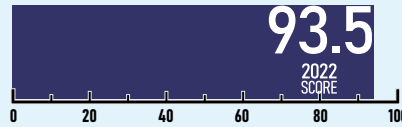




Portugal



93 2020 SCORE

Western Europe

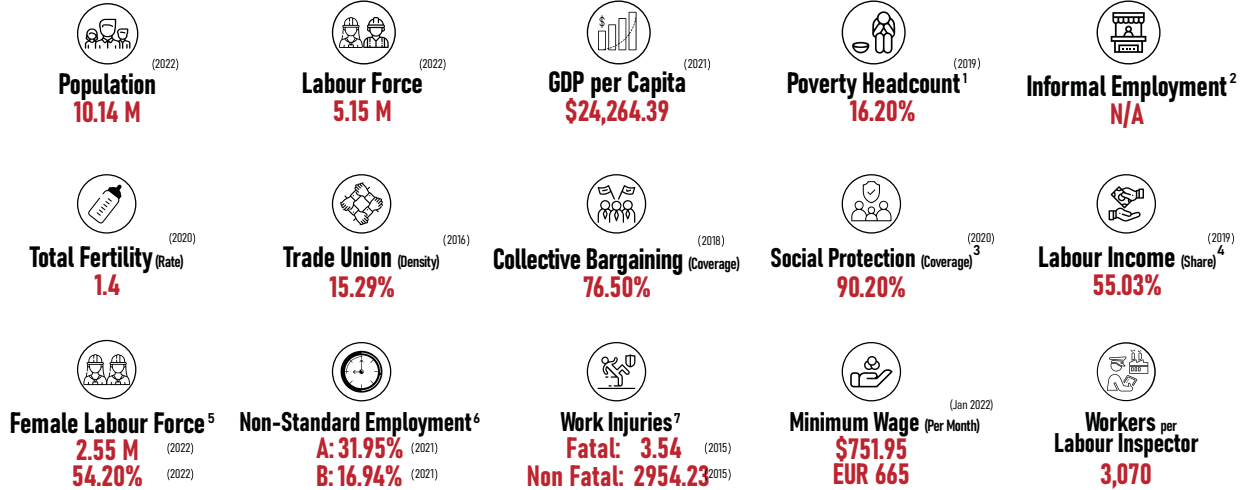
High Income

Decent Work



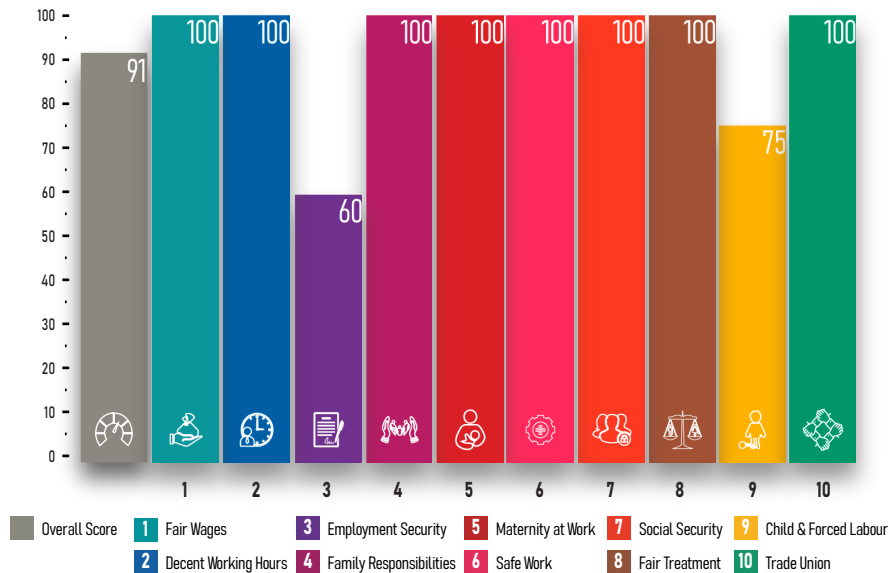
LRI RATING

Contextual Indicators



Sources: World Bank
International Labour Organization
WageIndicator Minimum Wages and Living Wages Database
M = Million

Legislative Performance Indicators



Introduction

The Labour Rights Index 2022 (LRI 2022) is a de-jure index covering 135 economies and structured around the working lifespan of a worker. In total, 46 questions or evaluation criteria are scored across 10 indicators. The overall score is calculated by taking the average of each indicator, with 100 being the highest possible score. The Index uses a rating system, ranging from "Total Lack of Decent Work" to "Decent Work". The Labour Rights Index aims at an active contribution to the Sustainable Development Goals, by providing necessary (complementary) insights into de jure provisions on issues covered in particular by SDG8 (Decent Jobs), SDG 5 (Gender Equality), SDG 10 (Reduced Inequalities) and SDG 16 (Strong Institutions). The Index is based on national labour legislation, applicable on 1 January 2022. The Index does not take into account COVID-19 related labour market measures in its scoring.

Portugal's overall score is 91 out of 100. The overall score for Portugal is higher than the regional average observed across Western Europe (89). Within the Western European region, the highest score is observed for Belgium (96).

¹ Proportion of population living below the national poverty line (%), as measured under SDG 1.2.1

² Share of informal employment in total employment (%), as measured under SDG 8.3.1

³ Proportion of the country population covered by social protection floors, as measured under SDG 1.3.1

⁴ Labour income (income of employees + partly income of the self-employed) as a percentage of GDP, as measured under SDG 10.4.1

⁵ The female labour force is shown in absolute number along with the female labour force participation rate

⁶ Non-Standard Employment has been defined as Part-Time Employment (A) and Temporary Employment (B)

⁷ Rate of fatal and non-fatal injuries per 100,000 workers, as measured under SDG 8.8.1

The country rating is based on the overall score of 0-100, with the following coding:

(90.5-100) Decent Work | (80.5-90) Approaching Decent Work | (70.5-80) Reasonable Access to Decent Work | (60.5-70) Limited Access to Decent Work | (50.5-60) Basic Access to Decent Work | (0-50) Total Lack of Decent Work

LABOUR RIGHTS INDEX 2022

	Question ⁹	Answer	Legal Basis	Trend ¹²
1. Fair Wages	Does the law prescribe minimum wage rates in the country?	Yes	§273-275 and 554-555 of Labour Code, 2009; §59(2) of the Portuguese Constitution, 1976	●
	Does the law require regular payment of wages?	Yes	§274-278 of Labour Code, 2009	●
	Does the law require overtime compensation be at least 125% of the regular hourly rate?	Yes	§203-211, 226-229 & 268 of Labour Code, 2009	●
	Does the law require additional compensation for working on a weekly rest day?	Yes	§230 & 269 of Labour Code, 2009	●
	Does the law require additional compensation for night work?	Yes	§223 & 266 of Labour Code, 2009	●
2. Decent Working Hours	Does the law stipulate general working hours as 48 hours or lower?	Yes	§203-211, 226-229 & 268 of Labour Code, 2009	●
	Does the law restrict maximum working hours including overtime to 56 hours per week?	Yes	§203-211, 226-229 & 268 of Labour Code, 2009	●
	Does the law require a weekly rest of at least 24 hours?	Yes	§77-78, 199, 213-214, and 232-233 of Labour Code, 2009; §59(d) of the Portuguese Constitution, 1976	●
	Does the law require paid public holidays?	Yes	§234-236 of Labour Code, 2009	●
	Does the law require at least three working weeks of paid annual leave?	Yes	§237-247 & 264 of Labour Code, 2009	●
3. Employment Security	Does the law require written employment contracts or at least written employment particulars?	Yes	§102-110, 285 and 286 of Labour Code, 2009	●
	Does the law restrict the hiring of fixed-term contract workers?	Yes	§139-149 of Labour Code, 2009	●
	Does the law limit the length of probation period including renewals to a maximum of 3 months?	No	§111-114 of Labour Code, 2009	●
	Does the law require a 30-day notice before contract termination?	Yes	§163 & 338-403 of Labour Code, 2009	●
	Does the law require severance pay at the rate of at least 2 weeks of wages for every year of service?	No	§366, 372 & 379 of Labour Code, 2009	●
4. Family Responsibilities	Does the law require parental leave for parents?	Yes	§40 of the Labour Code, 2009	●
	Does the law require at least one week of paid paternity leave for fathers?	Yes	§43 of the Labour Code, 2009; Act No. 120/2015 of 1 September 2015	●
	Does the law require flexible work arrangements for workers with family responsibilities?	Yes	§55-57 of Labour Code, 2009	●
	Does the law require paid nursing breaks?	Yes	§47-48 of Labour Code, 2009	●
5. Maternity at Work	Does the law prohibit inquiring about pregnancy during recruitment?	Yes	§17 of the Labour Code, 2009	●
	Does the law require paid maternity leave of at least 14 weeks?	Yes	§39-42 of Labour Code, 2009	●
	Does the law require cash maternity benefit be at least 67% of a worker's former wage?	Yes	§11-14 & 29-38 of Decree Law No. 91/2009 of April 09, 2009 on Social Protection for Parents	●
	Does the law require maternity benefit be paid through contributory social insurance or universal benefits system?	Yes	§11-14 & 29-38 of Decree Law No. 91/2009 of April 09, 2009 on Social Protection for Parents	●
	Does the law protect workers from dismissals during or on account of pregnancy?	Yes	§63 of Labour Code, 2009	●
6. Safe Work	Does the law require provision of free personal protective equipment to workers from employer?	Yes	Ordinance No. 348/93 regarding personal protective equipment (PPE); Decree Law No. 988/93 on the use of PPE	●
	Does the law require the employer to train workers on health and safety issues?	Yes	§20 of the Law No. 102/2009 regarding Promotion of Health and Safety at Work; §281-284 of Labour Code, 2009	●
	Does the law restrict work that is prejudicial to the health of the mother or the child?	Yes	§62 of Labour Code, 2009	●
	Does the law provide for employment injury benefit?	Yes	§48, 59, 65 & 66 of Law No. 98/2009; MISSOC Compa. Table for Portugal	●
	Does the law provide for an old age pension?	Yes	Statutory Decree 187/07 of 10 May 2007; Statutory Decree 265/99 of 14 July 1999	●
7. Social Security	Does the law provide for a dependants/survivors' pension?	Yes	Statutory Decree 322/90 of 18 October 1990 on the protection system in case of death	●
	Does the law provide for unemployment benefit?	Yes	Statutory Decree 220/06 of 03 November 2006; MISSOC Compa. Table for Portugal	●
	Does the law require paid sick leave for the first 6 months of sickness?	Yes	§296 of Labour Code, 2009; Statutory Decree 28/2004 on the Legal Protection System in case of Sickness	●
	Does the law provide for invalidity benefit?	Yes	Statutory Decree 187/07 of 10 May 2007; Act 90/2009 of 31 August 2009; MISSOC Compa. Table for Portugal	●
	Does the law require equal remuneration for work of equal value?	Yes	§31 of Labour Code, 2009	●
8. Fair Treatment	Does the law prohibit sexual harassment in employment?	Yes	§28-30 of the Labour Code, 2009; §163(2) of Penal Code Law No. 400/82	●
	Does the law prohibit discrimination in employment matters? ¹⁰	Yes	§13 of the Portuguese Constitution, 1976; §24 and 86 of the Labour Code, 2009; Law No. 4/2019	●
	Does the law allow women to do the same jobs as men?	Yes	§47 of the Portuguese Constitution, 1976	●
	Does the law guarantee basic labour protections for gig economy workers?	Yes	The Code of contributory schemes for the social security welfare system (Law 110/2009)	●
	Does the law prohibit employment of children?	Yes	§66-83 of Labour Code, 2009	●
9. Child and Forced Labour	Does the law set employment entry age equal to or higher than the compulsory schooling age?	Yes	§66-83 of Labour Code, 2009; §2 of the Law No. 85/2009	●
	Does the law prohibit the employment of children in hazardous work under the age of 18 years?	No	§75 & 76 of Labour Code, 2009; §68-72 of Law No. 102/2009	●
	Does the law prohibit forced labour?	Yes	§160 of Penal Code Decree Law No. 400/82; Law No. 60/2013	●
10. Trade Union	Does the law allow workers to form and join unions of their own choice?	Yes	§55 of the Portuguese Constitution, 1976; §440 of Labour Code, 2009	●
	Does the law allow workers to bargain collectively with employers through their representative unions?	Yes	§92 of the Portuguese Constitution, 1976; §476-521 of the Labour Code, 2009	●
	Does the law provide for the right to strike?	Yes	§530-545 of Labour Code, 2009; Law No. 65/77	●
	Does the law prohibit employers from terminating employment contracts of striking workers?	Yes	§57 Constitution, 1976; §530-545 Labour Code, 2009; §14, Decree-Law No. 392/74; Law No. 65/77	●

Covid 19 and Labour Market in Portugal*

Total Covid Cases	5.30 Million
Total Covid Deaths	24,487
Partial Vaccinated	95.0%
Fully Vaccinated	87.0%

Wage Subsidies	✓
Social Security Contributions (deferrals/waivers)	✓
Paid Sick Leave	✓
Add. Unemployment Benefits	✓

Protection from Dismissals	✓
Telework/flexible work	✓
Improved Health Access	✗
Training (activation measures)	✓

⁹ The Index has 10 indicators and 46 evaluation criteria or questions.

¹⁰ The prohibited grounds for discrimination are "race, colour, sex, religion, political opinion, national extraction or social origin, age, disability and trade union membership". A score of 1 is assigned only if a country has prohibited discrimination on at least 7 of the above 10 grounds.

¹¹ A country's score on LRI's Trade Union indicator must also be read together SDG indicator 8.8.2 which measures the level of national compliance with labour rights (freedom of association and collective bargaining) based on ILO textual sources and national legislation. It has a range from 0 to 10, with 0 being the best possible score (indicating higher levels of compliance with FACB rights) and 10 the worst (indicating lower levels of compliance with FACB rights). The score of Portugal on SDG 8.8.2 is 0.51 (2020)

The Index uses Observations/Direct Requests from ILO CEACR and the US Department of State's Country Reports on Human Rights Practices (US DOS CRHRP) to measure a country's compliance on the Trade Union indicator.

¹² In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2020), the legislative table indicates improvement or worsening of labour rights in country through the following colours.

- Score increase
- Score decrease
- Score adjustment
- No change