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PORTUGAL.EU

The logo for the Portuguese Authority for Working Conditions (ACT), featuring the letters 'ACT' in a large, bold, white font. The 'A' is a simple triangle, and the 'C' and 'T' are block letters. The logo is set against a white background that forms a partial frame on the right side of the teal header.

ACT

AUTORIDADE PARA AS
CONDIÇÕES DO TRABALHO

PORTUGUESE AUTHORITY FOR WORKING CONDITIONS (ACT)

GUARANTEEING THE EFFECTIVE ENFORCEMENT OF DOMESTIC WORKERS RIGHTS

Unit of Technical Support to Labour Inspectorate Activities

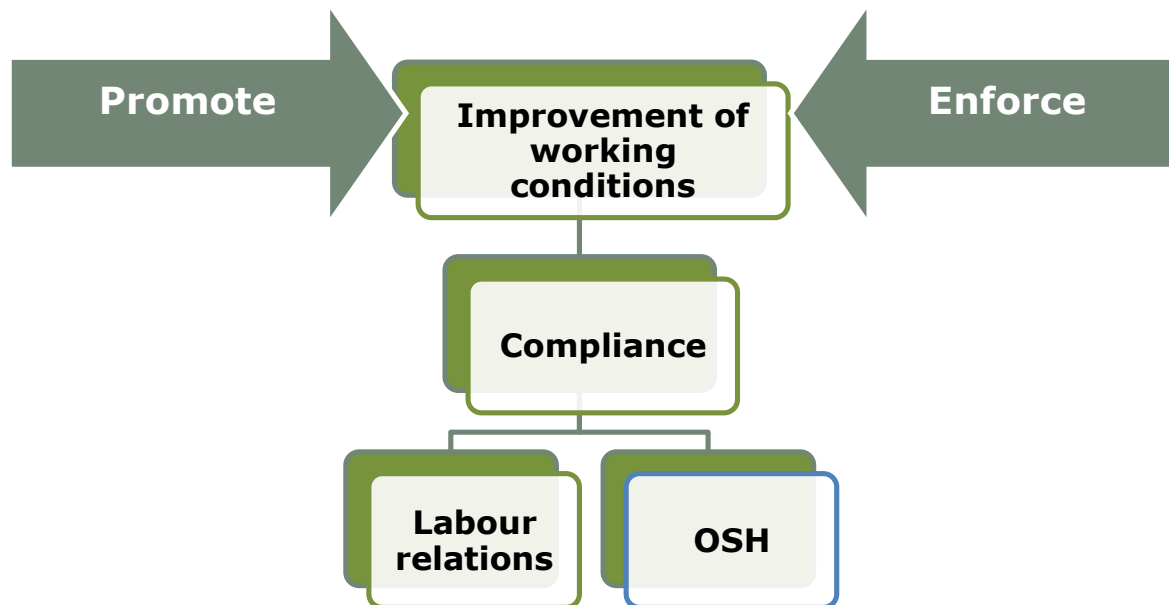
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OUR MISSION

- **To promote better working conditions**, through compliance control and monitoring, the enforcement of labour standards and OSH legislation in all sectors including domestic work
- Portugal ratified the ILO Convention 189 in 2015
- Has specific labour regime for domestic work based on its particularities (trust and privacy) relationships - since 1992
- The general regime of Labour Code also applies to domestic work (social relations and OSH) – to guarantee the same rights of the workers of other sectors (decent work)



Guaranteeing the effective enforcement of domestic workers rights

- INFORMATION ACTIVITY

Provide information to raise awareness about the rights and duties of domestic workers and employers in order to increase legislation knowledge:

- ✓ At the 32 local branches - information face to face and try to promote conciliation clarifying rights and duties of domestic work
- ✓ Through a public telephone line (300069300) 5 days a week
- ✓ Through chatbots/frequent asking questions (faqs)
- ✓ Forms at website to make questions and forms about employers obligations (ex: communication of foreign work communication) www.act.gov.pt
- ✓ Provide written answers to requests and doubts about domestic workers and employers rights and duties
- ✓ Simulator for calculating remuneration due for termination of contract

Guaranteeing the effective enforcement of domestic workers rights

Awareness campaign

Portugal developed a campaign with the focus to tackle abusive and illegal **against undeclared work** with a strong preventive aspect was based on the active involvement of social partners and other public entities in all sectors of activity.

Target groups were workers and workers' representatives, vulnerable groups (migrants/pregnant women) employers and employers' representatives; students as workers/employers in the future; public in general.

What's UNDECLARED WORK?

These are the situations of undeclared work:

- Lack of communication from workers to Social Security.
- Partial or total non-declaration of the compensation paid to workers to Social Security, to the insurer and to the Tax Authority.
- False statements regarding contribution.

Undeclared work can be the same as:

- Inadequate working conditions
- Discrimination and social exclusion

What are the risks for the employer with UNDECLARED WORK?

- Undeclared workers' representatives are employed and may not be identified with the company, which is reflected in productivity and competitiveness of the company.
- Undeclared workers are not covered by insurance for accidents at work. Therefore they have to assume all costs, in full, in case of an accident.
- The employer will be charged with a serious misdemeanor and fines or jail time.
- The employer will have to return all the missing contributions, being also responsible for social benefits unlawfully received by the workers.

What are the risks for the employee with UNDECLARED WORK?

- The undeclared worker is not covered by insurance for accidents at work.
- In case of an accident at work, the undeclared worker and his family will live in an unpleasant situation and will not benefit social protection from Social Security.
- In case of illness or unemployment, the undeclared worker does not receive compensation or any allowance.
- The undeclared worker is not entitled to a general leave allowance.
- The period of undeclared work and the undeclared payments don't count for the retirement.
- The undeclared worker will have to return amounts received from social security.

The National Campaign against UNDECLARED WORK aims to:

- Promote a culture of fulfillment and knowledge of the rights and obligations concerning employment.
- Raise the security, employers and workers for the advantages of declared work and also for the negative aspects of the non-declaration.
- Alert, inform and promote the transformation of fully or partially undeclared work into regular work.

Don't work in the shade

IT'S BAD FOR YOU. HARMFUL FOR ALL!

Flyers in 5 languages

- Portuguese
- English
- French
- Russian
- Romanian

Disseminate information

- written press
- digital
- social networks
- radio advertisements
- by partners

Guaranteeing the effective enforcement of domestic workers rights

INSPECTION ACTIVITY

- ✓ Complaints mechanisms - form in the website to workers to present complains about illegal situations (ex. Failure of pay of wages, Christmas bonus, vacation allowance, working hours, over time, holidays, social protection, legal indemnity for the end of the contract).
- ✓ Questioning the employer, employee or any other person/can visit the workplace when the employer give consent or with a court order
- ✓ **Adoption of notifications** to the employers in order to **request documents** about the working conditions in order to control the compliance of the law and notification to **calculate amounts owned to workers** (work contracts, receipt, social security discounts/social protection, work accident insurance)
- ✓ Report the infringements to social security/tax administration ➔ social protection
- ✓ The legal regime has penalties for the employers who do not comply the regime of the domestic work which are applied by labour inspection



*THANK YOU
FOR YOUR ATTENTION*

PORTUGUESE PRESIDENCY OF THE COUNCIL OF THE EUROPEAN UNION

