



EXTENSION OF INITIAL PARENTAL LEAVE

On September 27, the Parliament approved **Bill 855/XV/1**, presented by a group of citizens, which aims to **extend the initial parental leave from 120 or 150 consecutive days to 180 or 210 consecutive days.**

The main reason for this legislative initiative is the pursuit of policies to protect parenthood, births and the reconciliation of professional and family life, in particular through greater economic support during the first six months of breastfeeding, as well as the protection of maternal and child health.

WHAT CHANGES?

This law establishes the extension of the initial parental leave, amending the wording of the current articles 40 and 44 of the Labor Code.

It also amends the provisions of articles 12, 30, 35 and 57 of Decree-Law 91/2009 of April 9, which approves the Legal Regime for Social Protection in Parenthood within the scope of the social security system and the solidarity subsystem.

A. INITIAL PARENTAL LEAVE

According to this legislative initiative, working mothers and fathers are entitled to initial parental leave of 180 days (instead of the current 120 days) or 210 days (instead of the current 150 days) consecutive days, which they can share after childbirth, without prejudice to the mother's rights provided for in Article 41 of the Labor Code (namely, to take initial parental leave before childbirth, as well as the mother's compulsory 42 consecutive days of leave after childbirth).

This leave can be taken simultaneously by both parents for between 180 and 210 days, instead of the current limit of between 120 and 150 days.

In the event of the adoption of a child under the age of 15, the prospective adopter is entitled to the aforementioned leave and, with the necessary adaptations, to the father's exclusive parental leave, as provided for in the current article 43 of the Labor Code.

B. SOCIAL PROTECTION DURING PARENTHOOD

As far as the initial parental allowance is concerned, it will now be granted for a period of 180 or 210 consecutive days - instead of the current 120 to 150 days - at the option of the parents, which they can share after giving birth, without prejudice to the mother's rights.

With this amendment, the **daily amounts of the initial parental allowance** will be as follows:

- (i) In the period corresponding to 180 days' leave (currently 120 days), the daily amount is equal to 100% of the beneficiary's reference remuneration;
- (ii) In the case of opting for a leave period of 210 days (currently 150 days), the daily amount is equal to 80% of the beneficiary's reference remuneration;
- (iii) In the case of opting for the 210-day leave period (currently 150 days), in situations where each parent takes at least 30 consecutive days, or two equally consecutive 15-day periods, the daily amount is equal to 100% of the beneficiary's reference pay;
- (iv) In the case of opting for the 240-day leave period (currently 180 days), in situations where each parent takes at least 30 consecutive days, or two equally consecutive 15-day periods, the daily amount is equal to 83% of the beneficiary's reference pay.

The **daily amount of the initial parental social allowance** is as follows:

- (i) For a period of 180 days (instead of the current 120 days), the daily amount is equal to 80% of one 30th of the value of the Social Support Index;
- (ii) In the case of opting for the 210-day period (instead of the current 150 days), the daily amount is equal to

64% of one 30th of the value of the Social Support Index;

(iii) In the case of opting for the 210-day period (instead of the current 150 days), in situations where each parent takes at least 30 consecutive days, or two equally consecutive 15-day periods, the daily amount is equal to 80% of one 30th of the value of the Social Support Index;

(iv) In the case of opting for the 240-day period (instead of the current 180 days), in situations where each parent takes at least 30 consecutive days, or two equally consecutive 15-day periods, the daily amount is equal to 66% of one 30th of the value of the Social Support Index.

OTHER RELEVANT CHANGES

As part of the issues relating to parenthood and social protection, Bill 252/XVI/1 also approved universal pre-school education for all children from the

age of 3, which is currently provided for children from the age of 4.

This legislative change is based on the fact that the Basic Law of the Education System places pre-school education between the ages of 3 and 6, but its universality currently refers to the age of 4, which ended up leaving children as young as 3 unprotected, as can be read in the Explanatory Memorandum.

ENTRY INTO FORCE

Bill no. 855/XV/1, having already been approved in general, will now be discussed in detail by the Labor, Social Security and Inclusion Committee, and Bill no. 252/XVI/1, will be discussed in detail by the Education and Science Committee, after which it should come into force with the next State Budget.

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