



Employment Flash

Today, some new rules on parental rights protection will come into force. Such rules change the Portuguese Labour Code and other diplomas regulating such topic. Other rules will only come into force with the next State Budget. Express reference is made in the text.

Of the several updates, we highlight the following:

Father's Exclusive Parental Leave

The maximum duration of this leave is kept at 25 working days, as follows:

- Compulsory leave period extended to 20 working days (instead of 15) which must be taken, subsequently or interleaved, within 6 weeks following the child's birth;*
- Optional leave period reduced to 5 working days (instead of 10) which continues to have to be used simultaneously with the initial parental leave of the mother.*

This amendment will only come into force with the publication of the new State Budget.

Parental leave in case of hospitalisation

In case of hospitalisation of new-born in need for special medical care occurring immediately after the recommended period of after-birth hospitalisation, the initial parental leave of 120 or 150 days will be accrued of the hospitalisation period, up to the maximum limit of 30 days.

If the child's birth occurs on or before the 33rd week of pregnancy, the leave accrual will correspond to the entire hospitalisation period.

The initial parental allowance will cover the above-mentioned additional periods and that these updates will only come into force with the new State Budget.

Adoption Leave

The similarity between the adoption leave and the initial parental leave is reinforced, the adoption leave's duration being accrued of 30 days if each of the two adoption candidates use, in exclusive, a leave period of 30 consecutive days, or two periods of 15 consecutive days, after the use of the 6 weeks mandatory leave period by the other.

This leave and the rights arising therefrom apply to same-sex couples' adoption and the legal updates comes into force on 04.10.2019.

Communications to the Labour Authorities

The termination of employment contracts of pregnant, puerperal or breast/bottle-feeding employees or of employees on parental leave during the trial period will be subject to mandatory communication to the Committee for Equality and Non-Discrimination at Work (CITE) within 5 working days.

The reasons for the non-renewal of term employment contracts of pregnant, puerperal or breast/bottle-feeding employees and – now – also of employees on parental leave will have to be communicated to CITE at least 5 working days before being communicated to the employee.

These changes will come into force today.

New Parental Leaves and Releases

The new law foresees four new parental leaves / releases for (i) assistance to children suffering from oncologic disease, (ii) travel for child delivery to hospital located outside the pregnant employee's island of residence, (iii) Madeira/Azores inter-islands displacement of the pregnant, puerperal or breast/bottle-feeding employee's partner, deemed necessary for her health and safety and for (ii) medically assisted procreation appointments.

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