
Changes to remote work regime

Labor Legal | Portugal

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Law 83/2021, which modifies the remote work regime and the regime on work accidents and occupational illnesses, has been published.



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Law 83/2021 of December 6, 2021 (“**Law 83/2021**”), which modifies the remote work regime and the regime on work accidents and occupational illnesses, has been published.

The law defines remote work as subordinate work carried out through IT and communication technologies at a location not specified by the employer. It covers hybrid work, where employees are able to work both remotely and at their usual workplace.

Law 83/2021 introduces:

- the requirement for the employer to justify in writing why working remotely is rejected if employees propose it (employees’ proposals must meet several criteria);
- the situations in which employees are entitled to work remotely;
- the requirement for employers to compensate any proven additional expenses borne by employees, as specified in the law (this compensation is considered, for tax purposes, as a cost for the employer and not income for the employee);
- the increased protection of the privacy of employees who work remotely;
- the prohibition to contact employees in their rest periods (right to disconnect), except in cases of force majeure;
- the prioritization of certain activities that require employees’ physical presence;
- the requirement for employers to provide employees with good physical and mental work conditions; and
- the definition of workplace for workplace accident purposes.

Remote work contracts must still be in writing, and certain aspects should be emphasized. The contracts should also specify the points agreed between the parties, such as restrictions and terms relating to the personal use of work equipment and systems that employers provide employees.

Law 83/2021 will come into force on January 1, 2022.



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