



Covid-19: the return of mandatory remote work

The new law establishes remote work as an obligation in municipalities severely affected by the pandemic.

It also encourages the adoption of different working schedules, the rotation of employees and social distance when the job must be performed in loco.

Following the declaration of public calamity in Portugal due to Covid-19 pandemic, the Portuguese Government adopted new measures, including the return of mandatory telework, along with new rules regarding the organization of working time.

The new rules are the following:

➤ **Municipalities with great epidemiological focus**

- (i) Obligation to adopt remote work, whenever the job in question allows it.

➤ **Other municipalities**

- (ii) Possibility of adopting remote work, under the Terms of the Portuguese Labor Code, by agreement between the parties;
- (iii) Obligation to adopt remote work if the employee requests it, in the following scenarios:
 - a) If the employee is immunosuppressed and chronically ill, provided that such condition is proven by a doctor;
 - b) If the employee is a disabled person or has a debilitated in 60%, or more, of their capacity;
 - c) If the employee is a parent of children or other dependents under 12 years old, or, regardless of age, with a disability or chronic illness, who are unable to attend classes and other educational activities in person;
 - d) If the employer does not comply with the guidelines of the Portuguese Health Agency (“Direção Geral de Saúde”) and the Portuguese Labor Agency (“Autoridade para as Condições do Trabalho”) in the workplace (e.g. physical distance between workers).

If it is not possible to adopt remote work under the terms of the Portuguese labor law, specific work organization measures may be implemented, among them:

- (i) Staff rotation between remote work and workplace attendance, which may be daily or weekly;
- (ii) Different working schedules regarding employees' entry and exit, breaks and meals.

The new rules come into force on November 4th and last until the November 19th.

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