



COMPENSATION OF DAMAGES ARISING FROM ACCIDENTS AT WORK OF PROFESSIONAL SPORTS PLAYERS

Law n.º 48/2023, of 22 August

Law n.º 48/2023, of 22 August establishes the specific regime for the **compensation of damages arising from accidents at work of professional sports players.**

DEFINITION OF PROFESSIONAL SPORTS PLAYER

A professional sports player is one who, following and as a result of a training process regulated and recognised by the respective sports federation, dedicates exclusively or primarily to the practice of

a sport, under the terms regulated by law or collective agreement for the sector of activity.

REQUIREMENT OF EXPLICIT CONSENT FOR MEDICAL EXAMINATIONS

Under the new regime, the sports player must give their explicit consent for the employer's medical services to provide the insurer's medical services with all medical examinations carried out and relevant to risk assessment.

WHAT DOES THE NEW REGIME SAY?

Under the new regime, after the date on which the injured player reaches the age of 35 and until the date on which he reaches the age of 45, the overall maximum pension limit will be 14 times the amount corresponding to 8 times the guaranteed minimum monthly salary in force on the date of the pension change.

After the date on which the injured person reaches 45 years of age, the annual pensions will be based on a maximum salary corresponding to 14 times the guaranteed minimum monthly salary in force on the date of the pension change.

COMPENSATION FOR DAMAGE

A. ABSOLUTE PERMANENT INCAPACITY FOR ANY AND ALL WORK

With regard to compensation for damage resulting from an accident at work which results in **absolute permanent incapacity for any and all work**, annual pensions will now be subject to the following maximum limits:

- 14 times the amount corresponding to 15 times the guaranteed minimum monthly salary in force on the date the pension is set, until the date the player reaches 35 years of age;
- 14 times the amount corresponding to 8 times the guaranteed minimum monthly salary in force on the date the pension is changed, after the date the player reaches 35 years of age and until the

date the player reaches 45 years of age;

- 14 times the amount corresponding to 5 times the guaranteed minimum monthly salary in force on the date the pension is changed, after the date the player reaches 45 years of age.

B. ABSOLUTE PERMANENT INCAPACITY FOR NORMAL WORK

When the damage caused by an accident at work results in **absolute permanent incapacity for normal work**, the annual pension has a maximum overall limit of 14 times the amount corresponding to 15 times the guaranteed minimum monthly salary in force on the date the pension is set, until the date on which the person reaches 35 years of age.

C. PARTIAL TEMPORARY INCAPACITY

Compensation for damage resulting from an accident which results in **partial temporary incapacity** takes place:

- for incapacities of 5% or less, with a maximum limit of 14 times the amount corresponding to 5 times the minimum guaranteed monthly salary in force;
- for incapacities of more than 5%, there is no maximum limit.

D. PARTIAL PERMANENT INCAPACITY

In the event of **partial permanent disability**, compensation is paid:

- in cases of **incapacity equal to or less than 5%**, 14 times the amount

corresponding to 2 times the guaranteed minimum monthly salary in force on the date of establishment, until the player reaches 35 years of age, and corresponding to 1 times the guaranteed minimum monthly salary, after the player reaches 35 years of age;

- **in the case of disabilities of more than 5%**, 14 times the amount corresponding to 8 times the guaranteed minimum monthly salary in force on the date of establishment, until the date on which the player reaches 35 years of age, and corresponding to 5 times the guaranteed minimum monthly salary, after the player reaches 35 years of age and until the player reaches 45 years of age;
- **after reaching 45 years of age**, it will be based on a maximum salary of 14 times the amount corresponding to 2 times the guaranteed minimum monthly salary.

PENSION REDEMPTION

With the new regime, **pension redemption** - the partial or total cancellation of the obligation to pay pensions due in the form of a lump sum - can, as a rule, only take place from the age of 45.

REVIEW OF INCAPACITY

A **review of permanent incapacity** can only be requested once every calendar year, within 10 years of discharge.

In the case of **non-permanent incapacity**, a review can only be requested within 3 years of that date.

EXPENSES COVERED

It should also be noted that the provision and payment of transport and subsistence expenses now also covers the travelling and subsistence necessary for the observation and full treatment of the professional sportsperson.

FINAL NOTES

The changes introduced by the law reinforce the protection of professional sports players, but only apply to accidents at work that occur after its entry into force.

ENTRY INTO FORCE

Law 48/2023 came into force the day after its publication, so on 23 August 2023.

Rodrigo Graça | r.graca@caldeirapires.pt