

NEWS REPORT

Update of flash report nr: PT 26 - PT 29
Date: 05 December 2014
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Title: Constitutional Court sentence on religious freedom
Country: Portugal
Context
Issue at stake: Religious freedom and equality
Ground of discrimination: Religion
Source: Constitutional Court case-law no. 545/2014 of 29 September 2014
Field: Employment
Legislative provisions: Law 16/2001 of 22 June 2001, the Law on Religious Freedom

Content

Case: A member of the Public Prosecutor's office (claimant in her name and interest) who professes the Seventh-Day Adventists belief claimed before the Constitutional Court that the provision of Article 14 (1) (a) of the Law on Religious Freedom (Law 16/2001 of 22 June 2001), when interpreted as meaning that the suspension of work on a weekly rest day as prescribed by the confession that she professes is only applicable to workers in a flexible schedule is unconstitutional due to the violation of religious freedom and freedom of choice enshrined in Articles 41 and 47 (1), of the Portuguese Constitution. In the grounds of the decision the Constitutional Court argued that according to the Portuguese Constitution religious freedom is not limited to the principles of freedom and non-discrimination but also requires reasonable accommodation of working hours in order to ensure real equality.

Decision of the Court: The flexibility of working hours in order to reconcile compliance with the exemption from working on Saturdays for religious reasons covers the work done by a public prosecutor which is subjected to shifts.

Article 14 (1) (a) of the Law on Religious Freedom which allows employees and agents of the State and other public entities, as well as contract workers to, on request, suspend work on the days or during the time periods that are prescribed by their religious beliefs as being periods of rest also covers those whose work is performed in shifts.

Internet link source and additional information:

Case 545/2014:

https://dre.pt/home/-/dre/57547753/details/maximized?p_auth=9YIN1ErP&serie=II&parte_filter=32&dreId=57547689



Case 544/2014:

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p_auth=hh6r7nER&serie=II&parte_filter=32&dreId=57301875](https://dre.pt/home/-/dre/57301957/details/maximized?p_auth=hh6r7nER&serie=II&parte_filter=32&dreId=57301875)