

PRESIDENCY OF THE COUNCIL OF MINISTERS

Decree-Law No 29/2019

February 20

The XXI Constitutional Government Programme has made a commitment to continue an income and right recovery policy of workers, from a perspective of decent work and guarantee of a progressive appreciation of their work, reconciling objectives of reinforcement of the social cohesion with a financial sustainability framework.

The compensation updating for Public Administration has been not provided for in the Government Programme, contrarily to other measures that have been progressively implemented, representing, therefore, the anticipation of the discussion of an issue that has only to be taken into consideration for 2020 in the Stability Programme.

The approach to the compensation issue, for the first time in nine years, is a further sign to the return to normality in the course of a parliamentary term that has enabled, in three years, revert the compensation reductions and resume the process of normal career development.

The practical translation of the compensation discussion shall not necessarily go beyond the value that for the purpose has been entered in the State Budget Law for 2019, and the measure adopted shall be understood as a first step for resuming the normal compensation negotiation, without calling into question the equality, justice, and equity principles between Public Administration workers.

In this context, the Government has recognised that the measure to be promoted should ensure the compliance with those principles and contribute to strengthening social cohesion and fight against poverty, inequality and social

exclusion, providing better and more worthy working and life conditions to Public Administration workers who receive lower compensations.

Thus, a new basic compensation for Public Administration is established through the present decree-law, coinciding with the amount corresponding to the current 4th compensation level of the Single Pay Scale, i.e., €635.07.

This measure, having compensation expression, shall cover, immediately, Public Administration workers who receive a basic compensation of a value lower than €635.07, representing an increase of the lowest compensation that, in 2018, amounted to €580.

In order to not generate unequal treatment between workers who, within the scope of Public Administration, fulfil functions with different contract employment relationships, the present legal text shall be also applied to workers with individual employment contract, covering, therefore, also those who fulfil functions in entities referred to in paragraph 1 of article 2 of the General Labour Law in Public Functions, passed and annexed to Law No 35/2014 of June 20, in its current wording.

The increase of the Public Administration basic compensation that now is put in place is a matter different from other types of compensation valuation legally provided for, and, namely the pay step change in view of the application of general rules considering the performance appraisal cycle that has been terminated at the end of December 2018.

The measure provided for in the present decree-law shall be paid in full, without phasing. Such rule also applies to workers who are already receiving basic compensation of that value, for reasons of equity.

The procedures foreseen in the General Labour Law in Public Functions passed and annexed to Law No 35/2014 of June 20, in its current wording, in terms of collective negotiation have been complied with.

Thus:

Pursuant to subparagraph a) of paragraph 1 of article 198 of the Constitution, the Government decrees as follows:

Article 1

Object

The present decree-law establishes the updating of the Public Administration basic compensation.

Article 2

Basic compensation value in Public Administration

1 - The basic compensation value practiced in Public Administration is equal or higher than €635.07, the monetary amount of the 4th compensation level of the Single Pay Scale, passed by Order No 1553-C/2008 of December 31.

2 - On the date of the entry into force of the present decree-law and with effects as of January 1st 2019, all workers with basic compensation lower than that which is set in the preceding paragraph shall receive that basic compensation.

Article 3

Public Administration workers' compensation

1 - Whenever from the Single Pay Scale or from the pay scales applicable to the career, category or contract occurs a basic compensation lower than the basic compensation to which refers the preceding article, it shall be this amount that the worker shall be entitled to receive, and shall be integrated into the corresponding pay step.

2 - The basic compensation to which refers the preceding paragraph shall correspond to the normal working period and on a full-time basis.

3 - When, by application of provisions set out in the present decree-law, results for the worker a compensation increase lower than €28, this one shall maintain the scores and corresponding qualitative results of the performance appraisal for the purposes of a future pay step change.

4 - The provisions set out in paragraphs 1 and 2 shall be applicable to Public Administration workers with employment contract concluded under the Labour Code and who fulfil functions in entities referred to in paragraph 1 of article 2 of the General Labour Law in Public Functions, passed by Law No 35/2014 of June 20 in its current wording.

Article 4

Taking effects

The present decree-law shall take effects since January 1st, 2019.

Article 5

Entry into force

The present decree-law shall enter into force on the following day of its publication.

Seen and approved in the Council of Ministers on January 24, 2019. - António Luís Santos da Costa - Maria de Fátima de Jesus Fonseca.

Promulgated on February 17, 2019.

Let it be published.

The President of the Republic, Marcelo Rebelo de Sousa.

Countersigned on February 18, 2019.

The Prime Minister, António Luís Santos da Costa.