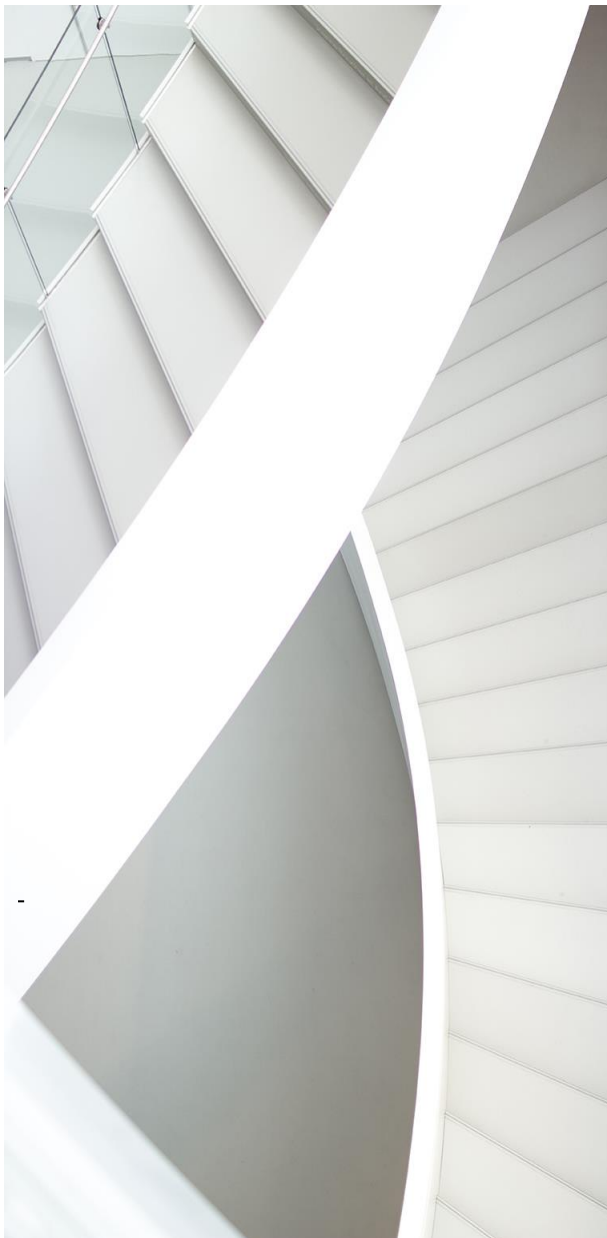

Regulating the Decent Work Agenda

[Decree-Law 53/2023 of July 5](#) regulates social protection measures under the Decent Work Agenda, establishing measures aimed at the protection of student employees, young students, parenthood and adoption, in cases of sickness, death, paternity and maternity.

Portugal – Legal Flash

July 6, 2023



Key aspects

- Financial protection for young student employees and young students who work during school vacations
- Higher benefits and more flexible leave for shared parenting and child accompaniment
- Regime extended to employees that adopt or foster
- Social security protection regime extended to cases of sickness, maternity leave, parenthood, adoption and death
- Public service employees may now use the self-declaration system to justify sickness



Regulating the Decent Work Agenda

Decree-Law 53/2023 regulates several areas, but its mission remains the same: to **improve social support and protection**. Key changes to the labor legislation are as follows.

- > Young student employees and young students
 - Students who work during school vacations are now protected, since they can combine annual salaries up to €10,640 (equivalent to 14 times the guaranteed minimum monthly salary) with the child benefit, student grants and survivors pensions.

- > Parenthood
 - The **exclusive initial parental leave period** for fathers is now **28 mandatory days and 7 optional days**. Fathers can ask to postpone the mandatory leave period if the baby is hospitalized after birth.
 - **The percentages for calculating the leave benefits**, specifically the initial parental benefit and extended parental benefit, have been changed to **90%** and **40%**, respectively, when the parental responsibility is effectively shared.
 - The initial parental benefit and extended parental benefit can now be **combined with employment income**. Also, where the initial parental leave is combined with part-time work, beneficiaries are entitled to the corresponding initial parental benefit.
 - In the case of death or physical or mental incapacity of one parent, the other can use the **remaining period of unused leave**. In the event of the mother's death or incapacity, the minimum leave period for the father is 30 days.
 - To enable parents to take part-time leave after the first 120 days, **parental leave is now more flexible**. This helps parents to reconcile their return to work and their private life, and enables them to be with their children during the first year of life.

- > Adoption
 - The adoption benefit now includes the exclusive initial parental leave period for fathers and the extended parental leave, in addition to the initial parental benefit. It also applies to foster families.

- > Sickness
 - Sick employees can justify an absence of three consecutive days using the self-declaration system, but no more than twice a year.
 - Public service employees covered by the converging social protection regime can now use the self-declaration system for justifying sickness. For other employees, the rules on paid sick leave have been adapted to this new simplified regime.



Effective since May 1, 2023, this decree-law applies to current benefits. However, when any current leave period needs to be changed, to apply this decree-law, those affected must declare the new period within 30 days of its entry into force (i.e., before August 7).

For more information, click [here](#) to see the practical guide we published last May.

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