

iGlobal Law : 2022 Annual Update : Portugal

Legal Change	Effective Date	Action required
<p>Teleworking Rule Changes</p> <p>New rules have been applied to telework and hybrid regimes.</p> <p>There are new mandatory statements that teleworking agreement must have, and new situations where the employee has the right to ask for a teleworking regime. Employers are responsible for providing the employee with the equipment and systems necessary for carrying out the work.</p> <p>The employee is to be compensated in full for all additional expenses incurred as a direct consequence of acquiring, or using, the equipment and computer or telematic systems, including the additional costs of energy and of network installed at the place of work, as well as the maintenance costs of those equipment and systems.</p> <p>Employers must respect the employee’s privacy, and it is forbidden to capture and use images, sound, writings, history or other means of control which might affect the employee’s right to privacy.</p> <p>Remote work meetings and asking for the employee’s presence at the company needs to be scheduled 24 hours in advance.</p> <p>The legal worker’s compensation framework on health and safety matters applies to teleworkers.</p>	<p>1 January 2022</p>	<p>Revision of the agreements concluded with the employees in order to accommodate the new requirements, as far as their new rights go.</p>
<p>Ban on Employers contacting Employees outside working hours</p> <p>Employers must refrain from contacting employees during rest periods, except in situations of force majeure. If this ban is not respected it carries heavy monetary penalties.</p>	<p>1 January 2022</p>	<p>As the law is new and there is not a lot of information about how this duty should be respected, it is advisable to be cautious with these contacts and to ensure that all employees know that it is not expected of them to review their emails after working hours.</p>
<p>Justified absences due to the death of a child</p> <p>Extension of the period of mourning for the death of a child to 20 days.</p>	<p>This proposal has been approved but its waiting for publication in the Official Gazette.</p>	<p>Nothing at this stage.</p>
<p>National minimum wage increase</p> <p>Update of the value of the national minimum wage to €705,00 (seven hundred and five Euros).</p>	<p>1 January 2022</p>	<p>Note the change.</p>

<p>Transposition of the Whistleblowing Directive</p> <p>This law covers serious offences against the public interest that (i) have already occurred, (ii) are in the process of being committed, (iii) can reasonably be foreseen, and (iv) the attempts to conceal such offences against acts of the European Union referred to in the Directive.</p> <p>In addition to the whistleblower themselves, this regime extends its protection to other people assisting the whistleblower, in the whistleblowing procedure, a third party connected to the whistleblower who may suffer retaliation in the professional context and also companies owned or controlled by the whistleblower or with which they work.</p> <p>This law also sets out the internal and external complaints procedure, the protection measures and the liability and administrative offences that may be included.</p>	<p>This proposal has been approved but its waiting for publication in the Official Gazette.</p>	<p>Employers should be aware of these changes.</p>
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