

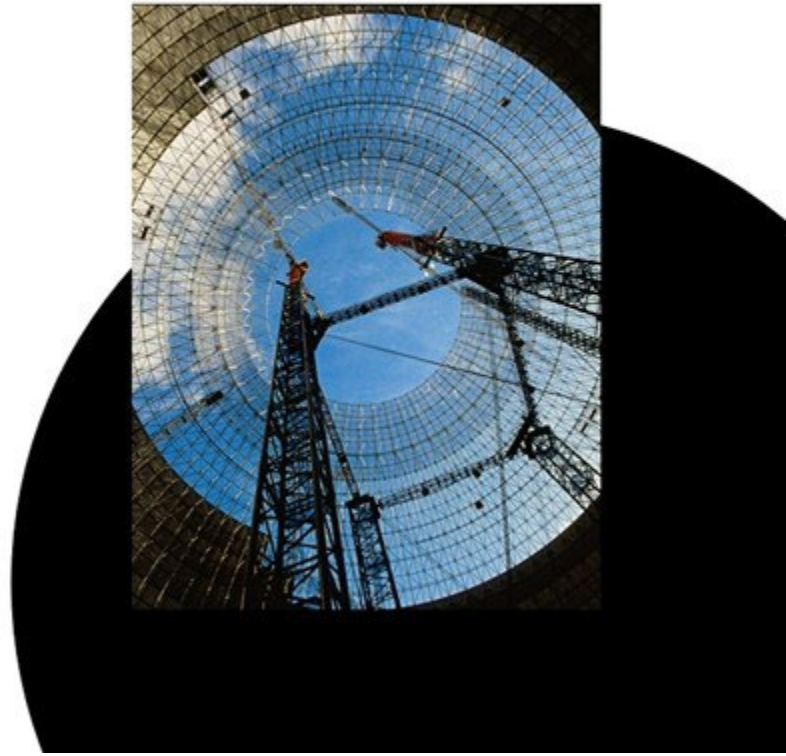
# Newsletter

## Labour

Amendments to Employment Law



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**MARCH 2023**

## NEW REGIME FOR CAREGIVER EMPLOYEES

### I - Informal caregiver status

As of April, the Labour Code will have a new regime regulating the rights and duties of the caregiver employees.

For the purposes of the Labour Code, a "caregiver employee" is the one to whom the status of informal caregiver has been recognised. Defined by law, the "informal caregiver" can be, notably, the spouse or unmarried partner who accompanies and cares for the person being cared for on a regular - but not permanent - basis, and may or may not receive remuneration for their professional activity or for the care they provide to the person being cared for.

The recognition of the status of informal caregiver is made by the social security services upon application by the person who intends to obtain the said status.

### II - Caregiver's leave

Employees who have the status of "caregiver" will now be granted an annual leave of 5 working days to assist the cared-for person and must be taken consecutively.

To this end, the law requires the caregiver to inform the employer, in writing, with a prior notice of 10 working days before the leaves' start date.

In addition to this duty of notification, the caregiver employee must also declare that the other members of his/her household or those from the household of the cared-for person (if they have a professional activity), are not taking the same leave in the same period. Also, it must be declared that no member of the household is available to aid.

This leave does not determine the loss of any rights, except as to remuneration, and is considered as effective provision of work.

### III - Working time flexibility

The caregiver employee is entitled to work part-time for the maximum period of 4 years. This may be done consecutively or intermittently

Upon the employee's request, the part-time regime may be performed daily, in the morning or afternoon, or during 3 days per week.

During the period of part-time work, the caregiver employee may not engage in any other activity incompatible with the leave purpose, under employment contract or services provision.

It should be noted that caregivers who opt for part-time work cannot be penalised in terms of assessment and career progression.

It is also possible for caregiver employees to work under a flexible working hours regime, in a continuous or interspersed manner.

Under this regime the employee may choose, within certain limits, the beginning and end of the normal working period.

As above, in this regime the caregiver employee cannot be penalised in terms of assessment and career progression.

In any of these modalities, the caregiver employee must request the respective authorisation to the employer, in writing, 30 days before the beginning of the leave period, along with the information foreseen by law.

### IV - Other rights

The caregiver employee is not obliged to work overtime for as long as the need for assistance exists.

In addition to the above, dismissal of caregiver employees requires the prior opinion of the supervisory authority for equality at workplace and follows the procedure foreseen by law.

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