

PORTUGAL MODIFIES THE LAW REGARDING THE ASSIGNMENT OF EMPLOYEES

On December 8th 2020, entered into force the Decree-Law no. 101-E/2020, which transposed the Directive of the European Union no. 2018/957, that regulates the assignment of Employees on a provision of services.

This Directive has modified the Directive 96/71/CE. Its purpose is to grant greater protection to the Employees, safeguarding their freedom to provide services in the European Union, preventing improper practices, assuring that the same work, performed on the same site, is paid equally.

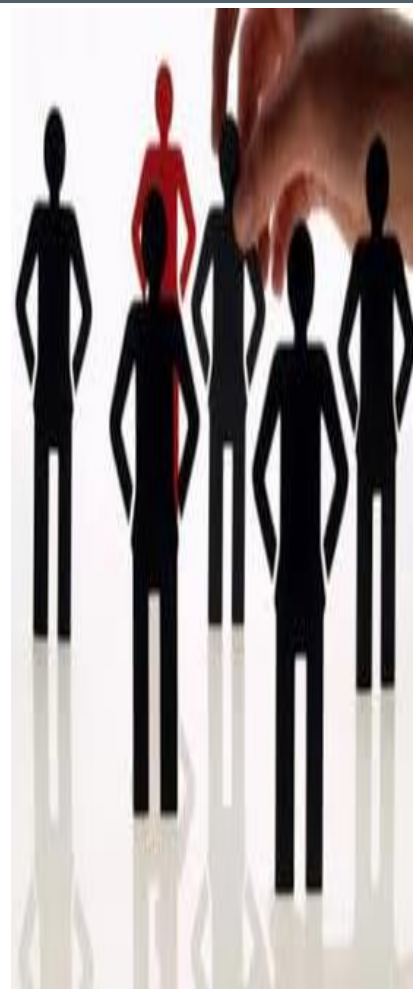
The new legislation enlarges the protection of the assigned Employees, strengthening their guarantees concerning to their work conditions, fight against fraud and abuses on the subcontracting, making the contracting companies liable.

Regarding work conditions, now the assigned Employees have bigger protection on the field of accommodation conditions and free access to information about employment conditions which will be applicable to their employment position, namely regarding wages and health and safety in their workplace.

It is also established a presumption which states that the allowances and bonus inherent to the assignment are paid as reimbursement of the travel, food and accommodation costs, when it is not established that they are paid as wage.

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With this new regulation, the Temporary Employment Companies and Agencies shall comply the rules applicable in case of assignment of Employees to other Member-State of the European Union, with a presumption that the Employees are assigned by those entities.

On other hand, on those situations, the User Company shall inform the Temporary Employment Company about the relevant work conditions, so it may be applicable the most favorable work conditions to the assigned Employees.

Work conditions and rights applicable in Portugal to the assigned Employees, foreseen in the Employment Code, shall be accessible through an official website, assuring the access to people with disability.