



EU Posted Worker Directive

A new EU Posted Worker Directive came into effect on **30th July 2020**. All EU countries had until that date to transpose this directive in their national law. Here is a brief overview of the Posted Workers Notification in Portugal.

Important points to remember :

1. Posting declaration and other Obligations
2. Rights of the posted worker
3. Safety at work
4. Maximum length of working time, Holiday and Pay

1

Posting declaration and other Obligations

The employer is obliged to report the posting to ACT with certain information, namely: the identity of the service provider; the number and identification of the workers to be posted; Identification of the liaison person; the estimated duration and estimated dates for the start and end of the posting; the address (es) of the work-place; The nature of the services justifying the posting.

Attention - The posting declaration must be made, until the beginning of the posting, with the legally required information. Subsequent changes do not have to be reported to ACT.

2

Rights of the posted worker

The posted worker shall be entitled to the same working conditions as nationals of the country of destination if they are more favorable, in particular as regards: job security, maximum working time, minimum rest periods, holidays, minimum wage and payment of supplementary work, assignment of workers by temporary employment agency, occasional assignment of workers, occupational safety and health, protection in parenthood, protection in the work of minors, equal treatment and non-discrimination.

The minimum wage includes the subsidies or allowances granted to the worker in the frame of the posting that do not constitute reimbursement of expenses incurred, namely travel, accommodation and meals.

3

Safety at work

In Portugal, dismissal is prohibited without just cause or for political or ideological reasons.

Verbal dismissals are not allowed and the employment contract can only be terminated by one of the forms provided in the labour code.

In the event of dismissal in violation of legal provisions, it may be declared unlawful by recourse to the competent courts, with the possibility of reintegration of the worker.

Protection regarding dismissal of pregnant workers, workers who have recently given birth or are breastfeeding, or workers on parental leave requires the prior opinion of the competent authority in the field of equality between men and women (Commission for Equality in Work and Employment).

Dismissal due to a fact attributable to pregnant workers, workers who have recently given birth or who are breastfeeding, or to a worker on parental leave shall be presumed to be without just cause.

4

Maximum length of working time, Holiday and Pay

The maximum weekly working time is 40 hours and the normal daily working period cannot exceed 8 hours.

Minimum rest periods

The working period shall be interrupted by a rest break of not less than 1 hour neither more than 2 hours, so that the worker does not provide more than 5 hours of consecutive work. **Is guaranteed to the worker a minimum resting period of 11 consecutive hours between two consecutive daily periods of work.**

Holidays

Workers have the right to a paid holiday period in each calendar year, and must be carried out in such a way as to enable the physical and psychological recovery of the worker and ensure minimum conditions of personal availability, integration into family life, participation and culture. **The annual holiday period has the minimum duration of 22 working days.**

Minimum wage and extra work pay

It is considered retribution the payment which, according to the contract, and the norms or rules that govern it, the employee is entitled as consideration for his work, which includes the basic remuneration and all regular and periodic payments made, directly, or indirectly, in cash or in kind.

Workers have the right to:

- **The value of the national minimum wage is fixed by the Government.** In 2020 the value is set at €635,00 monthly. In the case of a collective agreement or other collective regulation instrument of general application, this will be the value to be considered, according to the professional category.
- **a Christmas allowance** in a valor equal to a month's wage, which must be paid until the 15th of December of each year.
- **the wage concerning the holiday period**, as if they were in effective service and besides that, a holiday allowance.
- **when providing night work, it must be paid with an increase of 25%** in relation to the wage of equivalent work performed during the day, if other amounts are not provided for in an applicable collective agreement.
- **when providing extra work on a workday, the worker is entitled to the following increases** (25% of the first-hour wage and 37.5% of the wage in the following hours or fractions), if other amounts are not provided for in an applicable collective agreement.
- when providing additional work on a weekly, compulsory or complementary rest day, or on a public holiday, the worker has the right to 50% of remuneration for each hour worked, if other amounts are not provided for in an applicable collective agreement.

Source:

[http://www.act.gov.pt/\(pt-PT\)/CentroInformacao/DestacamentoTrabalhadores/Postingofworkers/Paginas/default.aspx](http://www.act.gov.pt/(pt-PT)/CentroInformacao/DestacamentoTrabalhadores/Postingofworkers/Paginas/default.aspx)

For more information, please contact us

www.expatspartners.com

contact@expatspartners.com



**EXPAT
PARTNERS**

