



Remote Work – Exceptional Regime

On November 3, Decree-Law no. 94-A / 2020 was enacted, foreseeing several changes to the exceptional and temporary Government measures to control the spread of the Covid-19 disease.

Among such measures, we highlight those related to the exceptional remote work regime.

- *It is mandatory to adopt the remote work regime, regardless of the employment relationship, whenever the duties allow it and the employee has conditions to perform them.*
- *No written agreement between the employer and the employee is required.*
- *Regardless of the number of employees, this obligation applies to all companies that have premises in the territorial areas where the epidemiological situation justifies it, as defined by the Government (currently 121 Municipalities).*
- *In companies that use or benefit from services provided by temporary employees and / or service providers, it is also mandatory to adopt the remote work regime.*
- *Exceptionally, when the employer decides that the conditions for providing remote work are not met, it must inform the employee, in writing, of the grounds of such decision, being responsible for proving that the employee's duties are not compatible with the remote work regime or that minimum technical conditions for its implementation lack.*
- *In the 3 business days following the abovementioned notice from the employer, the employee may request the Labour Inspection Authority (ACT) to verify the requirements and the facts invoked by the employer.*
- *ACT has 5 business days to analyse the matter and issue a decision.*
- *The employer must provide the employee with the necessary equipment and working tools for the provision of remote work.*
- *When such provision is not possible and the employee agrees thereto, remote work can be carried out using their own means, the employer being responsible for programming and adapting them to the provision of work that may be required.*
- *Employees unable to perform their duties under a remote work regime, including adequate technical or housing conditions, must inform the employer in writing of the reasons for their impediment.*
- *Employees working under a remote work regime have the same rights and duties as any other employee, without reduction in pay, particularly with regard to normal working hours limits and other working conditions, health and safety and compensation for occupational accident damages or occupational disease, maintaining the right to receive the meal allowance that was already due.*

The remaining measures, referring to the mismatch of working hours and organisation of working times applicable to situations in which it is not possible to adopt the remote work regime, remain in force, as well as the measures related to employees that can request to work remotely for personal reasons.

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