

# Employment Flash News of the day

December 6, 2021

## Telework Regime

**Law number 83/2021 of 06 December - Modifies the telework regime, amending the Labour Code and Law nr. 98/2009, of September 4th, that regulates the compensation regime for work accidents and professional illnesses**

Published today and effective on January 1st, these are the main points to bear in mind:

- Extension of teleworking to parents with children up to eight years of age (instead of the current three years), without the need for an agreement with the employer, if exercised by both parents. In other cases, teleworking must continue to depend on the written agreement between employer and employee; The extension includes single-parent families and cases where only one of the parents is able to exercise the activity in a telework regime.

- In situations where teleworking is proposed by the employer, the worker's opposition does not constitute cause for dismissal or any sanction. When the proposal is made by the worker and if the activity provided is compatible with teleworking, the employer can only refuse teleworking in writing and with good reason.
- The new diploma defines the need for a mandatory written agreement in which the mandatory elements are extended. The telecommuting agreement is applied for a fixed or indefinite duration.
- The telecommuting worker is entitled, at least, to the remuneration equivalent to that which he would receive in person, with the same category and identical function. Non-compliance with this rule constitutes a serious administrative offence.
- The employer is responsible for the equipment and systems necessary to carry out telework. The written agreement must contain the form of fulfillment of the duty: (i) if the employer provides directly to the worker; or (ii) if the worker acquires them.
- The payment of all additional expenses, proven by the worker, as a result of the acquisition of the equipment and systems, or the use of computer or telematic equipment and systems in carrying out the work, including the increase in energy costs and the network installed on site in conditions of speed compatible with the communication needs of the service, as well as maintenance of the same equipment and systems, will be fully compensated by the employer.

- The law also includes new rules on health and safety at work and extends the legal regime for repairing work accidents and occupational diseases to teleworking.
- The norms of the employment contract can only be removed by collective labor regulation instrument that provides in a more favorable sense to the workers.
- Employees have the right, outside their working hours, to turn off all service communication systems with the employer, or not to respond to requests for contact by the employer, without prejudice to the consideration of force majeure situations, and may not therefore result for the first any disadvantage or sanction. The employer has the duty to refrain from contacting the employee during the rest period, except in situations of force majeure.

## National Minimum Wage

On the sixth of December was also promulgated the decree-law that updates the national minimum wage from the current 665 euros to 705 euros.

In addition to this increase in the minimum wage, the Government has prepared compensation for employers, guaranteeing them a support of 112 euros for each worker who goes from the current guaranteed minimum wage (665 euros) to the new one (705 euros).

### Inês Coelho Simões

Partner

[ines.simoes@nga.pt](mailto:ines.simoes@nga.pt)

### José Nuno Alves

Trainee Lawyer

[jose.alves@nga.pt](mailto:jose.alves@nga.pt)