



**Main amendments to the Labour Code (2009 version)¹
(Introduced by Law No. 93/2019 of September 4)**

This table contains a selection of the main changes to the Labour Code that were published on 4 September 2019.

The changes are listed by alphabetical order and not order of importance or appearance in the legal diploma. Unless otherwise stated, changes will take effect on 1 October 2019.

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Matter	What changed?	What to look out for / Impact
Employee Annual training	<ul style="list-style-type: none"> • Right to annual training increased up to 40 hours. 	Immediate impact – check HR procedure and update.
Employee illness - Oncology patients	<ul style="list-style-type: none"> • Extension of rights and duties already in force for other categories of employees with regards to access to employment, training, promotion or career development, and working conditions. • Employees undergoing treatment may be excused from work under specific working time regimes, namely adaptability, hour bank or concentrated work regimes, or from working between 8 pm and 7 am the following day. 	Immediate impact – check HR procedure and update.

¹ Approved by Law No.7/2009, of 12 February.

<p>Employee Probationary period</p>	<ul style="list-style-type: none"> • Increase from 90 to 180 days for permanent contracts entered into with first-time job seekers and long-term unemployed individuals. • Exclusion or reduction of probationary period in the case of professional internships in the same activity and with the same entity. 	<p>Immediate impact – check HR procedure and update.</p>
<p>Employee-related termination - Just cause for termination by employee</p>	<ul style="list-style-type: none"> • Inclusion of employer or co-worker harassment conduct in the list of conducts that constitute just cause for termination by the employee. 	
<p>Employer- related termination - Individual unilateral termination process by the employer</p>	<ul style="list-style-type: none"> • Extension of the deadlines for consultation/opinions and for the request for verification of the requirements by the Work Inspectorate. 	
<p>Means of hire – Temporary employment contracts (via temp agencies)</p>	<p>Form and content</p> <p>Reinforcement of requirement to establish a causal link between justification used in the temporary work contract (entered into between temporary worker and agency) with provision of services/utilization contract entered into between employer and agency.</p>	

	<p>Unlawful transfer/assignment</p> <p>A temporary worker assigned by a licensed temporary work agency to a user entity without having their applicable contractual instrument in place with the temporary work agency is deemed a permanent employee of the user entity.</p>	<p>HIGH IMPACT CHANGE</p> <p>Check HR procedure and update.</p>
	<p>Renewal limits</p> <p>Elimination of renewal limits regarding fixed-term temporary contracts entered into to replace absent workers.</p>	<p>Immediate impact for hires as of 1 October 2019.</p>
<p>Means of hire - Term employment contracts</p>	<p>Changes to legal grounds</p> <ul style="list-style-type: none"> • Removal of justification regarding first time job-seekers. • Elimination of justification regarding long-term unemployed individuals and creation of justification regarding very long-term unemployed individuals. • Restriction of justification criteria regarding commencement of activity or undertaking. 	<p>Immediate impact for hires as of 1 October 2019 - check HR procedure and update.</p>
	<p>Decrease in the maximum duration limits</p> <ul style="list-style-type: none"> • Reduction of maximum duration of fixed-term employment contracts to 2 (two) years (formerly 3 (three)). • Reduction of maximum limit for the duration of open-ended term employment contracts is reduced to 4 (four) years (formerly 6 (six)). 	<p>HIGH IMPACT CHANGE</p> <p>Immediate impact for hires as of 1 October 2019 - check HR procedure and update.</p>

	<p>Limitation on the duration of renewals of fixed-term employment contracts</p> <p>Maintenance of possible renewal of fixed-term employment contracts up to three (3) times, BUT total duration of renewals may not exceed that of the initial duration of the contract.</p>	<p>HIGH IMPACT CHANGE</p> <p>Immediate impact for hires as of 1 October 2019 - check HR procedure and update.</p>
<p>Working time – Hours bank</p>	<ul style="list-style-type: none"> • Elimination of individual hour/time bank regime and termination of regimes already in place within one year following the entry into force of the law. • Amendments to the group hour/time bank regime, which may now only be implemented by means of an employee referendum. 	

**Main amendments to the Social Security Contributions Code²
(Introduced by Law No. 93/2019 of September 4)**

This table summarises the main changes to the Social Security Contributions Code that were published on 4 September 2019.

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Matter	What changed?	What to look out for / Impact for employer
<p style="text-align: center;">Employer Social Security costs - Additional Contribution for Excessive Rotation</p>	<p>Application of additional contribution to companies and individuals with business activity that resort to term hires in excess of their market sector indicator.</p>	<p style="color: red;">HIGH IMPACT CHANGE</p> <p style="color: red;">Expected impact for hires as of 2020, albeit subject to additional government regulation (not yet in force; indicator publication expected in Q1 2020).</p>

² Approved by Law No. 110/2009, of 16 September.

**Main amendments to the Labour Code (2009 version)³ and Parental Social Protection Regulation⁴
 – Reinforcement of parental rights
 (Introduced by Law No. 90/2019 of September 4)**

This table contains a selection of the main changes to the Labour Code and other existing legislation in relation parental rights, that were published on 4 September 2019.

The changes have been listed by alphabetical order and not order of importance or appearance in the legal diploma. Unless otherwise stated, changes will take effect with the Annual State Budget for 2020.

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Matter	What changed?	What to look out for / Impact for employer
Amendments to parental social protection scheme	Introduction of a number of amendments to the parental social protection scheme (social security related) in alignment with the Labour Code changes.	
Initial parental leave	<p>Increase in duration</p> <ul style="list-style-type: none"> • Addition to cover period of hospitalization, up to a maximum of 30 days - in case of hospitalization of a child immediately after the period of postpartum hospitalization, for special medical care; and • Increase to 30 days - and, if the case may be, the entire period of hospitalization - in situations in which delivery occurs on or before 33 weeks of pregnancy. 	

³ Approved by Law No.7/2009, of 12 February.

⁴ Decree-Law No. 89/2009, of 9 April and Decree-Law 91/2009, of 9 April.

<p>Leave for care of children with disabilities, chronic disease or oncological illness</p>	<ul style="list-style-type: none"> • Increase in the duration of leave to care for children with disabilities, chronic illness or oncological illness. • Possibility of extending leave up to a maximum of 6 (six) years, in certain cases. 	
<p>New rights</p>	<ul style="list-style-type: none"> • Permission to travel to a hospital unit located off the island of residence for delivery (for Azores and Madeira employees). • Exemption from work of employee and his/her accompanying person when commuting between Islands (Azores and Madeira). • Leave to care for children with disability, chronic disease or oncological illness. * 	<p>*Unclear as to date of entry into force; rectification expected.</p>
<p>Parental leave exclusive of the father</p>	<p>Increase in compulsory period</p> <p>From 15 to 20 working days, consecutive or in alternate, to be taken within 6 weeks of the child's birth.</p> <p>Decrease in optional period</p> <p>From 10 to 5 working days.</p>	
<p>Special protection – Prohibition against discrimination based on the exercise of maternity or paternity rights</p>	<ul style="list-style-type: none"> • Any form of discrimination against workers exercising their maternity or paternity rights is expressly prohibited. • Specific prohibition against remuneration discrimination related to the award of productivity and attendance related bonuses, as well as against any unfavourable effects in relation to career advancement. 	<p>Albeit open to question, apparently effective as of 9 September 2019.</p> <p>Check HR procedure and policies, and update.</p>

<p>Special protection – Termination of contract during the probationary period</p>	<ul style="list-style-type: none"> • New obligation to notify the Commission for Equality at Work and Employment (CITE) within 5 working days of the date of notice of an employment contract concluded with a pregnant, postpartum or nursing employee or an employee enjoying parental leave during the probation period of the contract. 	<p>Immediate impact – effective as of 4 October 2019.</p> <p>Check HR procedure and update.</p>
<p>Special protection – Termination of a fixed-term contract</p>	<ul style="list-style-type: none"> • Obligation to notify CITE at least 5 working days prior to the date of notice, in the event of termination of a fixed-term contract with a pregnant, post-partum or nursing employee, or an employee enjoying parental leave, of the reason for termination. 	<p>Immediate impact – effective as of 4 October 2019.</p> <p>Check HR procedure and update.</p>

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