



# Working from Portugal **as a remote worker**

Work in Portugal 2022 November 22<sup>nd</sup>

[europeanjobdays.eu/workinportugal2022](https://europeanjobdays.eu/workinportugal2022)



# Labour law: your rights

## Before accepting a job you must be careful about:

- Requests for payments or to send money (not allowed)
- Existence of the enterprise and its credibility

**The jobseeker has the right to obtain information about the working conditions** namely which is the applicable law.

If it is a foreign based company: employer and worker choose the applicable law



- Portuguese law: the employee habitually carries out his work in Portugal
- The law of the country where the establishment is located



# Labour law: your rights

## **WRITTEN EMPLOYMENT CONTRACT** *(employee keeps a signed copy)*

### **Main points:**

- Parties Identification: employer (company's name /address /contacts) and worker
- Applicable Law
- The place or places where the work will be performed
- The amount of the salary (payment currency)
- As a rule, salaries are paid at the end of the month
- The contract may have an end date (fixed term contracts)

# Labour law: your rights

## **WRITTEN EMPLOYMENT CONTRACT** *(employee keeps a signed copy)*

### **Main points:**

- Part time or full time (40 h/week - 8h/day spread across a maximum of 6 working days)
- Professional category / description of the tasks that the worker will perform
- The notice periods to be given by the employer or employee for the end of the employment contract
- The name of the insurance company covering work accidents and the number of the insurance policy (provided by the employer – and no cost for the employees)

# Labour law: your rights

## When teleworking:

- Define the property of the work instruments, as the person responsible for their installation and maintenance (information and communication technologies – PC, tablets, mobile phone, etc.)
- Right to be compensated for additional expenses related with the teleworking performance (increased costs of energy and network installed)
- Right to disconnect: the employer has a duty not to contact the employee during the resting period

# Labour law: your rights

## Main rights:

**To receive a pay slip** (usually at the end of the month) with information about:

- Basic remuneration and other payments: regular allowances - ex. meal allowance, night work and payments relating to the company's results (commissions), among other payments
- The period to which the payments are referred, discounts or deductions to social security and tax administration
- Social security number
- Professional category

# Labour law: your rights

## Other remunerations:

- Christmas bonus payment (equal to monthly salary) is made until 15 December
- A holiday bonus payment (equal to monthly salary) is made before leave is taken (22 days each year)
- The period of annual leave is paid as if the worker were working
- Overtime (worked outside of normal working hours) is paid as extra

# Labour law: your rights

- Professional training provided by the employer (40 hours / year)
- Working in health and safety conditions
- Monitoring of health by an occupational doctor: medical examination before starting work at the company; periodic medical examinations every 2 years
- Maternity and Paternity leave, childcare leave, special working time arrangements, protection for dismissal and protection against discrimination.





# Social Security Coordination: Rights

**The free movement of workers is a fundamental principle of the European Union (EU)**

**EU citizens** have the **right to:**

- seek employment in another EU country
- work in another EU country without needing a work permit
- reside in another EU country to look for a job or work there

Workers, EU nationals and third-country nationals who are legal residents of a Member State are covered by the **Regulations for the Coordination of Social Security Systems**

When a worker, a EU citizen, travels within the EU (plus EFTA countries – NO, IS, LI - and CH), he will always be subject to the Social Security legislation of a single country (***principle of unicity***)



# Social Protection:

- If you work in Portugal and live in Portugal, you must be subject to Portuguese social security, even if your employer is foreign and doesn't have any activity in Portugal, nor does it have its headquarters here
- If you work in Portugal and in another Member State, you must ask the social security institution of your country of residence to determine the social security legislation that applies to you because you are subject to **only one social security legislation – “*lex loci laboris*” principle**
- If you work in Portugal, you have to pay social security contributions, whether it is as an employed or as a self-employed worker



# Social Security: duties

- If you work in Portugal **as an employed person**, your employer has the obligation to declare your wages and pay the contributions
- Employers must declare to the Social Security institution (ISS) the working days and wages of each of their workers on a monthly basis
- Employers are responsible for paying their own share of contributions and share of the contributions of the workers at their service
- The contributory rate for employees is **34.75%**, of which **23.75%** is the employer's share and **11%** is the employee's



# Social Security: duties

- If you work in Portugal as a **self-employed person**, you have contributory and declarative obligations
- Self-employed workers are required to declare quarterly :
  - the total value of income associated with the production and sale of goods, and
  - the total amount of income associated with the provision of services.

Based on this income statement, the Social Security institution (ISS) calculates the relevant income of these workers, on which the contributory base will apply.

- The contribution rate applicable to self-employed workers is **24.1%**

# Social Security: rights

- Workers have the right to protection in all eventualities, such as Sickness, Parenthood, Occupational Diseases, Unemployment, Disability, Old Age and Death
- Self-employed workers have the right to protection in Sickness, Parenthood, Occupational Diseases, Disability, Old Age and Death (in some cases, they are also entitled to unemployment protection).
- Under the terms of the EU Regulations, periods of work in a Member State will be accounted or totalized for entitlement to benefits in another Member State



# Labour law: your rights

## Contact us:

### ACT – Authority for Working Conditions

- [www.act.gov.pt](http://www.act.gov.pt)
- [Average wages by occupation in English www.pordata.pt/en/subtheme/portugal/wages-11](http://www.pordata.pt/en/subtheme/portugal/wages-11)
- FAQs: [https://www.act.gov.pt/\(pt-PT\)/Itens/Faqs/Paginas/default.aspx](https://www.act.gov.pt/(pt-PT)/Itens/Faqs/Paginas/default.aspx)
- [dsaai@mail@act.gov.pt](mailto:dsaai@mail@act.gov.pt)
- Phone: 00351 300069300, from 9:30 to 12:30
- [www.act.gov.pt/\(pt-PT\)/bdact/Paginas/default.aspx](http://www.act.gov.pt/(pt-PT)/bdact/Paginas/default.aspx)
- [www.act.gov.pt/\(pt-PT\)/Itens/QueixasDenuncias/Paginas/default.aspx](http://www.act.gov.pt/(pt-PT)/Itens/QueixasDenuncias/Paginas/default.aspx)

### ISS - Social Security Institute

- [ISS-Internacionais@seg-social.pt](mailto:ISS-Internacionais@seg-social.pt)
- Phone: 00351 300511045



Obrigad@! **THANK YOU!**

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[iefp.pt/eures](http://iefp.pt/eures)

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