

Global People Solutions

Portugal Expands Parental Leave

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Law no. 13/2023 amending portions of Portugal's labor law entered in to force on 1 May 2023 and contains provisions expanding parental leave entitlements and the right to request telework arrangements for parents of young or disabled children.

Key details

The Portuguese government has proposed approximately 70 legislation changes as part of a project known as the Decent Work Agenda ("Agenda"). The Agenda covers a wide range of topics including items meant to transpose European Union directives 2019/1158 (on work/life balance) and 2019/1152 (on transparent and predictable working conditions) into local law including items relating to employment contracts, severance, collective bargaining, and leaves. The most recent legislation containing specifics of the changes to parental leave and telework items is discussed below.

Parental Leave

Maternity, paternity, and other parental leave are all covered under one parental leave umbrella in Portugal. Parents can either choose an initial 120 or 150 day parental leave (paid respectively at 100% or 80% of the Social Security reference remuneration) which includes exclusive periods for both the father and the mother.

Effective 1 May 2023, once the initial and extended leaves are used, each parent will be eligible for an additional 90 days of paid parental leave (for a total of 180 additional days) if they combine it with part-time work. Parents will receive 20% of their reference remuneration from Social Security, in addition to their part-time salary. Parents may use the leave at the same time or at different times.

Of the initial parental leave entitlement, the mother is now required to use 42 consecutive days of parental leave following the birth of the child. The exclusive entitlement for the father has increased from 20 to 28 days, within the 42 days following birth. The father's days may be used consecutively or

not, except for the seven days immediately following birth which must be consecutive. Once the father has used up his initial 28 days, he is entitled to seven additional days of parental leave if he takes them within the 42 days of initial parental leave of the mother. These seven days are not required to be taken consecutively.

Adoption Leave

Where a child under the age of 15 is adopted, the second parent is now entitled to the exclusive parental leave entitlement due to the father under the initial parental leave.

Teleworking

Effective 1 May 2023, employees living with a disabled child or a child under three years of age are entitled to request a telework arrangement subject to work type and the employer's ability to accommodate the request.

Next steps

Employers should review/revise their HR policies and procedures, employment contracts, leave policies, and flexible work arrangement policies, as applicable, to identify any items requiring revision to reach full compliance with the new rules.

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