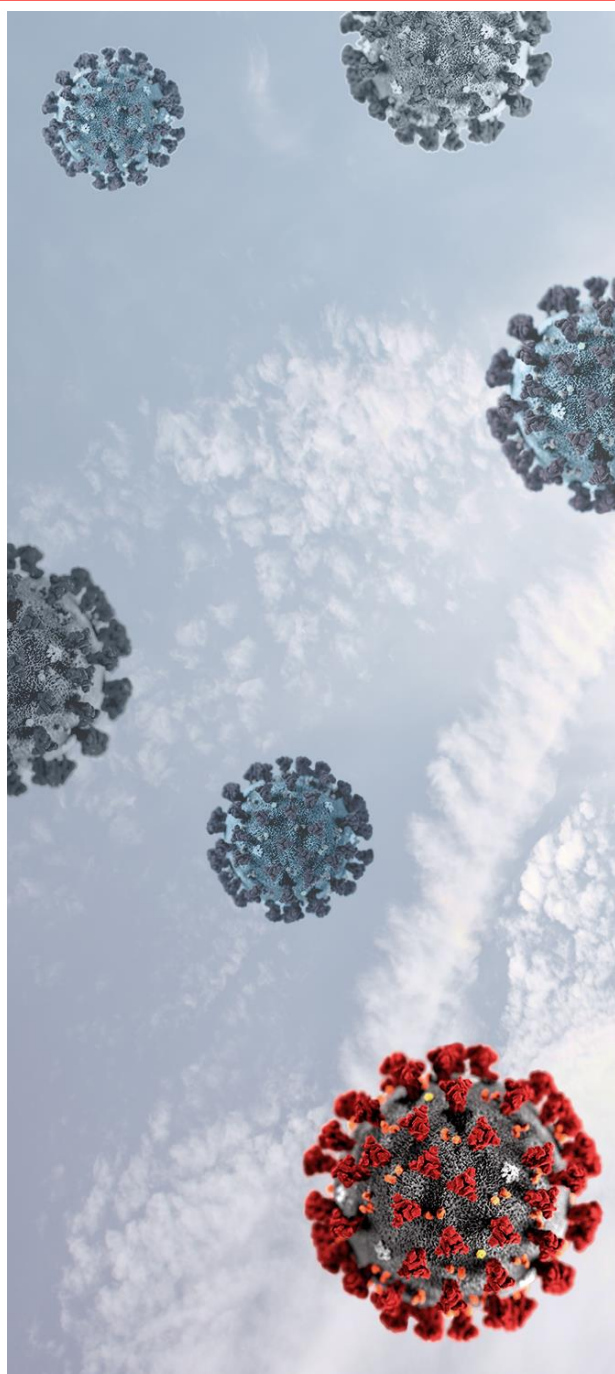

COVID-19: Summary of labor measures in place at start of reopening

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On March 15, a reopening plan was initiated, but the state of emergency remains in place. We informed you of the phases of this plan, as well as the activities and establishments that can reopen in each of them, in our COVID-19 Legal Flash no. 46 of March 15, which you can read [here](#).

Because extraordinary and temporary measures, which are constantly being reformulated and lifted, remain in place, workers and companies have to adapt to a new legal reality that continues to be complex. As recently as March 24, a new law was published describing new support measures for companies. We summarize the labor measures that will remain in place in the following table:

SUMMARY OF MEASURES	
Mandatory remote working	Regardless of the employment relationship, or the type or nature of the legal relationship, workers are still required to work remotely whenever it is compatible with their activity and they have the means to do so. Remote working does not require an agreement between the parties.
Staggered work schedules	When remote working cannot be implemented, employers must stagger hours of entry and exit from workplaces and adopt the technical and organizational measures needed to ensure workers remain physically distanced and protected.
Use of masks or visors	Masks or visors must be worn to access or remain in workplaces where activities are still being carried out if it is not possible to maintain the physical distance recommended by health authorities. However, this obligation does not apply to workers who work in an office, room, or equivalent that does not have any other occupants or when airtight physical separation and protection barriers between workers are used.
Monitoring body temperature	To protect the health of workers and other parties, workers may have their body temperature taken by non-invasive means when they access the building. If the temperature measured exceeds normal body temperature (i.e., if it is equal



	<p>to or greater than 38 °C), the worker may be prevented from accessing the workplace, which would be considered a justifiable absence.</p> <p>Measuring body temperature does not impair the right to individual personal data protection. It is expressly prohibited to keep a record of the body temperature associated with the individual's identity, unless explicitly authorized. The measurements may be taken by a worker working for the organization responsible for the facilities or establishment, using suitable equipment that does not contain a memory or take a record of the temperature taken. There must be no physical contact with the person whose temperature is measured.</p>
COVID-19 tests	<p>The employer cannot require employees to undergo tests for diagnosing SARS-CoV-2.</p> <p>The performance of these tests may be determined by the workplace's health services in coordination with the National Health Service (SNS).</p>
Maintenance of increased powers of the ACT	<p>Whenever a workplace inspector from the ACT observes signs of unfair dismissal, he or she will prepare a report and notify the employer to regularize the situation. By notifying the employer and until the worker's situation is regularized or a court judgment is passed on the matter, as applicable, the employment agreement in question remains in force, with all the rights of the parties maintained, specifically the right to remuneration, as well as the inherent social security obligations. Labor courts have legal jurisdiction over these matters.</p>
Placement of vacation planner	<p>The approval and placement of the vacation planner must take place by May 15.</p>
Absence from work	<p>Absences are justified when:</p> <ul style="list-style-type: none">• they are due to the worker's preventive isolation;• the worker has COVID-19;• the worker is immunosuppressed or has a chronic condition;



	<ul style="list-style-type: none">• the worker has to accompany their children or other dependents in their care in preventive isolation, with a limit of 14 days;• the worker has to assist children or other dependents in their care who have COVID-19; and• the worker has to assist children or other dependents under the age of 12, or, regardless of their age, with a deficiency or chronic condition, because of the suspension of face-to-face teaching and non-teaching activities in a school or social facilities.
Simplified lay-off	<p>Simplified lay-off can be used by:</p> <ol style="list-style-type: none">a) companies required to be fully or partly closed, or whose activity is suspended; andb) companies that are in a total or partial stoppage by more than 40% of their operations in the month before the request to be made in March and April 2021, and which results from the interruption of global supply chains or the suspension or cancellation of orders, in situations in which more than half of the invoicing in the previous year has been in activities or sectors that are currently suspended or closed due to legislative or administrative government decisions. <p>While this regime is applicable, workers are entitled to remuneration compensation to the extent necessary so that, in conjunction with remuneration for work carried out in or outside the company, they are guaranteed a minimum amount of pay that is equal to i) 2/3 of their normal gross remuneration, or ii) the value of the guaranteed minimum monthly remuneration for their normal period of work (whichever is higher), which can be up to three times the guaranteed minimum monthly remuneration. Social Security pays 70% of the remuneration compensation and the employer pays the remaining 30%.</p> <p>If the monthly amount is lower than the worker's normal gross remuneration, the compensation amount paid by Social Security will be increased to the extent necessary to ensure they receive the correct remuneration, up to the maximum limit of normal gross remuneration that is three times higher</p>



	<p>than the guaranteed minimum monthly amount; i.e., workers have the right to earn 100% of their normal gross remuneration up to a limit of EUR 1,995.</p>
<p>Extraordinary support to resume activities gradually</p>	<p>Extraordinary support to resume activities gradually is available for companies that have had a decline in invoicing of 25% or more in the full calendar month immediately preceding the calendar month that the initial request for support or extension refers to, compared to the same month of the previous year or 2019, or compared to the monthly average for the six months before that period.</p> <p>In these cases, the company may reduce the normal working periods for workers, depending on the reduction in invoicing. Workers have a right to payment corresponding to the hours of work provided and monthly compensation corresponding to hours not worked, paid by the employer, amounting to 4/5 of their normal gross earnings corresponding to hours not worked. Social Security pays 70% of this compensation and the employer pays the remaining 30%.</p> <p>If the monthly amount is lower than the worker's normal gross remuneration, the compensation amount paid by Social Security will be increased to the extent necessary to ensure they receive the correct remuneration, up to the maximum limit of normal gross remuneration that is three times higher than the guaranteed minimum monthly amount; i.e., workers have the right to earn 100% of their normal gross remuneration up to a limit of EUR 1,995.</p> <p>For micro companies:</p> <ul style="list-style-type: none">• The employer is entitled to financial support for keeping work posts, valued at EUR 1,330 per worker covered, paid in phases over six months.• The employer is also entitled to request minimum guaranteed remuneration (EUR 665) if i) it is in a state of corporate crises in June 2021, and ii) it has not benefited from the lay-off or extraordinary support to resume activities gradually in 2021.
	<p>Companies that have benefited from lay-off or extraordinary support to resume activities gradually in the first quarter of</p>



Incentive for business normalization	<p>2021 are entitled to an extraordinary incentive for business normalization, equal to one or two times the minimum monthly guaranteed remuneration, depending on the date it is requested.</p> <p>During the period the support is provided, and 90 days after that period, the company:</p> <ul style="list-style-type: none">• cannot terminate employment agreements through collective dismissals, dismissals due to the removal of a work post, or dismissals due to unsuitability, nor can the company start those procedures; and• must maintain the same level of employment as in the month before the one in which the requirement was submitted.
Social Security	<p>In addition to the incentive of twice the minimum monthly remuneration, the employer is also entitled to a waiver of 50% of the social security contributions for workers covered during the first two months of the incentive.</p>
Prohibition of dismissals	<p>While they are receiving the support, and for 60 days following that period, employers cannot terminate employment agreements through collective dismissals, dismissals due to the removal of a work post, or dismissals due to unsuitability, nor can they start those procedures.</p>



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Cuatrecasas has set up a Coronavirus Task Force, a multidisciplinary team that constantly analyses the situation emerging from the COVID-19 pandemic. For additional information, please contact our Task Force by email TFcoronavirusPT@cuatrecasas.com or through your usual contact at Cuatrecasas. You can read our publications or attend our webinars on our [website](#).

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