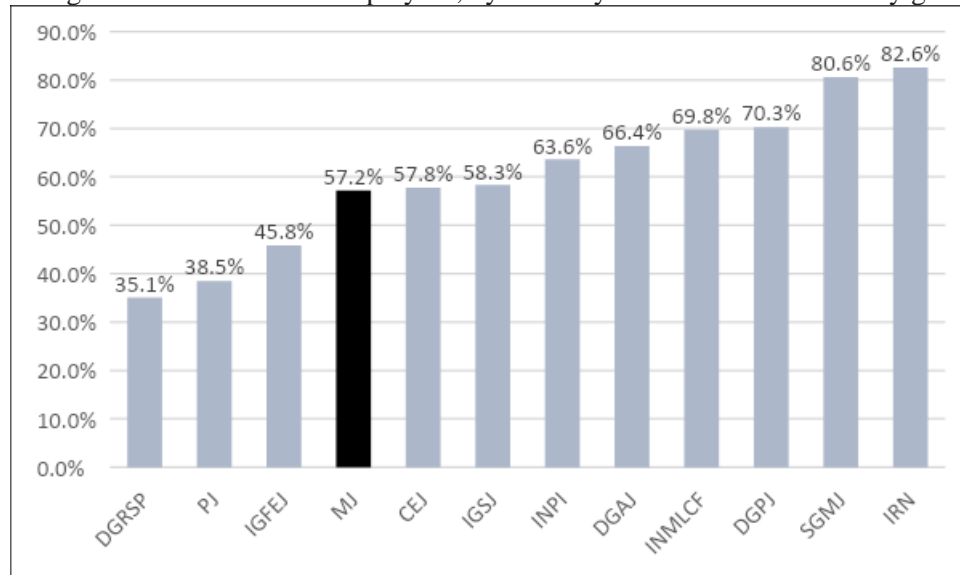
Source: Elaborated by the authors, based on data from the MJ's consolidated social balance sheet

Given that the Ministry of Justice's consolidated social balance sheet does not present data broken down by gender in terms of educational qualifications, we only analysed the services that presented a breakdown of this variable by gender in the social balance sheet.

Looking at Graph 7, it is possible to see that a number of different situations coexist, with services that have a higher rate of male workers than female workers (SGMJ, IGSJ and IRN, for example), and services that have a higher rate of female workers than male workers (DGAJ, IGFEJ, INMLCF and CEJ, for example).

It should be noted that taking only the services that presented data broken down by gender, the Ministry of Justice was represented in its proportion, with a higher female qualification rate than the higher male qualification rate (22.2 per cent versus 18.3 per cent, respectively).

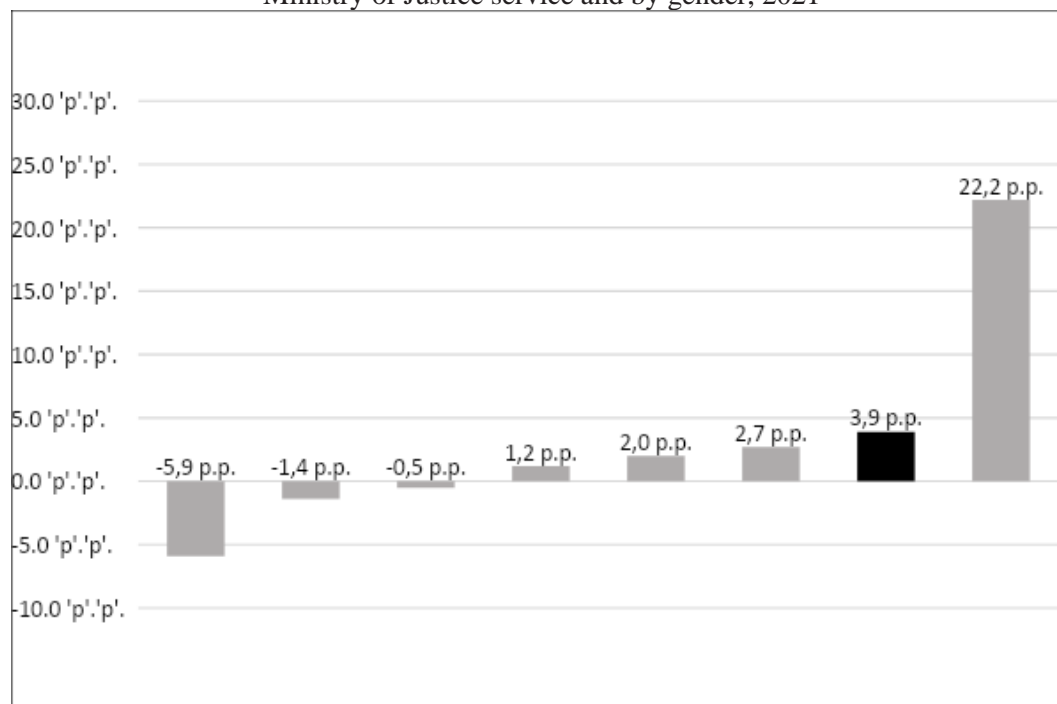
Graph 7 - Higher education rate of employees, by Ministry of Justice service and by gender, 2021



Source: Elaborated by the authors, based on data from the social balance sheet of these services

By analysing the difference, in percentage points, between female and male higher education rates (Graph 8), it is possible to organise the information in Graph 7 in such a way that negative values represent situations in which the male higher education rate is higher than the female rate and positive values represent situations in which the female higher education rate is higher than the male rate. Once again, it can be seen that three services showed negative figures (with the SGMJ's minimum of -5.9 percentage points) and four services showed positive figures (with the IGFEJ's maximum of 22.2 percentage points). Taking these seven services to represent the Ministry of Justice in their proportion, there is a difference of 3.9 percentage points in favour of the higher female qualification rate.

Graph 8 - Difference (in percentage points) between higher education rates for female and male workers, by Ministry of Justice service and by gender, 2021



Source: Elaborated by the authors, based on data from the social balance sheet of these services

The results shown in Graph 8 show a higher level of education for women compared to men. Table 1 shows a contingency table relating to the crossing of the gender and higher education variables for the Ministry of Justice. It should be noted that the overall figure for the proportion of workers without a higher education qualification is 78.9% and for the proportion of workers with a higher education qualification is 21.1%. If these two variables were independent, the structure of proportions would be reproduced in each of the categories of the gender variable. However, this is not the case, since for the female gender category the proportions are 77.8 per cent and 22.2 per cent respectively, and for the male gender category the proportions are 81.7 per cent and 18.3 per cent respectively. However, as a logical consequence of this finding, the question arises as to whether the difference of 3.9 percentage points between the genders in terms of higher education is enough to be statistically significant.

Table 1 - Contingency table for the variables gender and higher education of Ministry of Justice service workers, 2021

	Higher education	
	No	Yes
Female gender	77,8%	22,2%
Male Gender	81,7%	18,3%
Total	78,9%	21,1%

Source: Elaborated by the authors

The FISHER exact test was used to assess the existence of statistically significant dependence or independence between the gender and higher education variables, and the intensity of this dependence relationship was assessed using the CRAMÉR V coefficient (Table 2).

Table 2 - FISHER's exact test and CRAMÉR's V coefficient for the variables gender and higher education of Ministry of Justice service workers, 2021

Number of valid observations (employees)	13 041
p-value (two-tailed) of FISHER's exact test	0,000
CRAMER'S V	0,043

Source: Elaborated by the authors.

When the FISHER test was carried out, the null hypothesis was the existence of dependence between the variables gender and qualification. The p-value obtained of 0.000 leads to the conclusion that there is no statistical evidence to reject this hypothesis, and it is possible to state that, at a significance level of 0.05, the variables gender and qualification are dependent. The intensity of this relationship is measured by the CRAMÉR V coefficient, where a value of 0 in this coefficient corresponds to a situation of complete absence of dependence and a value of 1 corresponds to a situation of total dependence (Correia, 2023). Since the value of the coefficient obtained in this case was 0.043, it can be concluded that the previously validated dependence between gender and qualification of Ministry of Justice workers is not particularly strong.

Conclusions

From the analysis carried out throughout this article, two aspects stand out. One aspect is related to the disparities found, both in terms of the gender variable (feminisation rate and managerial feminisation rate) and in terms of the higher education variable (higher education rate), looking at the various departments of the Ministry of Justice. There is no doubt that this is a female Ministry, where the dominant gender is the female gender, which shares managerial positions. On the other hand, it was found that the Ministry of Justice has services that are not very homogeneous in terms of human resources, both in terms of gender and managerial positions. This finding may be related not only to the history of each service (older services versus newer services), but above all to the nature of each service, which includes functions that are less appealing or do not arouse the same interest among genders (Correia, 2015), for example, the nature of the functions associated with prison guards in the DGRSP or the nature of the functions associated with the notary services of the IRN. However, this finding requires more in-depth autonomous reflection, which was not within the scope of this article, and is suggested as future work. It should also be noted that the discrepancies found are not discriminatory, nor should they be feared by social agents, but rather a contribution towards a study aimed at clarifying the mechanisms underlying the differences found.

Understanding these gender balance dynamics can help the Ministry of Justice mitigate the effects of human resource churning, a concept which translates into the costs associated with the voluntary departure of workers (Pirrolas & Correia, 2021). In this way, it is important to emphasise the concept of resource churning, given its multifaceted relevance and enormous complexity that has been gaining prominence in the area of human resources, due to the loss of investment derived from the costs associated with the voluntary departure of workers (Pirrolas & Correia, 2023a).

In this sense, and according to the main factors addressed in this research, taking into account that the main causes of churning are related to the type of leadership, salary, career progression and the working environment (Pirrolas & Correia, 2022) in the Ministry of Justice, there is no gender discrimination in relation to the factors presented, which could predict that the churning rate is low.

Given the existence of a female Ministry and the fact that there is equity in terms of career progression opportunities, access to management positions and salaries, a reduction in the costs of churning can be expected. These costs are related to both the departures themselves and the new hires to replace the workers who left voluntarily, i.e. the new recruitment, selection and training process for the new workers, as well as the work overload for the workers who remain in the organisation and the increase in overtime costs. The replacement process involves huge costs and time spent until the new worker achieves the same performance as the one who left (Pirrolas & Correia, 2023b).

In view of the above and considering that organisations are defined by the way their processes are structured and managed, their characteristics are crucial in the design and implementation of policies and procedures in order to have a positive impact on the health and well-being of their workers, who in turn fulfil a sense of commitment to the effectiveness of the organisation (Pirrolas & Correia, 2023c). It should be noted that demystifying the concept of human resource churning plays a key role in bringing about a change in organisational paradigms, through the development and implementation of preventive models to address its causes, promoting better working conditions, helping to minimise its rate and, likewise, reducing replacement costs (Pirrolas & Correia, 2023d).

Protecting the workforce, i.e. retaining the best human resources, is a critical process, as each employee has their own objectives and behaviours, making it a challenge for organisations to control and manage their interests (Chandrasekara, 2020). Retaining competent employees is a complex process from which several factors come into play, such as valuing the work environment, as it is associated with the well-being of employees and their permanence in the organisation (Dhanpat et al., 2018; Rahman et al., 2020), recognition for the work performed by their employees, employees who feel their work is recognised are more positive and confident in their ability to contribute, recognition boosts productivity, increases satisfaction, and in this way, the likelihood of leaving the organisation is reduced (Tessema et al., 2013), the type of leadership, whose main function is to generate motivation in an employee or work team, contributing to their permanence in the organisation (Akdol & Arikboga, 2017) and salary, Duhautois et al. (2016) state that the churning rate is higher in small companies with lower salaries than in larger companies with higher salaries, and these should be analysed in order to act with strategic measures to retain human resources.

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