



Update

Momentum



Labour

July 29, 2016

THE RETURN OF THE 35-HOUR WEEK FOR PUBLIC SECTOR EMPLOYEES

From July 1, 2016, according to Law No. 18/2016, of June 20, the standard working week for employees in the public sector is to consist of 35 hours. This is the second time the General Law of Public Sector Employees is changed. This change was approved on June 20, in connection with Law No. 35/2014.

Considering that several departments of the public sector (i.e. judicial employees and the majority of local administration employees) maintained the 35-hour working week, as a result of interim measures applied, the change in the law only comes to reinstate the previous regime.

The 35-hour weekly limit for public sector employees became valid through the alteration of articles 103, 111 and 112 of the General Law of Public Sector Employees.

The reduction in weekly working hours to 35 means that daily working hours change to 7 (instead of 8). However, it is important to inform that this maximum limit (i.e. 7 hours per day) does not apply to flexible working contracts - nevertheless, the average of the work allocated on a weekly, fortnightly, or monthly basis still equals 7 hours a day -, nor to special fixed-term contracts. Further to this, the amendment in question does not exclude the possibility of the existence of contracts where the weekly hours are fewer than the 35 envisaged in the extraordinary law and in cases of special contracts involving varied lengths of working periods.

Inevitably, the reduction in weekly hours worked by public sector employees means that the availability of departments that provide client-facing services to the general public will also be re-adjusted from 8 to 7 hours.



Furthermore, for services that are open to the public Monday to Friday, the (fixed) opening hours shall be from 9 am to 12:30 pm and from 2 pm to 5:30pm. On the other hand, for services that are open to the public on Saturday mornings, the opening hours shall be from 9:30 am to 12:30 pm and from 2 pm to 5:30 pm (Mon-Fri) and from 9:30 am to 12 pm (Saturdays).

This law also reiterates that employees' salaries or remunerations cannot be reduced or working conditions changed (in a way that is unfavorable to the employees) as a result of the reduction in working hours contained within it.

The change in working hours back to 35 (weekly) has generated a fair amount of controversy, with one side believing this regime will increase productivity, considering that the previous change to working hours – which resulted in an increase - was negatively received by those employees whom it affected. On the other hand, some state that this new regime (35 weekly working hours) highlights the distinction between public and private sector employees. According to people who support this side of the argument, this change represents a backward step with regard to developments being made to equalize the working conditions of the public and private sectors, additionally potentially resulting in increased overtime spending.

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