

Decree-Law No 85/2019

1 July

The 3 aligned Programme for reconciling professional, personal and family life - 2018/2019 aims to promote a greater balance between professional, personal and family life, as a condition for effective gender equality and for a full citizenship that enables to make free choices in all aspects of life.

The programme seeks to improve the well-being index, in the indicator «Work-Life Balance», given that better reconciling professional, personal and family life shall favour the reduction of absenteeism, increased productivity and talent retention, and shall also contribute to the demographic sustainability.

Therefore, and recognizing the need for action by legislative means to implement the measure 7 (The first day of school) of pillar 2 (reconciling in the Public Administration) of the 3 Aligned Programme, it is important to allow that Public Administration workers be justifiably absent from work for accompaniment of a child under 12 years old on the first day of the school year. The regime that is now established shall be applicable to all central, regional and local Public Administration workers, with public employment relationship governed by the General Labour Law in Public Functions (GLLPF), passed and attached to Law No 35/2014 of 20 June in its current wording (that considers justified the absences explicitly provided for in paragraph 2 of its article 134, as well as those ones that by law are as such deemed) or with employment legal relationship governed by the Labour Code.

This absence is added to the absences foreseen in subparagraph f) of paragraph 2 of article 134 of the da GLLPF. However, as this absence is exercised, simultaneously by a large number of workers, conditions must be put in place for its effective exercise and safeguard in parallel the public interest, in order to avoid serious harm to the

normal public service operation. So, the need of the public employer take management measures sufficiently in advance is thus established to promote the use of this conciliation mechanism.

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

Thus:

Under the terms of subparagraph a) of paragraph 1 of article 198 of the Constitution, The Government decrees as follows:

Article 1

Object

The present decree-law enables that Public Administration workers be justifiably absent for the accompaniment of a child under 12 years old on the first day of the school year, by implementing measure 7 (The first day of school) of pillar 2 (reconciling in the Public Administration) of the 3 Aligned Programme.

Article 2

Scope

The present decree-law shall be applicable to:

- a) Public Administration workers with public employment relationship governed by the General Labour Law in Public Functions (GLLPF), passed and attached to Law No 35/2014 of 20 June, in its current wording;
- b) Public Administration workers with employment legal relationship governed by the Labour Code;
- c) Workers with employment legal relationship governed by the Labour Code who fulfil functions in entities referred to in paragraph 1 of article 2 of the GLLPF.

Article 3

**Justified absence for accompaniment of a minor
on the first day of school**

1 – The Public Administration worker responsible for the education of a child under 12 years old is entitled to be justifiably absent with a view to his/her accompaniment on the first day of the school year, up to three hours for each minor.

2 – The absence provided for in the preceding paragraph shall not entail the loss of any worker's right of any kind whatsoever and is deemed for all purposes as effective performance of work.

3 – The public employer shall take the management measures sufficiently in advance in order to promote the use of this conciliation mechanism with a view to creating conditions for the effective exercise of the right and to safeguard

the public interest, avoiding serious harm to the public service operation.

Article 4

Entry into force

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

Seen and approved in the Council of Ministers on 13 June 2019. - António Luís Santos da Costa -
Álvaro António da Costa Novo

Promulgated on 19 June 2019

Let it be published

The President of the Republic, Marcelo Rebelo de Sousa

Countersigned on 27 June 2019

The Prime Minister, António Luís Santos da Costa