



European network of legal experts in gender equality and non-discrimination

FLASH REPORT

| | |
|-----------------------------------|---|
| Country: | Portugal |
| Title: | Work-Life balance in times of COVID-19 |
| Date: | 29 June 2020 |
| Expert: | Maria do Rosário Palma-Ramalho |
| <u>Context</u> | |
| Issue at stake: | Work-Life Balance Social Security Domestic violence and violence against women |
| Grounds of discrimination: | Gender |
| Field of application: | Employment, Social security, Violence against women |
| Source: | National legislation, Policy development |
| Applicable law: | Article 29 of Decree-Law No. 10-A/2020, of 13 March 2020 Article 2 of Decree-Law No. 10-K/2020, of 26 March 2020 Article 23 of Decree-Law No. 89/2009 as amended by Decree-Law No. 14-D/2020, of 13 April 2020 |

Content

Policy and legal developments

1. Working from home and work-life balance

In the context of the COVID-19 crisis, working from home was adopted in Portugal as a general instrument to pursue and combine social distancing, caring for children after the schools' shut down, and the running of the Economy. This development was formally enabled by the legal provisions on telework (as specified in Articles 165 and ff. of the Portuguese Labour Code, approved by Law No. 7/2009 of 12 February 2009), but in practice it has gone beyond what is formally covered by the legal notion of telework as it was made compulsory for all professional activities that could be performed remotely (Article 29 of Decree-Law No. 10-A/2020, of 13 March 2020). And until today many workers are still working from home and remote work is strongly encouraged whenever possible.

This massive use of 'telework' poses new challenges to the reconciliation of family and working-life, especially since the children also stay at home and have to be taken care of or to be assisted in their own activities, including e-learning activities that have been put in place after the closing of the schools. In many cases for the first time, these responsibilities are being shared by both parents because, in many cases, they are both working from home. However, the future developments in this area are still uncertain.

2. Social security special allowance to take care of young children

Workers with children under 12 years old that have to stay home due to the closing of the schools have been allowed to stop working to take care of the children (Article 2 of Decree-Law No. 10-K/2020, of 26 March 2020) and were granted the right to a special social

security allowance to take care of their children (Article 23 of Decree-Law No. 89/2009, of 9 April 2009, as amended by Decree-Law No. 14-D/2020, of 13 April 2020). However, this allowance was not paid if the worker or his/her partner could work remotely from home. So, the challenges of work-life balance during this period have indeed been enormous in these last months.

The Government information¹ regarding the payment of this special assistance allowance (that will no longer be paid after the end of June 2020), indicate that this allowance has been paid mostly to women (82 %). In the author's opinion, this lack of proportionality may arise from the gender pay gap (as women earn less than men, the financial family loss is lower if the member of the couple that stops working is the woman), but it also demonstrates that even during this crisis women tend to take the lead in the caring of their children.

3. Domestic violence and violence against women

There was some official concern that during the confinement period due to the COVID-19 crisis, on whether there would be an increase in domestic violence and violence against women. However, the more recent information on this topic do not confirm this assessment and the authorities recognise that it is still too soon to evaluate the situation.²

Internet link source: Not applicable.

Timeframe: March 2020 – June 2020.

¹ This information was disclosed in a meeting of the CIG – Commission for Equality and Citizenship, by the Minister in charge of equality issues.

² This information was disclosed in a meeting of the CIG – Commission for Equality and Citizenship, by the Minister in charge of equality issues.