

# FINAL VERSION OF PUBLIC SECTOR EMPLOYEES LAW PUBLISHED - CAIADO GUERREIRO

*Posted on 11/08/2014*



Category: [Uncategorized](#)



**The final text of the General Law on Labour in Civil Services (LTFP) was published in the Portuguese Official Gazette on 20 June 2014. This law encompasses the essential elements of the labour regime for public sector employees, which up until now had been regulated in ten**

**different legal texts, expressly revoked. The LTFP is the result of the longstanding goal of providing the Portuguese Public Administration with a legal text that gathered, in a systematic, organised and technically accurate way, the fundamentals of the labour regime of its employees. This preoccupation with systematisation and accuracy is evident. The LTFP covers, in 406 articles, all the issues previously foreseen in over 1200 articles, scattered among the aforementioned ten legal texts.**

The LTFP was approved in late April of 2013, among protests from the opposition parties. In spite of the controversy, the Government coalition approved the law, considering it essential to the financial needs of the country.

There are three key aspects to the new legal text. The first is the trend towards convergence between the labour regime for employees committed to public functions and the general labour regime of "common" employees. Naturally, there are peculiarities determined by the nature of public functions that need to be safeguarded, as well as the constitutional status of such functions.

Secondly, the LTFP has taken the legal instrument of the labour contract in civil services as the benchmark for the employment relationship, notwithstanding the search for a single scheme applicable to the two main kinds of public sector employment ties (contract and appointment), enhancing only the peculiarities of each kind, as necessary.

Finally, the third key aspect of the new law is to restore and reinforce the regime's unity and coherence by incorporating, harmonising and rationalising the amendments carried out in the past four years, which had disfigured and mischaracterised it. As mentioned before, the LTFP consolidates rules that had already been introduced by extravagant legal texts. These rules include, for example, the decrease in the number of days of leave (from 25 to 22 weekdays), although the possibility of increasing this number to 26 is maintained (1 weekday per 10 years of service and per performance). The number of working hours is also increased, from 35 to 40 hours per week, and the overtime work limit of 100 hours is augmented to 150 hours per year (with the possibility of further increases pursuant to collective bargaining agreements). The new special mobility scheme stipulates a maximum duration of 12 months, following which the employee may choose to enter a waiting list for placement (receiving no remuneration) or to terminate the labour contract (with the right to profit from unemployment benefit and compensation). The special mobility scheme is also very relevant with regards to the individual or collective dismissal of employees because the LTFP determines that such dismissal can only take place after the 12 months requalification (mobility).

The Portuguese Labour Code is recognised by the LTFP as its subsidiary regime and there are actually several matters that are entirely regulated by that Code. These include parenthood, student worker and disabled worker statuses, and working time. Nevertheless, there are several matters that are very specific and demand a different treatment, such as human resources management and hiring, the duties of the public employer, the rights and duties of the public employee, mobility, remuneration status, disciplinary powers, negotiation and conclusion of collective bargaining agreements.

The new Law undoubtedly streamlines the rules applicable to these employees and allows the general public – as well as lawyers, judges and interested parties – to more easily grasp the law, thus ensuring increased justice and equity in its enforcement. The LTFP shall come into effect on 31 August 2014.

Ana Castro Gonçalves is a partner at Caiado Guerreiro. She can be contacted at [agoncalves@caiadoguerreiro.com](mailto:agoncalves@caiadoguerreiro.com)