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NEWS REPORT

Country:	Portugal
Title:	Recent developments of Portuguese Employment concerning Harassment
Date:	8 December 2017
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<u>Context</u>	
Issue at stake:	New legislation concerning Harassment / changes in the Labour Code and in the General Legislation for Civil Servants and Public Employees
Ground of discrimination:	Gender
Source:	Legislation
Field:	Employment

Content

Key points of analysis: The Labour Code (LC, approved by Law No. 7/2009, of 12 February 2009) and the General Law for Civil Servants and other public employees («*Lei Geral do Trabalho em Funções Públicas*» (LGTFP), approved by Law No. 35/2014, of 20 June 2014), have been recently changed by Law No. 73/2017, of 16 August 2017, in the field of harassment practises. The changes introduced are related not only to discriminatory and sexual harassment but to all forms of harassment. The changes are intended to reinforce the protection of victims of harassment in employment by reinforcing the duties of the employer in this area; the damage compensation rights and the protection of the victims and of the witnesses against victimisation and dismissal.

Personal assessment: As regards the changes introduced in the Labour Code (LC) and in the General Law for Civil Servants (LGTFP) by Law No. 73/2017, of 16 August 2017, in the field of harassment practises, the following points are worth mentioning:

- Despite the fact that the changes introduced are related to all forms of harassment (including moral harassment), and not only to discriminatory, gender-based and sexual harassment these changes will, of course, be important for gender based and sexual harassment;
- these measures reinforce the protection already granted by the LC and by the LGTFP to harassment victims in employment, mainly in four areas: by reinforcing the employers duties in this area (the employer is now compelled to adopt Codes of Conduct in this area if the company has 7 or more employees and must conduct a disciplinary enquiry when an alleged situation of harassment in the company is reported – Article 127 (1) (k and l) of the LC, introduced by Law No. 73/2017); by reinforcing the protection of harassment victims in relation to damage compensation rights (including in the case of professional disease caused by those practises – Article 283 of the LC), and as regards victimisation and unfair dismissal (Article 29 (6), Article 331(2)(b) and Article 394 (2) (f) of the LC, introduced by Law No. 73/2017); by protecting the witnesses of harassment practices against

- victimisation and unfair dismissal (Article 29 (6) of the LC, introduced by Law No. 73/2017); and by reinforcing the sanction system attached to harassment practises (Article 29(5) and Article 127(7) of the LC, introduced by Law No. 73/2017).

Internet link source: www.dre.pt, accessed on 27 November 2017.