



FOUR-DAY WORKING WEEK: NEW OR OLD ISSUE?

Today, in the labour world, the so-called "4-day working week" is at the centre of discussion, something that started to be discussed in the pandemic period in other European countries such as Spain and the United Kingdom.

In Portugal, this situation has raised many discussions, both among employers, trade unions and individual workers, however, from the legal point of view, this possibility of organising working time is not new.

With the Labour Code approved by Law 7/2009, of 12 February, this possibility of establishing a 4-day working week has already been implemented, under article 209, through the so-called concentrated schedule.

The intention of this regime was already to favour the conciliation of professional activity with the worker's family and personal life, as well as on the employer's side to favour those with specific needs in certain sectors of activity, in which there is a fluctuation in demand for the goods or services supplied, or with a seasonal nature.

“A concentrated work schedule is understood to be the organisation of working time in which the normal working period is concentrated and may be carried out on average, by reference to certain periods of time. .

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The composition of working time under the regime of a concentrated schedule has the effect that the normal working period may be asymmetrical, that is, it may vary, and when this is the case it will not be the same on a daily or weekly basis. This does not preclude the fact that, to the detriment of concentrated hours being worked in average terms, they may be of a regular nature.

According to paragraph 1 of that article, the system of concentrated working hours, in which the normal daily working period may be increased by up to four hours per day, may be established in two ways, by agreement between employer and employee or by collective bargaining instrument.

When it is applicable due to an agreement between the employer and the employee, the concentration of the normal weekly working period will be a maximum of four working days.

In relation to the system of concentrated working hours instituted by agreement between employer and employee, this may occur in two ways. Firstly, the employee may be contracted ab initio to work concentrated hours, by giving his agreement in the employment contract, or the parties may, during the term of an employment contract, agree on the employee's transition to this regime.

Of course, this regime does not imply an effective reduction in working time, nor, obviously, a reduction in remuneration. This is already the case in the private sector.

But even in the public sector, this issue is not new, since under the terms of Decree-Law 325/99, approved under the Government of António Guterres, although later revoked in 2014, it was possible for civil servants with definitive appointment to ask to work four days per week, which implied a 20% pay cut.

A different issue is to implement a 4-day working week, which involves an effective reduction of the normal period, i.e., that which corresponds to the working time that the worker is obliged to provide, measured in number of hours per day and per week, together with the maintenance of the value of the remuneration, i.e., without a proportional reduction to the working time.

This issue may indeed constitute a paradigm shift in the organisation of working time in Portugal, also aiming to better conciliate the worker's personal and family life with their professional life, consubstantiating a motivation to increase productivity through an increased day of rest.

In essence, what is being discussed is the possibility of actually reducing the normal working period in Portugal, without any proportional reduction in the worker's pay, and not effectively being able to work only 4 days, with a consequent increase in the rest period.

This is a new issue, which will constitute a challenge to both employers and employees, pending the announced regulatory legislation.

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