

MARCH 2020

COVID 19 – EXCEPTIONAL AND TEMPORARY MEASURES DECREE-LAW NO. 10-A/2020, OF MARCH 13

Last Friday, March 13, was published Decree-Law no. 10-A/2020, which establishes a series of exceptional and temporary measures to address the new Coronavírus – COVID 19 pandemic. Here are the highlights of its contents:

1. Equivalence between the prophylactic situation of isolation during 14 days ordered by the national health authorities and the disease situation with recognition of the sickness benefit, without being dependent of the verification of the warranty deadline, the professional index, the certificate of temporary incapacity to work and the waiting period. The sickness benefit corresponds to 100% of the reference salary.
2. No waiting period for the attribution of the sickness benefit in cases of disease caused by Covid-19.
3. Qualified as authorized the absences from work motivated by the need to take care of children and other dependents in prophylactic isolation during 14 days, ordered by the national health authorities. In case of minors of 12 years or, regardless of their age, persons with disability or chronic disease, the attribution of child benefit or grandchildren benefit is not dependent of the warranty deadline.
4. Out of school, interruption established in the beginning of the year will be considered justified, without loss of working rights with the exception of remuneration, absence from work motivated by urgent assistance to children and other dependents with less than 12 years, or, regardless of their age, with disability or chronic disease, emerging of the suspension of school or extracurricular activities provided by educational establishments or early childhood social equipment or disability support, when ordered by health authorities or the Government.
5. These absences from work are subject to the following regime:

- a. Information to the employer, in the usual terms, i.e., with 5 days in advance, or, if that antecedence cannot be observed, as soon as possible, along with the justifiable motif, in a form available in the social security website (GF88-DGSS), under penalty of those absences being considered not valid.
 - b. The workers are entitled to an exceptional monthly support, or proportional, correspondent to 2/3 of their basic remuneration, paid in equal parts by the employer and the Social Security. This support has the minimum limit of one minimum monthly guaranteed remuneration (currently €635,00) and the maximum limit of three minimum monthly guaranteed remuneration (currently €1.905,00);
 - c. This support is automatically accepted after the employer's request, only if any other way of executing the tasks, namely remote work, is not available;
 - d. The Social Security's part of this exceptional support will be delivered to the employer who will later pay the full amount to the employee;
 - e. The employee quotation and 50% of the employer's social contribution will be charged over this exceptional support, which should be subject to an autonomous tax declaration of remuneration;
 - f. This support cannot be received simultaneously by both parents and shall be received only once, regardless of the number of children or other dependents.
6. During this exceptional regime, the subordinated remote work regime may be unilaterally determined by the employer or at the employee's request, with no need of both parties' agreement, provided that it is compatible with the employee functions and with the exception of employees who provide essential services.
 7. Suspension of the deadlines from which derives the tacit approval of public authorities of authorizations and licensing required by private individuals as well as suspension of the deadlines derived from the tacit approval by public

authorities of authorizations and licensing, even if not required by private individuals, within the environmental impact evaluation.

8. Authorization for companies, associations and cooperatives' general meetings legally or statutory imposed to take place until June 30th, 2020.

PARES | Advogados is available to provide more detailed information on the exceptional and temporary measures foreseen in Decree-Law 10-A/2020, of March 13, that will suit the specific needs of each client, being able to offer all necessary support in this matter.

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