

INFORMATION

Changes to the Labour Code

It was published in Diário da República the law no. 90/2019 approving the changes to the Labour Code, regarding the strengthening of the protection of parenthood.

We highlight the following changes:

1. Attribution of new rights (i) Leave to travel to the hospital unit located outside the island of residence (Madeira / Azores) for delivery; (ii) Exemption from the provision of work by pregnant, puerperal or breastfeeding (lactating) workers, on the interisland movements of the autonomous regions; (iii) Leave for assistance to child with Oncological disease. (The following amendments enter into force after the publication of the State Budget Law for 2020).
2. Extension of the period of initial parental leave: (i) in cases of hospitalization of the child after the recommended period of postpartum hospitalization, due to the need for medical care, this period of hospitalization is also added for the purpose of this parental leave; (ii) premature births situations shall be safeguarded. (The following amendments enter into force after the publication of the State Budget Law for 2020).
3. Increase of the father's exclusive parental leave of 15 to 20 business days, to be taken in the six weeks following the birth of the child. (The following amendment enter into force after the publication of the State Budget Law for 2020).
4. Reduction from 10 to 5 business days of the leave to be enjoyed by the father simultaneously with the enjoyment of the initial parental leave by the mother. (The following amendment enter into force after the publication of the State Budget Law for 2020).

5. Increase in the initial parental leave period for the adoption of a child under 15 years old or the existence of two candidates for adopters. (The following amendment shall enter into force on 4th October 2019)

6. Extension of the leave for assistance to disabled child, chronic or oncological disease up to a maximum of six years, in situations of need for extension of care, confirmed by medical certificate. Limit not applicable in the case of children with long terminal disease in a confirmed by a medical certificate. (There is a loophole in the law which provides for this amendment to be introduced at two different points in time. Therefore, the respective correction is awaited).

7. Extension of to the scope of protection of parenthood to medically assisted breeding situations. (The following amendment shall enter into force on 9th October 2019)

8. Employer's obligation to communicate within five working days of the date of the complaint, to the entity with competence in the area of equal opportunities between men and women, the termination of the employment contract during the trial period when concerning a pregnant, puerperal or breastfeeding (lactating) employee or an employee enjoying the parental leave. (The following amendment shall enter into force on 4th October 2019).

9. Employer's obligation to communicate to the entity with competence in the area of equal opportunities between men and women, with a minimum of five working days prior to the date of notice, the reason for the non-renewal of the employment fixed-time contract when concerning a pregnant, puerperal or breastfeeding (lactating) worker or an

employee enjoying the parental leave. (The following amendment shall enter into force on 4th October 2019).

- 10.** Prohibition of discrimination for the exercise of maternity and paternity rights, notably wages discrimination and unfavorable affections in terms of career progression. (The following amendment shall enter into force on 9th October 2019).

9th September 2019.

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