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Factsheet for case PT-2020-14/316

Exceptional suspension of termination of employment contracts in Health National Service

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Country	Portugal, applies nationwide
Time period	Temporary, started on 03 April 2020
Type	Legislation or other statutory regulation
Category	Employment protection and retention – Changes to dismissal law or employment protection legislation
Case created	06 April 2020 (updated 21 April 2020)

Background information

Decree Law No. 2-B/2020 of 02 April, which renewed the state of emergency concerning COVID-19 pandemic (declared on 18 March 2020), established in article 29 measures applying to the National Health Service suspending the termination of any employment contracts (open ended or fixed term) as well as of contracts for the provision of services with independent workers, and prorogates any kind of term contracts, during the state of emergency

Content of measure

Decree Law No. 2-B/2020 of 02 April, which renewed the state of emergency concerning COVID-19 pandemic (declared on 18 March 2020), established in article 29 measures applying to the National Health Service suspending the termination of any employment contracts (open ended or fixed term) as well as of contracts for the provision of services with independent workers, and prorogates any kind of term contracts, during the state of emergency.

Article 29 of Decree Law No. 2-B/2020 of 02 April suspends, temporarily and exceptionally, the possibility of terminating the employment contracts of professionals linked to services and establishments integrated in the National Health Service, regardless of the legal nature of the employment relationship, either at the initiative of the employer or by initiative of the worker, except in exceptional situations duly substantiated and authorized by the governing body.

The provisions of the preceding paragraph also apply to the termination of individual contract and termination of employment contracts in public functions. Fixed-term employment contracts, whose expiry should operate in this period are considered automatically and exceptionally extended until the end of the state of emergency and possibly renewed. While the declaration of a state of emergency is in force, the possibility of terminating service provision contracts is also suspended, temporarily and exceptionally.

Use of measure

Not yet evaluated

Actors, target groups and funding

Actors	Target groups	Funding
National government Local / regional government Public support service providers	Employees Self-employed	No special funding required

Social partners

Role of social partners	Informed
Form of involvement	Direct consultation

Employer and trade union confederations were informed at the tripartite Standing Committee for Social Concertation.

Sectors and occupations

This case is sector-specific.

Economic area	Sector (NACE level 2)
Q - Human Health And Social Work Activities	Q86 Human health activities

This case is not occupation-specific.

Sources

- 02 April 2020: Decreto n.º 2-B/2020, Diário da República n.º 66/2020, 2º Suplemento, Série I de 2020-04-02 (dre.pt)