



Covid-19 and absence from work

The Portuguese Government has issued two orders, Order no. 2836-A/2020 and Order no. 2875-A/2020, with guidelines on how employers and employees should act as we face the Covid-19 outbreak.

During the quarantine period, public and private sector workers will benefit from identical rules. Companies have the alternative of opting for telework when possible.

To **private sector employees** the following rules apply:

- In case of quarantine by decision of the Portuguese health authorities, due to the danger of contamination, the employee is guaranteed payment at 100% of the salary, from the first day, for 14 days.
- After this period, if the employee remains unfit for work for health reasons, in particular because they have been tested positive for the virus, the rules of sick leave apply: 55% of the reference salary for leave up to 30 days, 60% for leave between 31 and 90 days, 70% for leave between 91 and 365 days and 75% of the reference salary for any leave that lasts more than one year. The sickness benefit is paid from the first day of leave since it is a hospital stay.
- The provisions of the preceding paragraph do not apply to employees for whom it is possible to ensure the use of alternative work arrangements, in particular teleworking, where they will continue to receive their regular salary.
- In the event of a situation in which employees have to leave to provide assistance to children, grandchildren or other household members in prophylactic isolation, the scheme laid down by Portuguese law for these purposes applies.

To **civil servants** the following rules apply:

- In the event of isolation, which must necessarily be determined by a Portuguese health authority, the civil servant's absence is considered justified without loss of pay.
- When alternative performance methods and work mechanisms (e.g. telework) are possible, the worker retains his rights as if they were working normally.
- In the event of a situation in which civil servants have to leave to provide assistance to children, grandchildren or other household members in prophylactic isolation, the scheme laid down by Portuguese law for these purposes applies.

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There are other differences to note between the two orders: the order regarding the public sector is the most extensive and warns civil servants that they have five working days, from the date of publication, to prepare contingency plans based on the guidelines of the Portuguese General Directorate for Health, in particular with alternative procedures that allow ensuring the normal functioning of each service or establishment. Public services should also consider other measures, such as: (i) reduction or suspension of the public opening hours, (ii) suspension of public events or initiatives, carried out either indoors or in places open to the public and (iii) suspension of face-to-face training activities, giving preference to distance training.

The regime of leave due to prophylactic isolation entered into force, for Portuguese state services and establishments, on March 2 and in the private sector on March 3.

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