



COMISSÃO PARA A IGUALDADE
NO TRABALHO E NO EMPREGO



“Engaging Fathers in Nurturing Care”
Issues around leave policies & Uptake
4E Parent

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5th December, 2023

Commission for Equality in Labour and Employment

- CITE was created in **1979**;
- CITE is the **National Mechanism for Gender Equality in Labour and Employment**;
- CITE comes under the authority of the **Ministry of Labour, Solidarity and Social Security**, in articulation with the **government member in charge with gender equality**;
- CITE has a **tripartite composition**, with 4 representatives of the Portuguese Public Administration and of the Social Partners – 4 of Trade Unions and 4 of Employers Confederations.

The Mission of CITE

- Pursue **equality and non discrimination between men and women in labour, employment and vocational training;**
- Collaborate in the implementation of legal provisions and conventions in this field, as well as those concerning **the protection of parenthood;**
- **Reconciliation between professional, family and personal life** in the private, public and cooperative sectors.

What CITE does

- **Promote Social Dialogue** in the field of equality between men and women in labour market;
- **Promote studies, research and projects** concerning equality and non-discrimination in labour, employment and vocational training, as well as good practices for reconciling professional, personal and family life;
- **Provide legal services and information.**
- **Develop and organise training and awareness-enhancing activities** in the field of equality in labour, employment and vocational training and of reconciliation of professional, personal and family life;
- **Cooperate** at national and international levels with public and private organisations in activities and projects related with CITE's mission.
- **Analysis** of the legality of collective bargaining provisions with regards to their compliance with equality between men and women in labour requirements.

What CITE does

- **Receive complaints** and issue legal opinions concerning equality and non-discrimination in Labour and Employment.
- **Issue a legal opinion** (within 30 days) which employers must obligatorily request before dismissing any pregnant worker, any worker who has recently given birth or who is breastfeeding, or male worker during the parental leave (paternity leave), or, after the transposition of the work-Life Balance Directive, a caregiver worker.
- **Issue a legal opinion** (within 30 days) which employers must request in advance when they disagree with part-time or flexitime work for male or female workers with one or more children under the age of 12, or, after the transposition of the work-Life Balance Directive, a caregiver worker.
- **Monitoring victims** of discrimination based on sex at work, employment or vocational training in cooperation with judicial bodies.
- **Mediation** of small conflicts, in the case of individual conflict, when requested by both parties.

Employment rate, by sex, in the EU27 and Portugal (from 20 to 64 years old) - 2012-2021 (%)

	UE27			Portugal		
	Total	Homens	Mulheres	Total	Homens	Mulheres
2012	66,9	72,8	61,0	64,0	67,5	60,8
2013	66,8	72,4	61,1	63,4	66,6	60,5
2014	67,5	73,1	62,0	66,1	69,5	62,9
2015	68,5	74,1	63,0	67,9	71,2	64,8
2016	69,6	75,2	64,1	69,5	72,9	66,4
2017	70,9	76,5	65,2	72,5	76,2	69,0
2018	71,9	77,6	66,3	74,7	78,1	71,5
2019	72,7	78,3	67,1	75,5	79,1	72,2
2020	71,7	77,2	66,1	74,2	77,1	71,4
2021	73,1	78,5	67,7	75,9	79,0	73,1

Fonte: EUROSTAT (consulta em 30-05-2022)



CHANGE OF PARADIGM IN THE LAW

LABOUR CODE

PROTECTION OF PARENTALITY

FLEXITIME WORK ARRANGEMENTS

PROMOTION OF SOCIAL DIALOGUE

What have we been doing in Portugal?

- ✓ We aim to learn about best practices in parental rights and reconciling work life balance and private and family life in other countries;
- ✓ We developed a toolkit on parental and reconciliation rights to dissemination in the forum of equality organizations and employers in Portugal.
- ✓ We are going to raise awareness and training employers with competences and skills in this area of parental and conciliation rights.
- ✓ We intend to contribute to this project to implement public policy measures in the national strategy for equality and non-discrimination.

Evolution of parental leave by fathers and mothers 2009 - 2021



Transposition of the Work-Life Balance Directive: Status Quo

Article 4.º Paternity leave

- In Portugal, in addition to the possibility of sharing the leave with the mother, the father is entitled to 28 consecutive or interpolated days of compulsory enjoyment, plus 7 optional days.

Article 5.º Parental Leave

- The initial parental leave lasts for 120 days, paid at 100%, or 150 days, also paid at 100%, provided that there is a sharing of at least 30 days.

Article 6.º
Carer's leave

- The caregiver worker is entitled to an annual leave of 5 working days, which must be taken consecutively.



Article 7.º

Time off from work on grounds of force majeure

- The worker has the right to be absent from work, up to 15 days a year, to provide unpostponable and indispensable assistance to the person cared for.
- To this period are added 15 days per year, for the provision of unpostponable or essential assistance to a relative or relative, or to a person with a disability or chronic illness, who is a spouse or lives in a de facto union with the worker.

Article 8.º
Payment or allowance

- Remuneration is guaranteed during the period of leave, the value of which varies between 80% and 100% of the usual remuneration.

Article 9.º
Flexible work arrangements

- Both parents with children up to 12 years of age or, regardless of age with children with disabilities or chronic illness, or carers, are entitled to request flexible working or part-time work.



Article 10.º

Employment rights

- The Labour Code Portuguese provides that the worker has the right to resume his activity in the same conditions as he was, as well as to benefit from any improvements to which he would have been entitled if he had not taken the leave.
- The period of taking the leave counts as actual working time.



Article 12.º
**Protection from
dismissal and burden
of proof**

- Portuguese law provides special protection for pregnant workers, workers who have recently given birth, who are breastfeeding or workers on parental leave, as well as for carers.
- For these workers, the presumption of discrimination in the event of dismissal is provided for, and it is up to the employer to remove this presumption.

- ✓ **As regards the transposition of Article 12 of the Directive, it should be noted that the measure to protect the dismissal of protected workers has been provided for since at least 2009, and it is mandatory to request a prior opinion from CITE before notifying the employee of the decision to dismiss.**
- ✓ **In the context of the prior issuance of an opinion, CITE assesses whether or not the employer removes the presumption of discrimination.**

- ✓ Since 2019, employers are obliged to communicate to CITE the basis for the non-renewal of fixed-term contracts. In such situations, CITE assesses whether or not the plea relied on for the termination of the contract is compatible with the reason for concluding the contract.
- ✓ The analysis of these communications has been the reason for the significant increase in requests for intervention with the ACT, due to the identification of situations in which this obligation.
- ✓ Following CITE's analysis of these communications, since January 2022 there have been 74 non-renewal withdrawals, which translates into "recoveries" of jobs.

Evolution of the number of complaints sent to ACT

In the framework of the cooperation with Labour Inspectorate and other entities in the application of legislation on equality and non-discrimination at work, employment and vocational training, CITE sends information on situations of possible discrimination between men and women at the workplace to ACT, namely complaints on discrimination and information regarding non-renewals of fixed-term contracts of pregnant workers, puerperal women or breastfeeding, or male workers during the parental leave.

Year	Number
2012	36
2013	23
2014	17
2015	12
2016	12
2017	3
2018	11
2019	43
2020	130
2021	291
2022	319
2023* Until 2023.04	154

**We also have public
campaigns to inform about
work life balance and
parenthood**

The role of men in Gender Equality campaigns



Project “Parents@Work”



- ✓ Developed by a consortium of four equality mechanisms, the Institute for the Equality between Women and Men (Belgium) as coordinator, the Advocate of the Principle of Equality (Slovenia), the Commission for Protection against Discrimination (Bulgaria) and CITE;
- ✓ Develop a strategy for the involvement of employers in reconciling work, personal and family life through mutual learning between equality bodies.

In addition to these measures, we have also been working on other areas with a direct impact on wage inequalities, such as:

- ✓ Combating gender stereotypes in professional and vocational choices, intervening in male-dominated areas (as STEM), but also in female-dominated areas (such as the care sector);
- ✓ Reinforcement of measures to work-life balance, especially in terms of the sharing of parental leaves between mothers and fathers;
- ✓ Promoting the presence of more women in senior positions and in the management, management and administration of organizations, namely in executive bodies (Law 62/2017, de 1 de agosto).



Thank you for
listening!