

## 3 CHALLENGES FOR THE LIBERAL PROFESSIONAL OF EXCELLENCE



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**T**he 2nd Forum of the Liberal Professional, on September 21, in Porto, is an excellent occasion to reflect on the liberal professional par excellence, the modern liberal professionals, those who take care of people, acting as mediators between the State and civil society. Issues such as Taxation and Social Protection, Creativity in the Liberal Professions, the importance of Education and Continuous Professional Development and the Responsibility and Duties of the Liberal Professional will, of course, be under discussion.

### Work is changing rapidly.

There are more and more liberal professionals and skilled workers, nationals and migrants, from the European Union and third countries. In the last five years, the number of self-employed workers in Portugal, with higher education, has grown by about 40%.

The future of liberal professionals looks promising, but it will depend on their ability to continue to innovate and undertake, adapting to the new realities of the labour market, to technological and social changes, without ever losing sight of their fundamental ethical principles and values that ensure the trust of society.

Liberal professionals are drowning in bureaucracy. We need less legislation and more flexible, more innovative regulation that can respond to new paradigms of work organisation, organisations and teams and the provision of services arising from the digital and environmental transition and new governance models.

To this end, 3 challenges that will be discussed at the 2nd Liberal Professional Forum:

### The challenge of regulation

From an evolutionary perspective of the regulatory model we have in Portugal, one can ask:

Where does regulation and self-regulation come from in Portugal? Naturally inspired by the European Union.

Liberal democracies adopt the market economy, admittedly the most efficient, which is based on competition. Regulation exists to address market failures in the economic area and in the sphere of governments or parties, translated into "politicization" of them.

Independent regulation in Portugal thus has a recent history, largely resulting from the implementation of several sectoral regulatory entities and their integration within the scope of the regulatory coordination of the European Union.

Regulatory activities framed by mandate of the Portuguese State under the umbrella of the European Union, as seen, cannot be processed on an island, in a fragmented way, in a closed circuit imposed or shared by regulators on the regulated, but on the contrary as a dynamic, integrated, open and participatory process; in a logic of real and effective participation, not only of those regulated and those who are the recipients of regulation, companies, banks, insurance, media, professionals from the public, private and social sectors, among others, but, on the contrary, with the active participation of citizens globally, in a broader approach, where complex corporate relations are conveniently, and as independently and transparently as possible, taken into account.

Creating social value in regulation implies the selection, election and appointment of suitable, qualified and credible officials, with an appropriate curriculum, and an action focused on flexible and evolutionary regulatory approaches, responsible and with the capacity to deal appropriately with lobbies, the media, government institutions, companies, regulated and society. Only in this way will regulation make sense to citizens, it will be understood, accepted, and promoted by all the professionals who are the recipients of it, companies, organizations, in the superior defence of the public interest.

Regulators, including public professional associations, must show the ability to deal with pressures, maintaining adequate distance, avoiding cronyism, cronyism and conflicts of interest, always ensuring their autonomy and independence.

### The challenge of implementing professional standards and guidelines

The future of professions is changing rapidly. We need agile and understandable arrangements so that professional regulation can respond in a timely manner to challenges of enormous complexity, such as artificial intelligence, remote work, the recognition of qualifications outside the EU, the mobility of professionals, data protection, the digital and energy transition and, above all, citizens access to the services provided by regulated professionals.

One of the regulatory instruments that professional associations and associations have at their disposal, most valued by society and by the various operators, consumers and customers in general, is the issuance of standards of good practice and quality parameters in the provision of services.

In this sense, the impact of regulatory activities should, in this concept, be oriented towards identifiable, measurable and tangible results by citizens, based on the performance of the recipients of regulation, through standards and guidelines selected by prior collection of information, promoting good practices and quality, leading to changes in behaviour and processes of all recipients of regulation and society in general.

It is also crucial, from a perspective of valuing regulation for the benefit of society, that the updating and continuous training paths are completed by professionals and made available for consultation by citizens.

I would continue with the **3rd and last challenge of the Liberal Professional of Excellence: that of Ethics and Deontology**, that of meeting the demands of society in terms of the treatment of complaints of malpractice and that of conflict between professionals. In teams of professionals, error and malpractice are often the result of an entire process, and less of an isolated professional. Quite apart from individual responsibility, which must naturally be punished, here too, inter-professional structures in the field of ethics and ethics would respond with better quality to the recipients of the services who legitimately address the professional regulators with their complaints. The ethics of the professions must, in an

analogous way, be complied with through codes of good practice in the companies and public and private organizations where the professionals are inserted, publicly identifying the organizations where compliance with the precepts of professional ethics is effective.

### Summarizing

The fundamental result is that the regulatory and legislative activities of the various operators, framed by the mandate of the Portuguese State under the umbrella of the European Union, are not processed on an island, in a closed circuit imposed or shared by regulators on the regulated (professionals, companies, organizations, recipients of services, consumers), but, on the contrary, as a dynamic, integrated process, open, in a logic of active participation of citizens in the global, in a broad approach, where complex societal relations are conveniently, and as independently and transparently as possible, taken into account.

In short, a regulation that creates value for society.

We cannot continue to blindly apply competition law tout court to the liberal professions; this interpretation of competition laws has had disastrous effects in Portugal and in several countries of the European Union in affecting the role of small practices, offices and local offices.

They have largely disappeared with serious social consequences: accessibility has decreased, liberal professionals lose income, they became proletarianized.... ■

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