



COVID-19

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Teleworking scheme | Working time organization scheme

Resolution of the Council of Ministers no.114-A/2021, of 20th August, was published, which has declared a contingency situation for the entire national territory, up to September 30th, 2021.

As with the Resolution of July 30, it is determined that for the purposes of the provisions of paragraphs 1 and 3, of Article 2, of Decree-Law no. 79-A/2020 of 1 October, are considered all municipalities of the mainland national territory, being recommended, throughout the same territory, the adoption of telework whenever the functions in question allow it.

The rules established in Decree-Law 79-A/2020 regarding the mandatory nature of telework when certain employees are concerned, as well as the adoption of staggered schedules, remain in force.

Teleworking scheme

The adoption of a teleworking scheme is mandatory, regardless of the employment contract, whenever the functions in question allow it and the employee is able to carry them out, in the following situations:

- a) Employee, upon medical certification, covered by the exceptional scheme for the protection of the immunosuppressed and chronically ill;
 - b) Disabled employees with a degree of disability equal to or greater than 60%;
 - c) Employees with a child or other dependent under the age of 12, or, regardless of age, with a disability or chronic illness, who, in accordance with the guidelines of the health authority, is considered to be a patient at risk, and who is unable to attend face-to-face teaching and training activities in a group or class context.
- For the remaining employees to work in the teleworking scheme, will be required a written agreement with the respective employer, under the general terms provided for in the Labour Code.

Working time lagged organization

Companies with 50 or more employees 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 organizing 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.

For further information, please contact us:

CTSU – Sociedade de Advogados, a Deloitte Legal practice

Av. Eng. Duarte Pacheco 7, 7.º piso

1070-100 Lisboa

Praça do Bom Sucesso, 61, Piso 13, fração 1309

4150-146 Porto

Tel: (+351) 21 924 50 10

geral@ctsu.pt

www.ctsu.pt