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“What may work for one employer may not work for another”



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SRS Advogados labor partner Maria de Lancastre Valente explains how recent trends are changing the landscape of labor law.



LL: How are the evolving trends of business (e.g. startups, globalization) affecting employment law?

Lancastre: The impact is significant. Globalization has been a key driver. It has enhanced communications and knowledge tremendously and pushed through the more traditional concept of physical and geographical boundaries of work relations.

This has allowed companies, particularly at a multinational level, to build and develop new ways of working globally, and imparting knowledge and best practices as a part of their group identity or culture.



decisions in place.

What legal structures need to be put in place to keep up with the culture of flexible working? How can employers build culture into their policies?

I believe the structures exist. Legal structures establish the framework and mark the guidelines. Whether or not some of the structures could be reviewed or those that have, improved, is a different question.

Many companies have been actively working on developing their policies to promote a healthier work culture, at various levels, including flexibility. Flexibility is not a legal concept however, and what may work for one employer may not work for another.

What is interesting is that HR or people management is now at the core of businesses' strategic planning – people are no longer a means to an end, and this is something that many years of globalization and the recent Covid pandemic have pushed to the top of business agendas and economic relations. Companies must now walk the talk and are now also planning and rewarding the walk. This is key to building a flexibility culture (whichever form it assumes).

"Companies must now walk the talk."

How are clients handling the issue of vaccine mandates, or the lack thereof?

There has been a lot of discussion around the issue of vaccines and to what extent they should be mandatory, including in the workplace.

In Portugal, although not mandatory, the rate of vaccinated individuals is very high. This, however, does not mean that employers can impose vaccination as a condition to return to the workplace, subject to exceptions, the most obvious being the case of health providers in general or specific professions or roles.

My experience is that clients are taking a cautious approach to the matter and are focusing their attention on the preventive stage of legal assessment and employee relations management rather than seeking assistance to remedy actions. This approach has been particularly relevant within the multinational environment where both the public health measures and employment legal frame



Our department was born in 2002 following a strategic and innovative decision of our Managing Partner, Pedro Rebelo de Sousa, to institutionalize the firm and set up practice departments, built on a principle of specialization and collaboration.

Over 20 years, we have grown consistently from 3 to 21 specialized employment lawyers dedicated exclusively to employment law. Our scale has allowed us over the years to build sub-practices within the department in key areas – strategic consultancy, projects, employment litigation, international advisory/global relations, collective bargaining, and social security. This has allowed us to really focus on our clients and grow relationships.

At the same time, we have watched the responsibility of people management flourish and take on a central role in business decision-making and strategic design.

Decisions are now very much built around people. This shift has allowed employment lawyers to evolve in their role and partner alongside their clients as key players in their business journeys.

It has pushed us beyond the traditional client-lawyer relationship to understanding how management and business works, how our clients and their markets work, and how we can best serve them to deliver their strategy successfully.

Finally, it is a testament to solid team leadership, working collaboratively, healthy and longstanding client relations, and equally important, enjoying what we do!

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