

REGULATION OF THE DECENT WORK AGENDA

Decree-Law 53/2023 of 5 July regulated the Decent Work Agenda in terms of social support.

This legislation clearly strengthens social support and protection for student-workers, young students, parenthood and adoption, illness, death, paternity and maternity. This system has adapted the social support system to the reform of the Decent Work Agenda, which, among other things, promotes a better balance between worker's professional and family life, as well as seeking greater equality in the sharing of parental leave, by balancing the respective allowances.

Thus, six pieces of legislation were amended:

- the Scheme of Protection in the Event of Death of Beneficiaries of the General Social Security Scheme, in Article 12; the Scheme of Protection in the Event of Death of Beneficiaries of the General Social Security Scheme, in Article 12;
- the Protection Scheme in the Event of Death of Beneficiaries of the General Social Security Scheme, in Article 21;
- Articles 6, 11, 12, 14, 15, 16, 23, 24, 25, 28 and 36 of the Regulations - Parental Protection in the Convergent Social Protection Scheme;
- Articles 7, 12, 13, 15, 16, 17, 30, 32, 33, 34, 38, 41 and 42 of the Parental Protection Scheme;
- Articles 17 and 18 of Law 35/2014;
- Articles 4, 16-A, 128 and 138 of the General Law on Labour in Public Office, approved in the annex to Law 35/2014.

As for **young student-workers and young students**, the protection of those who work during school holidays has been strengthened, since it is now possible to accumulate annual salaries of up to 10,640.00 € (14 times the guaranteed minimum monthly salary) with family allowances, study grants and survivor's pensions.

Firstly, with regard to **parenthood**, it's important to note that the period for granting the father's exclusive initial parental allowance has gone from 20 days to 28, consecutive or in interpolated periods, and from 5 days to 7 compulsory days, which must be taken consecutively after the birth.

The first 7 days of the father's exclusive initial parental leave must be taken immediately after the birth, while the remaining 21 days must be taken within 6 weeks (42 days) of the birth.

If the child is hospitalised during the period after childbirth, the father can request that the days of compulsory leave be suspended for the duration of the hospitalisation.

The mother's exclusive parental leave is increased from 6 weeks to 42 consecutive days.

With a view to reinforcing the sharing and monitoring of children, the percentages for calculating the amount of the allowances have also been changed. Thus, the initial parental allowance has been increased from 80 per cent to 90 per cent of pay and, when there is effective sharing of parental responsibilities, the extended parental allowance (optional) will be increased from 30 per cent to 40 per cent of pay.

Initial parental allowance and extended parental allowance can now be combined with income from work.

It is important to remember that the initial parental allowance is a cash benefit given for a period of up to 120 or 150 days, which must be taken consecutively, at the parents option, and the extended parental allowance is also a cash benefit given to either or both parents, for a period of up to three months each. Extended parental leave must be taken immediately after the initial parental leave.

In turn, the initial parental allowance of one parent in the event of the impossibility of the other is awarded up to the limit of the remaining period corresponding to the period of initial parental leave not taken, in the event of medically certified physical or mental incapacity, for as long as it continues; or Death. In the event of the mother's death or physical or mental incapacity, the initial parental allowance to be taken by the father lasts at least 30 days.

These changes are also extended to Adoption, where the allowance now includes, in addition to the initial parental allowance, the father's exclusive initial parental allowance and the extended parental allowance, and is also applicable to foster families.

Parental leave is also made more flexible, allowing it to be taken on a part-time basis after the first 120 days, promoting reconciliation and a return to work, while making it possible to extend childcare during the first year of life.

In the case of **sickness**, it is now possible for a worker's absence due to illness, not exceeding three days, to be justified by a self-declaration of illness, up to a maximum of twice a year. This permission to justify an absence by self-declaration is extended to public service workers who are part of the convergent social protection scheme, with the necessary adaptations to the sickness benefit rules for this new simplified scheme for other workers.

This law came into force on 6th July 2023, with the approved measures having retroactive effect from 1st May 2023.

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