

The logo for ACT (Autoridade para as Condições do Trabalho) features the letters 'ACT' in a bold, white, sans-serif font. The 'A' is stylized with a triangular shape on its left side. The logo is set against a white background that is framed by a white L-shaped border on the top and left sides, all within a teal rectangular area.

AUTORIDADE PARA AS  
CONDIÇÕES DO TRABALHO

# MOBILIDADE TRANSNACIONAL DE TRABALHADORES

Transnational Mobility of Workers and Companies Working Group

# Instruments, Rules and Tools on Posting

## Posting declaration to Portugal

### Before the beginning of the activity:

Submit a declaration to the ACT containing the following information:

- ✓ Identity of the service provider
- ✓ No. and identification of workers to be posted
- ✓ Identification of the person liaising with ACT
- ✓ Length of secondment, indicating start and end dates of secondment
- ✓ Address of place/place of work
- ✓ Nature of the services justifying the posting

# Instruments, Rules and Tools on Posting

## Posting declaration to Portugal

[http://www.act.gov.pt/\(pt-PT\)/CentroInformacao/DestacamentoTrabalhadores/Destacamentodetrabalhadores/Paginas/default.aspx](http://www.act.gov.pt/(pt-PT)/CentroInformacao/DestacamentoTrabalhadores/Destacamentodetrabalhadores/Paginas/default.aspx)

**Declaração de destacamento de trabalhadores em território português**  
*Prestador de Serviços estrangeiro (Entidade Empregadora)*

\* Denominação Social:   
\* Morada Sede Comercial:   
Localidade:  Código Postal:   
\* País:  \* Nif:   
-- Escolha --  
\* Email:  Nº de Telefone (Deve conter indicativo):

**Local de trabalho \***  
Novo Local de trabalho

**Trabalhador por conta de outrem \***  
Novo Trabalhador

**Locais de trabalho dos trabalhadores \***  
Adicionar

**Natureza dos serviços que justificam o destacamento**  
*Destinatário da prestação de serviços em Portugal*

\* Denominação Social:  \* Nif:   
\* Morada:   
\* Código Postal:  \* Localidade:

\*Atividades:  
 Agricultura;  
 Atividades Administrativas e dos Serviços de Apoio;  
 Construção;  
 Indústrias Transformadoras;  
 Outras Atividades

**Natureza dos serviços que justificam o destacamento**  
*Destinatário da prestação de serviços em Portugal*

\* Denominação Social:  \* Nif:   
\* Morada:   
\* Código Postal:  \* Localidade:

\*Atividades:  
 Agricultura;  
 Atividades Administrativas e dos Serviços de Apoio;  
 Construção;  
 Indústrias Transformadoras;  
 Outras Atividades

**Duração previsível do destacamento:**  
\* Inicio:  \* Termo:

Pessoa designada pelo prestador de serviços para estabelecer ligação com a ACT, bem como, se for o caso, para articular com os parceiros sociais.

\* Nome completo ou denominação social:   
\* Morada em território Português (Caso Existir):   
Localidade:  Código Postal:   
\* Email:  Nº de Telefone (Deve conter indicativo):

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# Instruments, Rules and Tools on Posting

## Posting declaration to Portugal

### During the period of posting:

- ✓ Preserve copies of:
- ✓ Employment contract or written information;
- ✓ Retribution receipts;
- ✓ Registration of working times;
- ✓ Proof of payment of wages.

These documents must be available in an accessible and clearly identified place in Portugal, namely at the workplace indicated in the declaration.

### Assign ACT contact person:

The designated person does not have to be a Portuguese national and must be contactable and available in case of needing to liaise with ACT.

# Instruments, Rules and Tools on Posting

## **Posting declaration to Portugal**

### **After the period of posting:**

- Present, up to one year after the end of the posting, the referred documents, if requested by ACT in an inspection.
- It must be presented in Portuguese or accompanied by a translation certified under the legal terms.

# Instruments, Rules and Tools on Posting

## **Joint and several liability of the contractor**

Under Article 12, the contractor to whom the service is provided is jointly and severally liable for any overdue net remuneration due to the worker posted by the service provider as a direct subcontractor.

In the Portuguese legal system this mechanism applies to all sectors of activity.

# Instruments, Rules and Tools on Posting

## **Transnational collection of sanctions/fines**

- Provides for the possibility of notification of decisions imposing penalties or fines imposed in another Member State
- Establishes the possibility of transnational recovery of fines or financial penalties imposed in another Member State

# Instruments, Rules and Tools on Posting

## **Working Conditions in Portugal**

Worker posted to Portugal is entitled to the same working conditions as national employees, without prejudice to any more favorable regime contained in the law or contract of employment applicable in the country of origin:

- ✓ **security of employment**
- ✓ Maximum working time
- ✓ Minimum rest periods
- ✓ Holidays
- ✓ Minimum remuneration and overtime pay
- ✓ Assignment of workers by a temporary employment agency



# Instruments, Rules and Tools on Posting

## Working Conditions in Portugal

- ✓ Occasional assignment of workers
- ✓ Safety and health at work
- ✓ **Protection in parental rights**
- ✓ Protection of child labor
- ✓ Equal treatment and non-discrimination
- ✓ The existence and conditions of accommodation, when made available by the employer;
- ✓ the remuneration, allowances and benefits inherent in the posting, it being assumed that these are paid by way of reimbursement of travel, food and accommodation expenses, when it is not determined which items are paid as remuneration

# Instruments, Rules and Tools on Posting

## Working Conditions in Portugal

### Security of employment

- In Portugal, dismissal without just cause or for political or ideological reasons is prohibited.

### Maximum length of working time

- The maximum weekly working period is 40 hours and the normal daily working period may not exceed 8 hours.

### Minimum rest periods

- The daily working period must be interrupted by a rest period of not less than 1 hour and not more than 2 hours.
- The worker is guaranteed a minimum rest period of 11 hours between two consecutive daily working periods.
- The worker is entitled to at least 1 day of rest per week.

# Instruments, Rules and Tools on Posting

## **Working Conditions in Portugal**

- **Safety and Health at Work**

Portuguese legislation in this area is characterized by a set of rules based on the employer's responsibility to ensure the safety and health of workers, including those posted, in all aspects related to work.

- **Equal treatment and non-discrimination**

The employer may not discriminate on any basis such as descent, age, gender, sexual orientation, gender identity, marital status, family situation, genetic heritage, reduced work capacity, disability or chronic illness, nationality, ethnic origin, religion, political or ideological beliefs and trade union membership.

# Instruments, Rules and Tools on Posting

## **Working Conditions in Portugal**

- **Holidays**

Workers are entitled to a period of paid leave in each calendar year. The annual holiday period is, as a rule, a minimum of 22 working days.

- **Minimum wage and overtime payment**

There is a minimum wage (RMMG) which is set by the government, generally, annually.

If supplementary work and/or work performed during the night is provided, it will be remunerated with the increases established in the applicable labor code or applicable collective instrument.

# Instruments, Rules and Tools on Posting

## **Working Conditions in Portugal**

Authority for Working Conditions

Labor Court

General Directorate for Employment and Labor Relations

Social Security Institute

Bar Association

Trade Unions

Employer's Associations

# Instruments, Rules and Tools on Posting

## Information on Posting

- [http://www.act.gov.pt/\(pt-PT\)/CentroInformacao/DestacamentoTrabalhadores/Paginas/default.aspx](http://www.act.gov.pt/(pt-PT)/CentroInformacao/DestacamentoTrabalhadores/Paginas/default.aspx)

## Practical Guide on Transnational Mobility of Workers and Companies

- [http://www.act.gov.pt/\(pt-PT\)/crc/PublicacoesElectronicas/Relacoesdetrabalho/Documents/Mobilidade%20Transnacional%20de%20Trabalhadores%20e%20Empresas.pdf](http://www.act.gov.pt/(pt-PT)/crc/PublicacoesElectronicas/Relacoesdetrabalho/Documents/Mobilidade%20Transnacional%20de%20Trabalhadores%20e%20Empresas.pdf)

## Information request

- [http://www.act.gov.pt/\(pt-PT\)/CentroInformacao/DestacamentoTrabalhadores/Paginas/default.aspx](http://www.act.gov.pt/(pt-PT)/CentroInformacao/DestacamentoTrabalhadores/Paginas/default.aspx)

# Instruments, Rules and Tools on Posting

## IMI Requests received by PT

País	Pedido IMI 2019	Pedido IMI 2020
Áustria	58	14
Bélgica	86	91
Espanha	3	2
França	27	13
Holanda	1	1
Luxemburgo	2	1
Em Branco		2
<b>Total</b>	<b>177</b>	<b>124</b>

# Posting declaration to PT

Pais	Nº Comunicações	Nº Trabalhadores
<b>Total Geral</b>	<b>807</b>	<b>2499</b>
ESPANHA	422	1119
ILHA DE MAN	63	602
BULGARIA	27	173
ALEMANHA	127	172
ITALIA	92	146
POLONIA	10	114
PAISES BAIXOS	5	28
ESLOVENIA	4	22
AUSTRIA	10	14
MARROCOS	3	14
ROMENIA	5	14
REPUBLICA CHECA	2	12
ILHAS VIRGENS (ESTADOS UNIDOS)	1	11
FINLANDIA	8	9
HUNGRIA	2	8
REINO UNIDO	3	6
BELGICA	1	5
FRANCA	4	4
LETONIA	1	4
ILHAS ALAND	3	3
SERVIA (REPUBLICA DA)	1	3
TURQUEMENISTAO	1	3
CHILE	2	2
DINAMARCA	1	2



# Posting declaration from PT

País	Nº Comunicações	Nº Trabalhadores
<b>Total Geral</b>	<b>8564</b>	<b>33077</b>
FRANCA	3998	14389
BELGICA	1135	6504
ESPAÑA	1402	5478
ALEMANHA	397	1933
PAISES BAIXOS	305	801
ITALIA	85	372
REINO UNIDO	96	365
SUECIA	56	347
LUXEMBURGO	89	301
AUSTRIA	70	281
ESLOVACA (REPUBLICA)	64	220
Suiça	29	140
MARROCOS	46	116
ROMENIA	20	105
<b>NORUEGA</b>	<b>27</b>	<b>98</b>
IRLANDA	37	96
BULGARIA	28	77
FINLANDIA	21	62
ESLOVENIA	5	10
DINAMARCA	20	34

# Mobilidade Transnacional de Trabalhadores



**Thank you for the attention**