

OCTOBER 6TH, 2020

COVID 19 MEASURES TO PREVENT, CONTAIN AND MITIGATE THE TRANSMISSION OF INFECTION IN THE WORKPLACE

On 1st October 2020, Decree-Law No. 79-A/2020 was published, establishing an exceptional and transitional regime for reorganising work and minimising the risks of transmission of the infection of COVID -19 disease within the framework of the labour relations.

RECIPIENTS

Companies with workplaces with 50 or more employees, in the territorial areas where the epidemiological situation justifies it defined by the Government in a resolution of the Council of Ministers.

User companies or final beneficiary companies of services provided under temporary work arrangements with workplaces of 50 or more workers, in territorial areas where the epidemiological situation justifies it, as defined by the Government in a resolution of the Council of Ministers.

REORGANISATION OF WORK

Organisation of staggered working schedules:

Hours of entry and exit from workplaces should be staggered, with intervals of between thirty minutes and one hour, between groups of employees;

Adopt technical and organizational measures to ensure the physical distance and

Promotion of stable work teams, so that contact between employees takes place only between employees in the same team or department.

Alternation of breaks for rest, including meals,

protection of employees: between teams or departments in order to safeguard social distance between employees.

Promotion of teleworking, whenever the nature of the activity allows it.

The use of appropriate personal protective equipment in situations where physical distance is manifestly impracticable due to the nature of the activity

EXCEPTIONAL REGIME OF CHANGE OF WORKING HOURS

Possibility: The employer may change working hours up to a maximum of one hour, unless such a change causes serious damage to the employee.

Procedure: The change must be preceded by prior consultation of the employees concerned and of the employees' committee or, failing that, the trade union or inter-union committee or the shop stewards.

The employer must notify the employee of the change at least five days before it takes effect.

Serious harm: In particular, serious damage is considered:

- (a) the absence of collective passenger transport enabling the working hours to be kept to because of the time lag;
- (b) the need to provide urgent and essential assistance to the family.

Limits:

The change in working hours must be stable for periods of at least one week, and the employer may not make more than one change per week.

A change in the working hours performed may not imply a change in the maximum limits of the normal working period, daily and weekly, nor a change in the working mode from day to night or vice versa.

Exceptions:

Are exempted from working according to the new schedule set by their employer:

- Pregnant employee, employee who has recently given birth or is breastfeeding;
- Minor employee;
- Employee with reduced working capacity, disability or chronic illness;
- Employees under 12 years of age in their care or, regardless of age, with a disability or chronic illness.

SUPERVISORY ENTITY

Authority for Working Conditions

MISDEMEANOUR LIABILITY

It is a very serious offence for the recipient companies to violate the rules on the reorganisation of work and the exceptional regime for changing working hours.

EXCLUSION

(Council of Ministers Resolution No 53 -D/2020 of 20 July 2000 applies)

Pre-school education establishments of the institutions of the social and solidarity sector that integrate the national network of pre-school education regulated by Decree-Law 147/97 of 11 June;

Educational and training offers, both primary and secondary, provided in private and cooperative educational establishments of non higher level, including private vocational schools.

EXPIRY

31st March 2021

PARES | Advogados is available to provide information regarding the measures to prevent, contain and mitigate the transmission of Covid 19 in the labor context in a more concrete and adequate manner to the reality of each client, being able to provide any and all necessary support in the matter.

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