



Portuguese Labour Law



Fundamental Rights

- Everyone has the right to work;
- Everyone has the right to choose their job or kind of work;
- Safety in the job is guaranteed to the workers, being the employers forbidden to dismiss someone without fair grounds or on grounds of political or ideological issues;



Fundamental Rights

- Women have the right to a special protection during pregnancy and after giving birth, and the working women have also the right to a leave of absence for a suitable period of time, without losing retribution or any benefits;
- The law regulates the entitlement to parental leaves for mothers and fathers for a suitable period of time, according to the child's interests and the family's needs;



Employees' Duties

- Respect and treat with propriety and probity employers, superiors, co-workers and other persons related to the company
- Attend the service with diligence and punctuality
- Perform the work with reasonable care and skill
- Carry out and follow orders of the employer, except those that may be contrary to their rights and guarantees
- Be loyal to the employer, including not competing in business while still working for the employer and not disclosing the employer's confidential information



Employees' Duties

- Ensure the conservation and proper use of goods related to the work assigned to them by the employer
- Promote or perform all actions to improve the company's productivity
- Comply with instructions given for workplace health and safety
- Cooperate to improve the safety, hygiene and health of the workplace, particularly through the employee's representatives elected for that purpose



Code of Conduct

- It depends on the company's regulations;
- Grounds of dismissal:
 - At the term of the labour agreement
 - Disobedience
 - Violent behaviour
 - Disrespect for security and health regulations
 - Unjustified absences to work
 - Lack of motivation and strong reduction of productivity



Employment

- All eighteen-year-olds may celebrate employment contracts;
- The minimum age for working is 16 years old. However , no youngster can be legally allowed in the workforce unless he/she has completed compulsory schooling;



Types of employment contracts

- **Permanent Contract of employment:** no time limit.
- **Fixed-term contract of employment:** duration limited in time. This type of contract generally lasts for six months, though they may be shorter (in situations provided for by law) or longer, up to a maximum of six years (including renewals).
- **Casual Contract of employment:** lasts as long as necessary to replace an absent employee or to complete an activity, project, work or task the performance of which justifies the contract.
- **Part-time contract of employment:** corresponds to normal weekly working hours equal to or less than 75% of the hours worked on a full-time basis in comparable circumstances.
- **Telework contract:** provision of labour with legal dependence, usually not on the employer's premises, by means of information and communication technologies.



Working time

- **Normal working hours:** these may not exceed eight hours per day or 40 hours per week (increased up to a maximum of four hours, though the duration of weekly work may not exceed 60 hours)
- **Working week:** by law, Sunday is the compulsory weekly rest day. In addition to this, another half or full day's weekly rest may be granted, which may be split or suspended.
- **Break:** the working day must be interrupted by a break of no less than one hour and no more than two hours so that employees do not work for more than five hours consecutively.
- **Daily rest:** employees are guaranteed a minimum of 11 continuous hours of rest between two consecutive working days.



Working time

- **Overtime** is restricted to two hours on any normal working day; a maximum of 200 hours annually; a number of hours equal to normal daily working hours on a compulsory or additional weekly rest day or public holiday; a number of hours equal to half the normal daily working hours;
- **Night work:** work performed between 10 pm on one day and 7 am on the following day. It lasts for a minimum of seven hours and a maximum of 11 hours, including the break between midnight and 5 am. The pay is 125% higher than that for normal work.
- **Shift work:** The duration of each shift may not exceed the maximum limits of normal working hours. Employees can only change shifts after a weekly rest day. Under the system of continuous working, shifts must be organised so that employees in each shift are granted at least one day's rest in each period of seven days, besides the extra rest period they may be entitled to.



Holidays, leaves and absences :

- People benefitting
- Duration of holidays
- Accumulation of holidays
- Types of leaves
- Types of absences
- Justified absences



Right to Holidays

- The employee is entitled to paid holidays, in each calendar year.
- This law shall take effect to enable the physical and psychological recovery of the employee and assure the minimum availability of personal integration in family life and social and cultural participation.
- The right to leave is irrevocable and its effective enjoyment can not be replaced, even with the consent of the employee for any economic or other compensation.



Duration of holidays

- The annual holiday period lasts for a minimum of 22 days.
- Only working days from Monday to Friday are considered to be vacation days (except for official or national holidays); besides vacations can not begin on a worker's weekly rest day.
- The duration of the holiday period is increased if the worker has not missed work without justification.
- The employee may renounce in part the right to leave, receiving a salary and allowance thereof, without harm to the effective enjoyment of 20 days of leave.



Accumulation of holidays

- Holidays should be taken during the calendar year in which they are due.
- Workers are not allowed to accumulate holidays of two or more years in the same calendar year.
- Holidays, however, can be enjoyed in the first quarter of next calendar year, which can be added to the holidays for the beginning of the current year, by agreement between employer and employee, or whenever he wishes to enjoy the holidays with relatives living abroad.

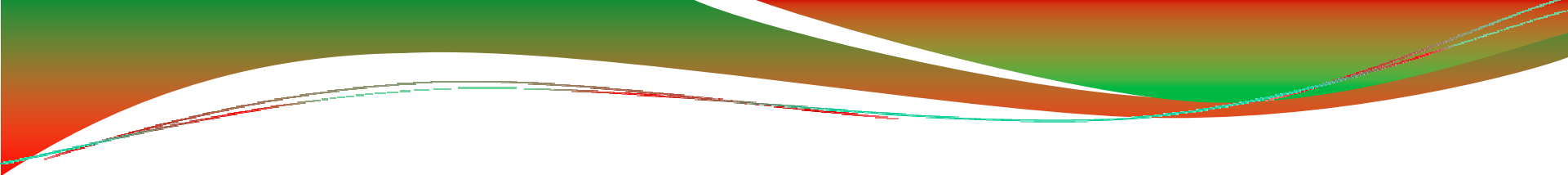


Types of absences:

- Absences may be justified or unjustified.

Justified absences:

- 15 consecutive days, at the time of marriage;
- on the grounds of death of the spouse, relatives or the like;
- on the grounds of passing school exams, under special legislation;
- on the grounds of inability to perform work due to facts that are not ascribed to the employee, including illness, accident or legal obligations;

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- motivated by the need to provide essential assistance to members of the household
 - Absences not exceeding four hours and not longer than strictly necessary, justified by the responsible person of a minor's education, once in every three months to travel to school in order to learn of the educational situation of the minor
 - given by the workers elected to the structures of representation
 - given by candidates for election to public office during the statutory period of their election campaign
 - authorized or approved by the employer



Types of leaves

- Sickness
- Family care leave
- Maternity leave
- Time off for prenatal appointments
- Breast-feeding
- Adoption leave
- Special childcare leave
- Leave for personal reasons



Parental Protection

- What is it?
- Social Benefits, when are they given?
 - Pregnancy;
 - Maternity and Paternity;
 - Adoption;
 - Breast feeding



Parental Protection

- What is it?

Protection provided to employees through the granting of benefits in case of clinical risk during pregnancy, voluntary interruption of pregnancy, birth of children, adoption, particular risks and for the care of children and grandchildren with the aim of compensation for loss of earnings during employee leave periods



Social Benefits

- - Benefit in case of clinical risk during pregnancy
- Benefit in case of voluntary interruption of pregnancy
- Benefit in case of particular risks
- Parental Benefit:
 - . Initial Parental Benefit
 - . Initial (exclusive for mothers)
 - . Initial (exclusive for fathers)
 - . Initial (for one of the parents, if the other parent may not take leave)
- Extended Parental Benefit
- Adoption Benefit
- Adoption Benefit in case of extended leave
- Benefit for the care of children
- Benefit for the care of disabled or chronically ill children
- Benefit for the care of grandchildren:
 - . In case of birth
 - . In case of a minor grandchild or a disabled or chronically ill child



Qualifying conditions- Maternity

- In order to be eligible for maternity benefit, mothers must have contributed and received social security coverage for at least six months prior to the birth.
- Mothers can receive **100 percent** of their average daily income for 120 days, 90 of which are to be taken after childbirth. The average daily income is calculated using the mother's salary for the six months prior to the two months before the birth. There is a minimum amount payable.
- An additional 30 days is available for each multiple birth. Mothers can opt to take 150 days of leave, with the extra 30 days being taken after childbirth. In this case she will receive 80 percent of her average daily earnings. In certain instances the 30 additional days may be shared with or given to the father. In the event of a miscarriage, 14 to 30 days of paid leave are available.
- If their job normally requires them to work at night or in dangerous situations, pregnant women, women who have recently given birth and breastfeeding mothers are also entitled to a 65 percent maternity allowance, based on their average daily salary. The average daily income is calculated using the mother's salary for the six months prior to the two months before the birth.



Qualifying conditions- Paternity

- Working fathers are eligible for twenty days of paid paternity leave;
- they receive 100 percent of their average daily salary. The average daily income is calculated using the father's salary for the six months prior to the two months before the birth.
- This paid leave may be extended if the mother has medical complications, if the mother of the child dies or if the mother shares her maternity leave with the father.
- Self-employed fathers are not eligible for paternity leave. There is a minimum amount payable.

Leaves and earnings

BENEFITS	DAILY AMOUNT (1) (% Reference Earnings- RE)
<ul style="list-style-type: none"> • In case of clinical risk during pregnancy • In case of voluntary interruption of pregnancy • Initial Parental Benefit • Adoption Benefit 	<ul style="list-style-type: none"> • 100% • 100% (2) – In case of: <ul style="list-style-type: none"> • 120 days • 150 days (120+30) – sharing of parental leave • Rise in the amount (multiple births or adoptions) • 83% - in case of 180 days (150+30) – sharing of parental leave • 80%- in case of 150 days
<ul style="list-style-type: none"> • Extended Parental benefit • Adoption Benefit in case of extended leave 	<ul style="list-style-type: none"> • 25%
<ul style="list-style-type: none"> • Benefit in case of particular risks • Benefit for the care of children 	<ul style="list-style-type: none"> • 65%
<ul style="list-style-type: none"> • Benefit for the care of disabled or chronically ill children 	<ul style="list-style-type: none"> • 65% - maximum amount: twice IAS
<ul style="list-style-type: none"> • Benefit for the care of grandchildren 	<ul style="list-style-type: none"> • 100% - in case of birth of grandchildren • 65% - for care of grandchildren
<ul style="list-style-type: none"> • Minimum amount: Daily amount of benefits cannot be lower than 80% of 1/30 of IAS, with the exception of Extended Parental Benefit and Adoption Benefit in case of Extended Leave, which cannot be lower than 40% of 1/30 of IAS. • This amount also applies to Initial Parental Benefit (exclusive for fathers) 	



Adoption benefit

- Adoption benefit is available for adoptive parents and paid at 100 percent of the adoptive parent's average daily salary for the first 100 days after the adoption of a child under 15 years of age.
- If two parents are adopting together, the leave may be shared between them.
- An additional 30 days paid leave is granted for each additional adopted child. There is a minimum amount payable.



Breast feeding

- The mother has the right to be absent from work as long as the child needs breast feeding.
- This situation has to be reported to the employer beforehand (minimum 10 days) and proved by medical certificate after the first year of the child's life.
- The leave has to be divided into two periods with the maximum duration of one hour each.



Unemployment Protection

- Types of benefits
- People benefitting
- Qualifying conditions
- Qualifying period
- Granting Periods
- Amounts paid



Types of unemployment benefits

- UNEMPLOYMENT BENEFIT
- UNEMPLOYMENT SOCIAL BENEFIT, initial or following the Unemployment Benefit
- PARTIAL UNEMPLOYMENT BENEFIT

These benefits aim at compensating the beneficiary for the lack of earnings or reduction of earnings determined by the acceptance of part-time work, as well as at promoting the creation of employment.



People benefitting

- **Beneficiaries residing in the national territory:**
 - workers covered by the general social security scheme for the employees;
 - former invalidity pensioners who have been considered capable of work after a disability reassessment.
- The beneficiaries, foreigner citizens must have valid residence permits or others that allow them to carry out an employed activity. The refugees and stateless persons must have a valid temporary protection permit.

Note: The beneficiaries that, at the date of unemployment, fulfil the qualifying conditions required for an old-age pension are not entitled to unemployment benefits.



Qualifying conditions

- The entitlement to the unemployment benefits depends on the following conditions:
- to have been bound by a work-contract or a similar agreement.
- to be in the situation of a total lack of employment.
- to be capable of and available for work.
- to be an involuntary unemployed.
- to be registered as a job seeker with the Employment Centre of their residence area.
- to fulfil the qualifying period for the different types of benefits

Qualifying periods

Beneficiary Age	No. of Months with Earnings Registration	Granting Period	
		No. of Days	Increase
Under the age of 30	Up to 24	270	-
	More than 24	360	30 days for every five years with earnings registration
From 30 to 39	Up to 48	360	-
	More than 48	540	30 days for every five years with earnings registration within the last 20 calendar years
From 40 to 44	Up to 60	540	-
	More than 60	720	30 days for every five years with earnings registration within the last 20 calendar years
From 45 or more	Up to 72	720	-
	More than 72	900	60 days for every five years with earnings registration within the last 20 calendar years



Amounts paid

- Minimum: 419.22 €
- Maximum: 1257.66 €
- Calculation basis: 65% of the last salary.

Distinction between public and private sectors

Subject	Public sector	Private sector
Holidays	From 25 to 28 vacation days (depending on age)	From 22 to 25 days (depending on absences)
Wages	Negotiated depending on the government budget (with wages limits for each category)	Negotiated between the employer and employee without limits
Working time	35 hours a week, 7 hours per day	40 hours per week, 8 hours per day
Career progression	Based on annual evaluation	Based on company policies
Dismissal	2 negative ratings or disciplinary rules violation	by inadaptability