

In the event of **multiple births**, the mother's parental leave is increased by 30 days and the father's parental leave by 2 days for each additional twin.

If the mother wishes, she may use up to 30 days of her **initial parental leave before childbirth**. For this to happen, she must inform the employer and provide a medical certificate indicating the expected date of delivery, at least 10 days in advance, except in an emergency situation, duly certified by a physician.

In the event of **hospitalisation** of the child or of the parent taking parental leave, the period of parental leave may be suspended, at the parent's request, for the entire duration of hospitalisation. The request to temporarily suspend parental leave must be communicated to the employer and accompanied by a statement issued by the hospital.

To exercise the right to parental leave, the mother and father must inform their respective employers, within seven days after childbirth, of the start and end of the leave periods taken by each of them, submitting a joint declaration. If both parents work for a micro-enterprise, they must first reach an agreement with the employer regarding their periods of leave. Applications for parental leave may be submitted through the "Segurança Social Direta" online platform or at Social Security centres.

Breastfeeding and bottle feeding leave

Breastfeeding leave entitles the mother to be excused from work daily for two separate periods of a maximum of one hour each, for the entire duration of breastfeeding (unless otherwise agreed with the employer). In the event of multiple births, this exemption is increased by a further 30 minutes for each additional twin. No reduction in salary or loss of other subsidies can incur with this leave. If a part-time job is involved, the duration of leave is reduced in proportion to the normal working period, but may not be less than 30 minutes. The intention to breastfeed must be communicated to the employer 10 days in advance, and a medical certificate must be provided if the exemption continues beyond the child's first year of life.

For **bottle feeding leave**, the periods described above may be shared between the mother and the father, until the child's first birthday, again with no reduction in salary or loss of other subsidies. The intention to use bottle-feeding leave must be communicated to the employer 10 days in advance, by means of a letter stating the parents' joint decision and the period of leave to be taken by each parent. Proof must be provided that the other parent is working and that their employer has been informed of the joint decision. (DL 7/2009, 12 de Fevereiro, artigo 47º)



UNIDADE LOCAL DE SAÚDE
SANTA MARIA



LEGISLATION AND SUBSIDIES FOR THE PROTECTION OF PARENTHOOD

UNIDADE LOCAL DE SAÚDE SANTA MARIA

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Portuguese legislation includes several legal instruments addressing the protection of parenthood. This leaflet provides information on the most frequently asked questions related to employment rights during pregnancy and breastfeeding. For further information, please consult <https://cite.gov.pt/> and www.seg-social.pt.

Right to health and safety at work

Pregnant and breastfeeding women are entitled to **specific safety and health conditions in the workplace to prevent exposure to health risks**. Once the employee informs the employer of her pregnancy, the employer is required to assess working conditions and implement appropriate measures to protect her from potential hazards. If it is not possible to **adapt working conditions** adequately, the employer may **assign alternative duties** compatible with the employee's professional category. If neither option is feasible, the employee may be exempted from work for the period deemed necessary. The employee has the right to receive written information on the risk assessment evaluation and the protective measures adopted. She also has the right to request an urgent inspection by the Ministry responsible for the area, if the employer fails to comply with these obligations. (DL 7/2009, 12 de fevereiro, artigo 62º).

Protection against work dismissal

Dismissal of pregnant or breastfeeding employees, or employees on parental leave, requires prior assessment from the competent authority (**Comissão para a Igualdade no Trabalho e no Emprego**). The employer must submit a copy of the dismissal proceedings to this authority, which has 30 days to communicate its evaluation to both the employer and the employee. In case of an **unfavourable** opinion regarding dismissal, the employer may only proceed with the action if there is a judicial decision. Should the dismissal be declared **unlawful**, the employer cannot oppose the employee's reinstatement. Alternatively, the employee may choose to request compensation. (DL 7/2009, 12 de fevereiro, artigo 63; DL n.º 23/2012, 25 de junho)

Leave for prenatal appointments and parenthood preparation sessions

Pregnant women are entitled to time off work to attend **prenatal appointments and parenthood preparation sessions**, for the duration and frequency considered necessary by healthcare professionals. Whenever possible, such appointments should be scheduled outside working hours. When occurring during working hours, the employer may request **proof of attendance** issued by the healthcare institution. Employees maintain full remuneration, meal allowances, bonuses, and any other employment-related incentives during these absences. The baby's father is entitled to three time periods off work to accompany the pregnant woman to prenatal appointments. (DL 7/2009, 12 de fevereiro, artigo 46º)



Sick leave following miscarriage and pregnancy loss

Following a miscarriage, women are entitled to a sick leave ranging from 14 to 30 days, according to medical evaluation. This is attested by the issuance of a "temporary incapacity for work" certificate (CIT). The employee must inform the employer of this as soon as possible, and render a copy of the certificate. (DL 7/2009, 12 de fevereiro, artigo 38º)

In addition, women are entitled to a "pregnancy loss subsidy", which must be claimed through the Portuguese Social Security system, using the appropriate application form, and accompanied by a medical certificate. Submission of a separate application is not required if the "temporary incapacity for work" certificate (CIT) has been issued electronically. Further information can be obtained through the "Segurança Social Direta" online platform or at Social Security centres, including those in "Lojas do Cidadão".

Pregnancy subsidy ("abono de família pré-natal")

This subsidy is granted **after the 13th week of pregnancy** and **after the first ultrasound exam**, and varies according to the household income (approximately 100-200€ per month).

Applications may be submitted through the "Segurança Social Direta" online platform or at Social Security centres, including those in "Lojas do cidadão". Applicants must provide a "medical certification of gestational age" issued by the physician responsible for antenatal care.

"Risk-pregnancy leave" and "leave due to occupational risks"

If the attending physician determines that the woman's current clinical condition places pregnancy at increased risk should she continue her professional activity, a certificate a "**risk-pregnancy leave**" may be issued. In such cases, the employee will receive 100% of her reference salary. Alternatively, if the physician considers that workplace conditions are not adequately adapted to your pregnancy state, either because of the physical environment or because of the assigned tasks, he may issue a certificate of "**leave due to specific occupational risks**". In these circumstances, the employee is entitled to receive a subsidy corresponding to 65% of her reference salary.

In both situations, the physician must issue a of a "temporary incapacity for work" certificate (CIT), specifying the relevant circumstances. The certificate is granted for the period considered necessary to prevent risk and automatically ceases after childbirth. The employee must inform her employer of the situation and provide a copy of the CIT. Whenever possible, this notification should be given at least 10 days in advance. If the CIT has not been issued electronically, a copy must also be submitted to the Portuguese Social Security. Periods of leave due to "risk-pregnancy" do not alter the duration of parental leave. (DL 7/2009, 12 de fevereiro, artigo 37º).

Exemption from night work

Pregnant women are exempt from working night hours (i.e. between 20:00 and 7:00) in the 112 days preceding the expected date of delivery (i.e. from approximately 24 weeks of gestation onwards). At the employee's request, up to 56 days of this period may be transferred to the postnatal period. Whenever possible, employees exempted from night work should be assigned a compatible daytime work schedule. Pregnant women requesting exemption from night work must notify the employer and provide a medical certificate at least 10 days in advance. (DL 7/2009, 12 de fevereiro, artigo 60º).



Parental leave ("subsídio de maternidade")

Parental leave entitles employees to be absent from work for either **120 consecutive days**, compensated at 100% of the reference salary, or **150 consecutive days**, compensated at 80-100% of the reference salary (depending on how parental leave is shared between parents). For the **mother**, the first 42 days after childbirth are mandatory, and correspond to the "initial parental subsidy exclusively for the mother". The **father** is entitled to a "parental subsidy exclusively for the father", which includes a mandatory period of the first 7 days after birth, and an additional mandatory 21 days to be taken in periods of at least 7 consecutive days during the first 42 days after childbirth. He may also choose to benefit from an additional 7 days of leave (consecutive or not) during this same 42-day period.

After the initial 42 days following childbirth, the remaining parental leave may be benefited individually or shared by both parents. The period can be extended by an additional 30 days, resulting in a total duration of **180 days**, with compensations ranging from 83% to 90% of the reference salary, provided that parental leave is not used simultaneously by both parents .