

**EMPLOYMENT AND LABOUR**

# Social protection measures adopted following the risk of infection by the COVID-19 virus

The Government has approved Order 2875-A/2020 which provides for a set of actions to plan and coordinate resources to minimise the economic and social impacts of the epidemic.

This Order sets out the rules regarding the disease that apply to workers who are ordered into the situation commonly known as quarantine as a result of the risk of infection with the COVID-19 virus.

Accordingly:

- Workers who are unable to work because of an order from the health authority will be treated as equivalent to workers who have been hospitalised for illness, so they will have the right to the applicable benefit. The daily amount of the benefit will be calculated by applying the following percentages to the reference salary:
  - i) 100% in the first 14 days of they cannot work;
  - ii) 55 % for the period between 15 and 30 days;
  - iii) 60 % for the period between 31 days 90 days;
  - iv) 70 % for the period between 91 days and 365 days;
  - v) 75 % for the period exceeding 365 days.

**"This Order sets out the rules regarding the disease that apply to workers who are ordered into the situation commonly known as quarantine as a result of the risk of infection with the COVID-19 virus."**

- This equivalence does not apply to workers who have alternative ways of working, in particular, remote work or distance training programmes;
- This situation is certified using the form that is annexed to the Order.
- This form is the document that justifies the absence from work and is it is communicated directly by the health authority to the security services to begin the process of paying the benefit;
- In applicable cases, the form is also used for the application for childcare or grandchild care benefit. The Order makes it clear that parents, grandparents and members of the household may provide care under the general terms of the law;
- This quarantine benefit is dependent on meeting the usual requirements for access to the normal benefit, in particular, the minimum insurance period, the minimum working period before the quarantine, and the waiting period.

This Order is an important support for companies confronted with a large number of workers unable to work as it provides a preventive measure to avoid infection. It could also limit use of the legal instruments that can be used in critical situations and situations of force majeure such as the lay-off and temporary closure of the company or establishment, which are also intended to reduce costs in similar situations.

Workers who are actually infected with the COVID-19 virus are naturally covered by sickness benefit.

The Order makes it mandatory to complete a specific certification form and this must be communicated in a strictly defined way. Therefore, it excludes workers who have been involved in non-Portuguese quarantine plans while travelling abroad who, as a result, cannot present themselves for work.

In these cases, the workers will be absent from work for a reason that is not attributable to them. Therefore, their absence will be justified and the employer will have to pay them for this period of absence as if it were working time. ■