



PORTUGAL

# Legal Shots

by SRS LEGAL

● EMPLOYMENT AND SOCIAL SECURITY

## Flexible Working Hours for Employees with Family Responsibilities

**Court rules that shift workers cannot impose a fixed working schedule on the employer**

Recently, the Court of Appeal of Guimarães issued a decision clarifying the limits of the flexible working hours regime for employees with family responsibilities, as provided for in Article 56 of the Labour Code (CT).

The case involved an employee who had previously worked shifts, with a schedule distributed from Monday to Sunday, between 00:00 and 24:00.

Invoking parental responsibilities, the employee requested a change to a fixed schedule, from 9:00 to 17:30, Monday to Friday, with weekends off. The employer denied the request, arguing that the proposed schedule did not constitute a flexible working arrangement, and the Court agreed with this position.

Article 56 of the Labour Code establishes that flexible working hours – to be set by the employer– must:

- Allow the employee to choose the start and end of the workday within certain limits (for example, starting between 8:00 and 10:00 and finishing between 16:00 and 18:00);
- Include one or two mandatory presence periods, lasting at least half of the normal working day (for example, from 10:00 to 12:00 and from 14:00 to 16:00);
- Ensure a rest break of no more than two hours.

In this case, the employee's request did not meet these criteria, as it proposed a fixed schedule without giving the employer the flexibility to adjust working periods to the company's needs.

The Court concluded that by requesting a fixed schedule, the employee exceeded the flexibility limits allowed by law, justifying the employer's refusal.

The full decision of the Court of Appeal of Guimarães can be consulted [here](#).

Meet our Team:

