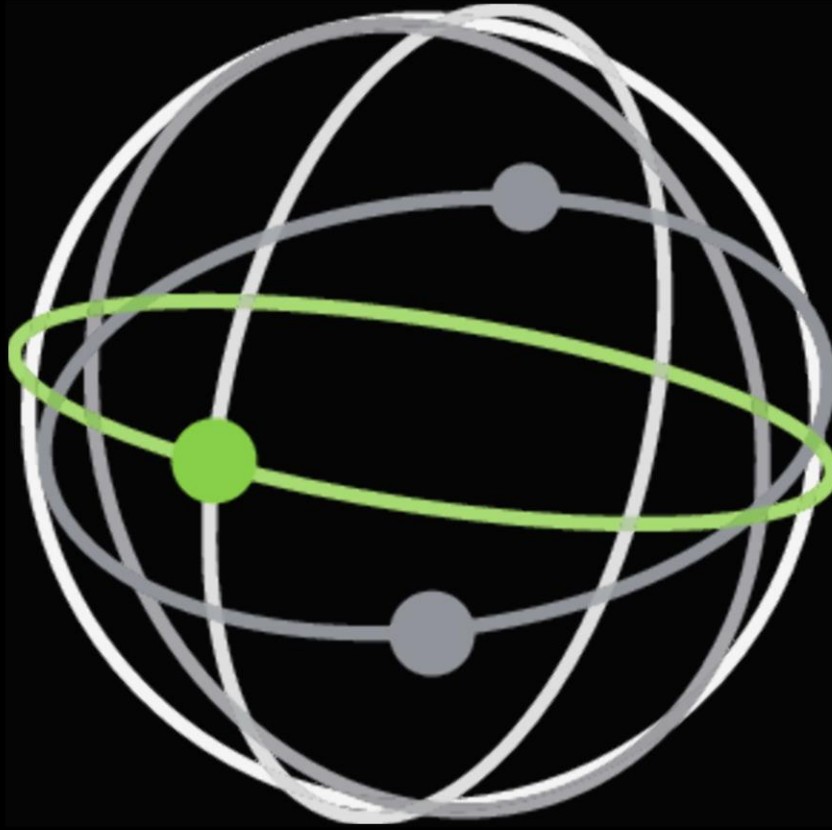


CTSU

Sociedade de Advogados

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COVID-19 Legal Insights
October 1, 2020



COVID-19

Legal Insights no. 48

Exceptional and transitional regime

for the reorganisation of work

Decree-Law no. 79-A/2020, published on October 1, 2020, established an exceptional and transitional regime of the reorganisation of work with a view to reducing the risks of transmission of Covid-19.

To whom it applies

The decree-law is applicable (i) to companies with workplaces with 50 or more employees working simultaneously, in territorial areas where the epidemiological situation justifies it, as defined by the Government through a resolution of the Council of Ministers, and (ii) to pre-school educational establishments of institutions in the social and solidarity sector that make up the national pre-school education network and to educational and training offers, both primary and secondary, provided in private and cooperative educational establishments of non higher level, including private professional schools.

Working time lagged organization

The employer shall (i) organize the hours of entry and exit from the workplaces in a lagged manner, ensuring minimum breaks of thirty minutes up to an hour between groups of employees and (ii) adopt technical and organizational measures that ensure the physical distance and protection of employees, namely:

- a) The establishment of stable work teams, in order to assure that the contact between employees is limited to persons in the same team or department;
- b) The rotation of breaks for rest, including meals, between teams or departments in order to maintain social distancing between employees;
- c) The promotion of homeworking, whenever the nature of the activity allows it;
- d) The use of appropriate personal protective equipment, in situations where physical distance is clearly impracticable.

Modifications in working time

For the purposes of organising working time, the employer may modify working time up to a maximum of one hour, unless such modification implies serious harm to the employee. For that purpose, the employee must be notified at least five days in advance.

In particular, (i) the lack of collective transport to enable the observance of the working hours and (ii) the need to provide unavoidable and essential assistance to the family shall be considered serious harm.

Changes to working hours must remain stable for periods of at least one week and the employer cannot change the working hours more than once per week.

The violation of the rules on the organisation of working is deemed a very serious administrative offence.

This Decree-Law will be in force until March 31, 2021, without prejudice to the possibility of extension.

To access the full text of the Decree Law no. 79-A/2020, of 1 October, please see below link:

<https://dre.pt/application/file/a/139239694>

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