

Portugal⁴⁶⁴

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April 2024

For comparisons with other countries in this review on Leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members page](#) on the Leave Network website.

1. Current leave and other employment-related policies to support parents

Note on terminology: a new labour law came into effect in May 2009 and major changes were introduced in leave policy (see details in 2009 review). 'Maternity leave' was replaced by the 'Initial Parental leave'; 'Paternity leave' and optional Parental leave for fathers was replaced by 'Fathers-only Parental leave'; and a 'sharing bonus' was introduced (see below).

a. Initial Parental leave (*Licença Parental Inicial* – formerly 'Maternity Leave', see note on terminology) (responsibility of the Ministry of Labour, Solidarity and Social Security)

Length of leave (before and after birth)

- 120 or 150 calendar days, depending on payment level (see 'payment and funding' below). It is obligatory for the mother to take 42 calendar days (six weeks) following the birth – 'Mothers-only Initial Parental leave' (*Licença Parental Inicial Exclusiva da mãe*). The remaining period may be divided by mutual agreement between the parents.

⁴⁶⁴ Please cite as: Leitão, M., Wall, K., Correia, R. B. and Atalaia, S. (2024) 'Portugal country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

⁴⁶⁵ The preparation of this country note has been supported by funds provided by FCT - Fundação para a Ciência e a Tecnologia, I.P. (UIDB/50013/2020, UIDP/50013/2020 e LA/P/0051/2020).

- An extra 30 days ('sharing bonus') is available if parents share the leave. The Leave is then extended to 150 days or 180 days. See 'Flexibility' below for the options available to parents.

Payment and funding

- Initial Parental leave: 120 days at 100 per cent of earnings or 150 days at 80 per cent of earnings, with no upper limit on payments. A sharing bonus is allocated if each parent takes at least 30 consecutive days of leave or 2 periods of 15 consecutive days once the other parent returns to work: 150 days are paid at 100 per cent of earnings or 180 days at 83 per cent of earnings, with no upper limit on payments; if the father takes at least 60 consecutive days, or 2 periods of 30 consecutive days, after the mother returns to work, payment is increased to 90 per cent of earnings.
- If the parents decide to share the 30 days of the fifth month of Initial Parental leave to stay home at the same time (each maximum 15 days), the payment remains at 80 per cent of earnings for each parent. The total length of leave remains the same but ends earlier if a portion is taken at the same time (see 'Flexibility in use' below).
- The monthly payment of 'parental benefit' is based on the average of all gross earnings in the first 6 of the last 8 months immediately preceding the Leave (excluding Christmas and holiday subsidies and other work bonuses).
- Parents living in the Portuguese autonomous regions (Madeira and Azores) are entitled to a 2 per cent increase in Parental leave benefits compared to the mainland to compensate for the higher cost of living.
- If income is very low (see eligibility), there is an entitlement to 'Social Initial Parental leave', with a minimum payment of €13.58 per day (120 days or 120+30 days of shared leave), €10.86 per day (150 days of non-shared leave), or €11.20 per day (150+30 days of shared leave). These days of Social Initial Parental leave include the 42 days mandatory for mothers ('Mothers-only Social Parental leave')
- Non-employed parents receiving either social parental benefits or unemployment benefits may apply for pension credits for their child-rearing leave.
- Payments are made to the parent by the social security system.
- Payments are not taxed. Most parents taking leave receive a higher net income than during employment since the leave benefit is exempt from payment of social security and income tax; parents also continue to accrue pension credits and other entitlements while taking leave. However, holiday and Christmas bonuses from the employer are not automatically paid during the leave period, but beneficiaries can apply for them as a 'compensation benefit' from the social security system (except for self-employed parents).
- Funded by the social security system, which is financed by contributions from employers, employees, self-employed persons and voluntary forms of social security. In general, employers contribute 23.75 per cent (22.3 per cent in the case of non-profit organizations) and employees 11 per cent; self-employed persons contribute 21.4 per cent.

Flexibility in use

- Mothers have the option to take up to 30 days of their Mothers-only Initial Parental Leave before giving birth.
- Initial Parental Leave may be taken in the following ways:
 - A parent may take (after the mother's mandatory period) all 120 days at 100 per cent of earnings or all 150 days at 80 per cent of earnings, i.e., when there is no sharing of leave.
 - Parents may take 150 days at 100 per cent of earnings, provided the father takes at least 30 consecutive days or two periods of 15 consecutive days of leave alone, without the mother, or vice versa.
 - Parents may take 180 days at 83 per cent of earnings, provided the father takes at least 30 consecutive days or two periods of 15 consecutive days of leave alone, without the mother, or vice versa; if the father takes at least 60 consecutive days, or two periods of 30 consecutive days, after the mother returns to work, payment is increased to 90 per cent of earnings.
 - In the fifth month, parents can share a maximum of 30 days to stay home together, but each parent can only stay home with the other parent for a maximum of 15 days. Therefore, this option to stay home together shortens the total amount of leave from 5 months to 4½ months, or from 6 months to 5½ months.
 - Initial Parental leave can be combined with part-time work after the first 120 days of leave, i.e., either the 5th or the 6th months *or* both the 5th and the 6th months of Initial Parental leave can be taken on a part-time basis by each parent. With this option the 30 days of full-time leave become 60 days of part-time leave and total Initial Parental leave can be extended from 150 or 180 days (5 or 6 months) up to a maximum of 240 days, i.e., 120 days on a full-time basis plus 120 half-days (part-time basis), paid at 50 per cent of earnings; parents can combine part-time leave with part-time work, either simultaneously or sequentially.
- Initial Parental Leave of 120 or 150 days can be divided between the parents but cannot be taken by both parents at the same time, except in the cases mentioned above, i.e., in the 5th month parents can stay at home together for 15 days making a total of 30 days of leave; and in the option of taking leave simultaneously with part-time work after the 120 days, in which case benefit will be paid accordingly with a maximum of 15 full days per month (30 half-days per parent). If parents want to take their leave at the same time and both work for the same employer in a small business, the employer's consent is required.
- Single parents cannot claim the entitlements of the other parent.

Eligibility (e.g., related to employment or family circumstances)

- All female workers who have paid social security contributions for 6 months (continuously or intermittently, the latter being only possible if the period without contributions is less than 6 months); contributions made to other national or international compulsory social security systems may be considered under certain conditions.

- Eligibility for paid mandatory leave, i.e., 42 calendar days of 'Mothers-only Initial Parental leave', only requires that the mother has worked and made social security contributions for at least 1 of the 6 months preceding birth. If necessary, the month of birth will be considered, provided there is at least 1 day of work with deductions in that same month.
- Mothers with no or insufficient contributions are entitled to a monthly benefit ('Mothers-only Social Initial Parental leave') for the mandatory 42 days and 'Social Initial Parental leave' for the remaining days up to the 120 or the 150 days of leave. This leave can be taken either by the mother or the father under the same terms as Initial Parental leave. However, it only applies if they meet the low-income/flat-rate criteria which means that the monthly family income must be below 80 per cent of the Social Support Index (IAS) (€509.26 per month in 2024). The monthly amount and duration of Social Initial Parental leave are:
 - for non-shared leave, €407.41 for 120 consecutive days (80 per cent of the IAS) and €325.93 for 150 consecutive days (64 per cent of the IAS).
 - for shared leaves, €407,41 for 150 consecutive days (80 per cent of IAS) and €336,11 for 180 consecutive days (66 per cent of IAS).
- The father's entitlement to take or share Initial Parental leave, or Social Initial Parental leave, is the same as the mother's but it also depends on whether the mother is working or entitled for other reasons (e.g., low family income, receiving unemployment benefits). If the mother is not entitled at all, the working father can only take the Fathers-only Parental leave (see 1b).
- The sharing bonus applies only if both parents work or are eligible for other reasons (e.g., low family income, receiving unemployment benefits).
- Self-employed persons (who contribute to social security) and unemployed persons (who receive unemployment benefits) are eligible.
- Same-sex parents are eligible.
- The eligibility requirements are the same for the leave time and benefits.

Variation in Leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; single parent); or delegation of Leave to person other than the mother

- In the case of multiple births, the leave period is extended by one month for each additional child, and the entire leave period is paid at 100 per cent, regardless of the number of days and whether or not parents share the leave.
- In case of death, mental illness or physical incapacity of a parent who is entitled to use the leave, the other parent is entitled to the remaining time (this is called 'Initial Parental Leave in the event of impediment of a parent to take Leave'). The father will always be entitled to a minimum of 30 days of leave if the mother dies, becomes mentally ill or has a physical incapacity within the 120 days after birth.
- A working grandparent is entitled to 30 consecutive days of leave after the birth of a grandchild if the parent is a teenager (i.e., under 16 years old) still living at home.

- In the event of poor health or work-related health risks to the mother and foetus, the pregnant mother is entitled to pre-natal maternity benefits for as long as the risk exists (this leave is referred to as 'Health risk Leave/benefit during pregnancy'). This Leave does not count toward the 120, 150, or 180 days of Initial Parental leave, requires a medical certificate, and is paid at 100 per cent of earnings.
- In the event of premature birth or hospitalisation of the child or of the parent taking the leave after birth, the leave period is extended by the duration of the hospitalisation, up to a maximum of 30 days, without prejudice to the duration of the Initial Parental leave. If the hospitalisation lasts longer than 30 days, the Initial Parental leave may be suspended for the duration of the hospitalisation, allowing the parent to request paid leave to care for a sick child (see 1e).
- If the birth occurs before the 33rd week of pregnancy (inclusive), the Initial Parental leave period is extended by as long as the child's hospitalisation lasts, and by 30 days after discharge from the hospital. A statement from the hospital confirming the duration of the hospitalisation is required for the additional time due to the hospitalisation to be added to the leave period.
- In the case of 'special risks' (i.e., 'night work' from 10 p.m. to 7 a.m. and 'exposure to special agents, processes or working conditions', both defined by law) during pregnancy, after childbirth and during breastfeeding, women may interrupt their work and are entitled to 'Leave/benefit for special risks', which is compensated at 100 per cent of earnings. This interruption requires a medical certificate confirming the risk to the health or safety of the mother and/or the development of the child, as well as a statement from the employer that it is not possible to assign the working mother/pregnant woman to another schedule or other duties. This Leave does not reduce the 120, 150 or 180 days of the Initial Parental Leave.

b. Fathers-only Parental leave (*'Licença Parental Exclusiva do Pai'* – formerly Paternity leave, see note on terminology) (responsibility of the Ministry of Labour, Solidarity and Social Security)

Length of leave

- Thirty-five calendar days, 28 days of which are obligatory.

Payment and funding

- One hundred per cent of gross income with no upper limit (mandatory and optional days).
- Parents living in the Portuguese autonomous regions (Madeira and Azores) are entitled to a two per cent increase in Fathers-only Parental leave benefits compared to the mainland to compensate for the higher cost of living.
- Non-working parents receiving either social parental benefits or unemployment benefits may claim pension credits for the period of leave.
- Paid, taxed and funded as for Initial Parental leave.

Flexibility in use

- Seven of the 28 obligatory calendar days must be taken immediately after birth; the remaining 21 days must be taken consecutively or in periods of at least seven days each, within the 42 days following the birth (i.e., during Mothers-only Initial Parental leave). The remaining seven optional calendar days must be taken while the mother is on Initial Parental leave (120 or 150 days).
- The law states that 28 calendar days are obligatory. The ACT (Authority for Working Conditions) conducts workplace inspections and has established new protocols and training for inspectors, who must inspect all forms of Parental leave uptake.

Eligibility (e.g., related to employment or family circumstances)

- As Initial Parental Leave.
- Eligibility for the paid obligatory leave period only requires that the father has worked and made social contributions for at least 1 of the 6 months preceding birth. If necessary, the month of birth will be considered, provided there is at least 1 day of work with contributions in that same month.
- Fathers who have no contribution record or with insufficient contributions are entitled to 'Fathers-only Social Parental leave', which includes the mandatory paid leave of 28 calendar days, as well as the 7 optional calendar days, but only if they meet the low-income/flat-rate criteria which means that the monthly family income must be below €407.41 (80 per cent of the Social Support Index (IAS): €509.26 in 2024); the daily payment is €13.58, which is 80 per cent of 1/30th of the IAS.

Variation in Leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; single parent); or delegation of Leave to person other than the father

- The 28 mandatory calendar days of Leave are increased by two days for each additional child in the case of multiple births. The same applies to the seven optional calendar days that the father may take while the mother is on Initial Parental leave.
- In case of hospitalisation of the child during the period after childbirth, Fathers-only Parental leave is suspended, at the father's request, for the duration of hospitalisation.

c. Additional Parental leave (*'Licença Parental Complementar'* – formerly Parental Leave, see note on terminology) (responsibility of the Ministry of Labour, Solidarity and Social Security)

Length of Leave

- Three months per parent. Additional Parental Leave is an individual, non-transferable entitlement.

Payment and funding

- Payment varies according to different take up modalities:
 - *full-time leave*, up to a maximum of three months per parent, paid at 30 per cent of earnings or 40 per cent if both parents take up all the available 3 months on a full-time basis (with a minimum daily payment of €6.79, i.e., 40 per cent of 1/30th of the IAS).
 - *complementary part-time leave*, for which each parent must take part-time leave combined with part-time work, i.e., each parent receives part-time earnings, paid by the employer, plus 20 per cent of parental benefit, paid by Social Security.
 - *complementary interpolated leave*, for which each parent can interpolate full-time leave with part-time leave and combine the latter with part-time work. In this case leave is paid at 30 per cent of earnings or at 40 per cent if both parents take up all the available three months of leave. Complementary interpolated leave can be extended up to 4 or 5 months, e.g., 3 months at 30 full-time days + 30 half-days + 30 full-time days (payment for 75 full-time days at 30 per cent of earnings); 4 months at 30 full-time days + 60 half days + 30 full-time days (payment for 90 full-time days paid at 30 per cent of earnings); 5 months at 60 half-days + 30 full-time days + 60 half days (payment for 90 full-time days at 30 per cent of earnings). There is a minimum daily payment of €6.79 - 40 per cent of 1/30th of the IAS (€509, 26 in 2024).
- Parents living in the Portuguese autonomous regions (Madeira and Azores) are entitled to a 2 per cent increase compared to the mainland to compensate for the higher cost of living.
- Pension credits can be claimed by those on Additional Parental Leave (except for self-employed parents)
- Paid, taxed and funded as for Initial Parental leave.

Flexibility in use

- Paid Additional Parental leave may be taken up to the child's sixth birthday, i.e., it does not have to be taken immediately after the Initial Parental leave.
- Paid Additional Parental leave can be taken by both parents at the same time or consecutively. Unpaid leave can be taken on a part-time basis for 12 months per parent.
- When both parents work for the same employer, the employer has the right to postpone the leave of one of the parents.

Eligibility (e.g. related to employment or family circumstances)

- As Initial Parental leave. However, paid Additional Parental Leave is not available to parents receiving social parental benefit, nor to parents receiving unemployment or social unemployment benefits.
- Adopting parents, foster families and same-sex parents are eligible.

Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; single parent); or delegation of leave to person other than the parents

- None.

Additional note (e.g., if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- None.

d. Childcare leave or career breaks (*Licença para assistência a filho – formerly Special Parental leave*)

- After Additional Parental leave, and only if this leave has been taken, one of the parents may take up to two years of Childcare leave on a full-time basis, extended to three years when there is a third or subsequent child. Childcare leave is unpaid. However, unlike Additional Parental leave, which is an individual entitlement, this special leave can only be taken by one parent who must prove that the other partner is employed or incapable of working. Moreover, while parents on Additional Parental leave continue to be considered as employees with full rights and guarantees, as if they were working (for example, they continue to be entitled to holidays which they can take at the end of the leave period), in the case of childcare leave (and in the case of leave to care for disabled or chronically ill children, see 1e), there is a suspension of the work contract. This means that all the employee's rights and guarantees are suspended, and only the right to return to their job is safeguarded. The period of Childcare leave is also considered in the calculation of old age and disability pensions. Non-employed parents are not eligible to leave, payment, or pension credits.

e. Other employment-related measures

Adoption leave and pay

- When a child under 15 years old is adopted or fostered, the adopting or fostering parents are entitled to Initial Parental leave on the same conditions and payment as described for Initial Parental leave (see 1a), including the sharing bonus. In the case of multiple adoptions, leave will be extended by 30 days for every subsequent child adopted, and paid at 100 per cent of earnings regardless of the number of days and whether or not there is sharing between adopting parents. In the case of the death of the adopting parent, leave may be transferred to the spouse, who can take, as an alternative, a minimum of 14 days' leave.
- In the event of hospitalisation of the child, the leave period is extended by the duration of the hospitalisation, without prejudice to the duration of the Initial Parental Leave.
- Adopting or fostering parents can take up to 30 days of the 120/150 days of Initial Parental Leave during the process of the child's transition/delivery to

their care. Adoptive and foster fathers are entitled to the Fathers-only Parental Leave (see 1b). In case of multiple adoptions, Fathers-only Leave will be extended by 2 days for every subsequent child adopted.

- Adopting or fostering parents also benefit from time off to care for a dependent child (see below).

Time off for the care of dependants

- Up to 30 days per parent and per year can be taken to care for sick children under the age of 12 years, with no age limit in the case of a child who is chronically ill or disabled. Leave is increased by 1 day for each additional child.
- If a child under the age of 12 is in hospital care, this entitlement lasts for as long as the child is in hospital.
- An additional 15 days per parent and per year can be used to take care of sick children above the age of 12 (when older than 18 years of age, the child must belong to the same household). Leave is increased by 1 day for each additional child.
- Paid at 100 per cent of net earnings up to a maximum of 65 per cent of gross earnings. Parents living in Portuguese autonomous regions (Madeira and Azores) are entitled to an uprating of two per cent. Entitlement to payment implies that the other parent works and does not take the same leave at the same time; therefore if the father is not working or preventing from taking care of the child, and the mother takes leave, she will not be entitled to payment from Social Security. Both leaves are an individual entitlement but cannot be taken at same time by both parents.
- Grandparents are also entitled to take leave from work in order to substitute for parents in caring for sick children: they may take the same number of days parents are entitled to or take the remaining days that parents have not taken from their leave entitlement. Paid at 100 per cent of net earnings up to a maximum of 65 per cent of gross earnings
- When there is a disabled or chronically ill child, including an adopted child or step-child in the household, one of the parents is entitled to 6 months' leave (referred to as leave to care for a disabled or chronically ill child; *Licença para assistência a filho com deficiência, doença crónica ou oncológica*), which may be extended up to 4 years or 6 years if the need is supported by a medical statement (no limit in case of a terminal illness) This leave can only be taken by one of the parents and it is paid at 65 per cent of earnings; the maximum payment per month is equivalent to two times the amount of IAS (€509,26 x 2). Parents living in Portuguese autonomous regions (Madeira and Azores) are entitled to an uprating of two per cent.
- Up to 15 days' unpaid leave per year to care for a spouse or a close relative (parents, grandparents, siblings – even if they are not living in the same household). Employees in the public sector are entitled to a benefit of 65 per cent of their earnings per day.
- An extra 15 days of unpaid leave per year to care for a disabled or chronically ill spouse.

Specific provision for (breast)feeding

- Parents are entitled to 2 hours nursing leave per day during the 1st year after the birth, with no reduction of earnings. It is referred to as 'breastfeeding or nursing leave' (*Dispensa para Amamentação e Aleitação*) to make it more gender-neutral, since the work time reduction may be used by mothers, fathers or shared by both (in which case, 1 hour can be taken by each parent). This absence from work to nurse is financially supported by the employer, since there is no benefit/compensation by the social security system. Parents must apply for it, and employers are obligated to comply. These 2 hours of nursing leave can be a family entitlement if mothers do not breastfeed their child. In this case, leave may be taken by either parent, usually in two different periods: 1 hour in the morning and 1 hour in the afternoon (unless negotiated otherwise with the employer).
- In cases of multiple births, leave is increased by 30 minutes for every additional child. When mothers are breastfeeding, the 2 hours' reduction can last for as long as the child is breastfed.

Flexible working

- Parents with children below 12 years of age (no age limit in the case of a child who is chronically ill or disabled, living in the same household) are entitled to flexible work arrangements, which means that the employee may choose, within certain limits, when to start and finish their daily work. Employees may work up to six consecutive hours and up to ten hours daily, as long as the normal weekly hours of work are fulfilled. Both parents are entitled to this flexible working schedule for an employee with family responsibilities.
- Where there are children below 12 years of age (no age limit in the case of a child who is chronically ill or disabled, living in the same household), one of the parents (or both for alternative periods of time) is entitled to part-time work after taking Additional Parental leave ('part-time work for an employee with family responsibilities'). Part-time work can be taken in the following ways: working part-time for 5 days per week or working 3 full days per week. Employers and employees can agree on other arrangements. Part-time work may be extended to up to 2 years (3 years in the case of 3rd and subsequent children, four years in the case of chronically ill or disabled children).
- Parents working part-time or in a flexible working regime, cannot be penalised in their evaluation and career progression.
- If there is a disabled or chronically ill child below one year of age, one of the parents may apply for a 5 hour reduction in their weekly working hours if the other parent is still employed.
- Parents are entitled to four hours of absence (per school term) to attend school meetings, until children reach 18 years of age, with no reduction in their earnings.
- Adopting and fostering families are entitled to be absent from work to attend meetings and proceedings related to the process of adoption or fostering.
- Co-parents are entitled to leave work to be present in prenatal appointments or medical assisted procreation (PMA) appointments.

- When resident in autonomous regions, co-parents are both entitled to time off work if they need to attend a medical facility outside their island, for medical appointments or birth.
- Parents with children below three years of age (no limit of age in case of chronically ill or disabled child) are entitled to teleworking (working from home). If their job fits this working regime and the company has the resources, employers cannot oppose this option. Possibility to extend until the child's 8th birthday in case of single parent families, families where both parents share telework or where only 1 parent meets telework conditions. This only applies to small, medium and large size companies (excludes micro companies, i.e., less than 10 employees).
- Parents with children between 3 and 6 years old have to give their written consent to do 'time banks' (extra unpaid working hours that can be compensated in time off) as well as to adaptability regimes (up to 12 hours a day, maximum 60 hours per week).

Gestational mourning (Licença por luto gestacional)

- In the case of the death of an unborn child, both the mother and father are entitled to 3 consecutive days of mourning, without prejudice to any rights or salary cuts. A medical certificate is required for the employer.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave is three years (including two years of unpaid childcare leave). Leave paid at a high rate lasts for up to six months, depending on the sharing options. Since 2015 (Lei nº 65/ 2015), there has been an entitlement to Early Childhood Education and Care (ECEC) from four years of age, in public pre-school education, available for eight hours per day. Although the Recommendation of the Assembly of the Republic in 2017 and the Government's commitment (Resolution of the Presidency of the Council of Ministers No.112/2020) to extend this entitlement to three-year-olds, it has not yet been able to guarantee places. A gap, therefore, still exists of around one year between the end of total paid post-natal leave and an ECEC entitlement, and of three and a half years between the end of well-paid leave and an ECEC entitlement.

Free ECEC attendance for 0 to 3 year-olds, irrespective of family income, has been extended to private for-profit crèches since January 2023; before this, it was limited to non-profit private organizations - IPSS). However, free attendance at a private for-profit crèche is only possible if there are no places in the non-profit sector in the same municipality. In 2023, 89,000 children under 3 years benefited from this free attendance policy (the majority in non-profit services), and it is estimated by the government that in 2024 this will increase to about 120,000 children. However, demand is still greater than supply. According to Carta Social 2021, there are about 118,000 places in crèches (profit and non-profit

organizations), while according to the INE (National Statistics) there are 250,000 children between 0 and 3 years old.

From the moment a child enters a free crèche, their place is guaranteed for the following 3 years. Each place costs the State €473 per month.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the [cross-country tables](#) at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

'Dignified Work and Valuing of Young People in the Labour Market Agenda' (New Labour Law) came into force on 1 May 2023. The main changes already in force include:

- An increase of Fathers-only Parental leave from 20 obligatory working days to 28 obligatory calendar days, as well as an increase from five to seven additional calendar days. This change is justified on the grounds that the father will be paid for 28 calendar days in a total of 30 days, instead of being paid for 20 working days in a total of 30 days, hence losing a part of his salary.
- An increase in the Initial Parental benefit from 83 per cent to 90 per cent of earnings provided that the father takes, at least, 60 days of the 180 days leave period after the mother returns to work.
- An increase in the Additional Parental leave benefit from 25 per cent to 30 per cent of earnings or 40 per cent if both parents take this individual entitlement on a full-time basis.
- Introduction (for the first time in Portugal) of the possibility to combine work with paid leave. After the 120 days of Initial Parental leave, the father and the mother can work on a part-time basis as well as being on part-time leave. This possibility can extend Initial Parental leave up to 240 days (i.e., after the 120 days of leave taken by the mother, the father can take a maximum of 120 days of part-time live while working part-time); benefit is paid at 50 per cent of earnings).
- Introduction of the possibility of taking the three months of Additional Parental leave on a part-time basis combined with paid work. Additional Paid leave can be taken in three ways: (i) Full-time leave: up to three months per parent paid at 30 per cent of earnings (unlike the former 25 per cent) or at 40 per cent if both parents use their entitlement on a full-time basis; (ii) 'Complementary part-time leave': both parents must take the 3 months on a part-time basis paid at 20 per cent of earnings; (iii) 'Complementary interpolated leave': parents can alternate periods of part-time leave (combined with paid work) with periods of full-time leave in a complex scheme that can extend the three months of Additional Parental leave up to a maximum of 5 months (see 1c). Complementary Interpolated leave is paid at 30 per cent of earnings or at 40 per cent if both parents take the total three months available leave. Unlike the previous law (when unpaid Additional Parental leave could be taken up to the child's 6th birthday and paid Additional Parental leave should be taken

immediately after Initial Parental leave), each of the 3 new modalities of this leave can now be taken until the child's 6th birthday, and there is no obligation to take it immediately after the initial parental leave for it to be paid.

- Non-discrimination of adoptive and foster parents regarding Parental leave policy in order to guarantee them the same entitlements (with adaptations) as biological parents.
- The extension up to the child's eighth birthday of teleworking for single parent families or for families where both parents share telework; and the extension of children's age from 3 to 6 years old regarding parents' consent to do 'time banks' and adaptability regimes (before the age limit was up to 3 years old).
- Introduction of 3 consecutive days of 'gestational mourning' (paid by the employer) for both the mother and the father in the event of the loss of a child during pregnancy.

Despite the importance of the innovation of being able to combine paid leave time with paid work, and its impact on reconciling work and family life, the law is complex: the options it provides are not easy to understand and levels of financial compensation vary, with some involving loss of income for parents. We did not find much feedback or discussion in the media about these innovations, nor any government advertising about them. Perhaps that is why, a year after its publication, it was not possible, based on the available data, to determine the impact of the new measures; more time will be needed to make an assessment.

Since April 2023, there are no further proposals under discussion regarding leave policy. However, during the March 2024 legislative elections, the electoral programmes of the competing parties had some proposals focused on the extension of Parental leave entitlements for both parents and the expansion of crèches (0 to 3 years-old) and free attendance at these services: the creation of a public network/expansion of the existing social non-profit network; universal entitlement for pre-school from 3 years of age (currently 4 years); and the extension of well-paid Initial Parental leave, and an increase of Fathers-only Leave.

4. Uptake of leave

a. Initial Parental leave (formerly Maternity leave)

The number of births has been growing slowly after recording its lowest value in 2021 (79,582), one year after the Covid-19 pandemic. The number of births for 2022 (83,671) increased 5.1 per cent in comparison to 2021, and the number of births for 2023 (85,764) increased by a further 2.5 per cent in comparison to 2022. This slow recovery brings the number of births to the values recorded between 2015 and 2019, after the economic crisis of 2011-2014; but they remain fewer than before the crisis period when the number of births was in the order of 100,000 births per year (e.g., 2007-2010). Therefore, Portugal's fertility rate remains one of the lowest in the European Union.

In general, the number of Parental leaves⁴⁶⁶ granted follows the changes in the number of total annual live births. Therefore, in 2023 there was an increase in the number of Initial Parental leaves (a total of 71,192) comparing to 2022 (70,346). These figures include parents with sufficient record of social security contributions, entitling them to 80 to 100 per cent of earnings compensation (63,620), and parents with no record or insufficient record of social security contributions (7,572) who are only entitled to a flat-rate benefit (see 1a for benefit eligibility), which represent 10.6 per cent of the total number of paid Initial Parental leaves in 2023. Since it was first introduced in 2008, the number of such recipients of Initial Social Parental leave (i.e., paid to parents with an insufficient record of social contributions) has increased and reached 21 per cent of Initial Parental leaves in 2010. However, due to changes in eligibility criteria introduced in 2011, which made access more restricted, there has been a decrease over the years in the number of beneficiaries of this flat-rate benefit targeted at very low income families.

In 2023, Parental leave benefits taken by parents with a sufficient record of social security contributions (entitled to 80 to 100 per cent of earnings) have represented 74.2 per cent of the total number of live births (89.4 per cent in total Initial Parental leaves), while the flat-rate Parental benefit (parents with no record or an insufficient record of social security contributions) have represented 8.8 per cent of the total of live births (10.6 per cent of total Initial Parental leaves). It is estimated that, in relation to births, 83 per cent of parents were eligible for Initial Parental benefits in 2023 (compared to 84.1 per cent in 2022).

b. Initial Parental Leave and sharing bonus

Since it came into effect in May 2009, data on the sharing bonus showed a strong initial increase in uptake (from 596 fathers who shared Maternity Leave in 2008 to 17,066 fathers sharing Initial Parental Leave in 2010), followed by a slow but steady increase. By 2023, the number was 33,333, corresponding to 46.8 per cent of total Initial Parental leaves granted (52.4 per cent if excluding flat-rate benefit). However, if we consider all sharing cases (with and without the sharing bonus), meaning couples where each parent shared at least 30 days after the other returns to work, and couples where after mothers' exclusive leave (42 days following the birth) the father took the entire 120 or 150 days of Initial Parental leave, we see that half of fathers (51.4 per cent) have taken at least 30 days of total Initial Parental leaves granted (57.6 per cent if excluding flat-rate benefit).

Initial Parental Leave taken with the sharing bonus must be divided between both parents (see 1a). Although only the first six weeks (42 days) must be taken mandatorily by the mother, we estimate that nearly all parents who share divide the leave period between themselves by allocating four or five months to the mother and one month (the sixth) to the father (the last month of Initial Parental leave, when the mother returns to work). Among these sharing couples, in 2023, 71.3 per cent (23,769) chose the longer leave period (six months paid at 83 per cent of earnings), while 28.7 per cent (9,564) preferred the five-month option,

⁴⁶⁶ The figures presented below regarding 'uptake of leave' may change due to database updates in relation to the previous year.

paid at 100 per cent of earnings. So overall, the longer period of leave (six months) is still widely chosen, even though parents are paid at 83 per cent of earnings.

Initial Parental leave taken without the sharing bonus is nearly always taken up by mothers. In 2023, the most common leave-taking pattern (65.2 per cent) was the five months paid at 80 per cent of earnings (since it is taken without the sharing bonus); 34.8 per cent of mothers have taken the four-month period paid at 100 per cent of earnings. However, there is a difference between mothers receiving the standard parental benefit and mothers receiving social parental benefit (see 1a): the latter tend to opt for the four-month period (83.3 per cent).

c. Fathers-only Parental leave (formerly Paternity leave)

Considering the time period after the 2011-2014 crisis, in relation to the number of births, the percentage of fathers who take obligatory leave (Fathers-only Parental leave) shows a slow increase from 70.9 per cent (60,634) in 2015, to 78.1 per cent (66,966) in 2023. In relation to the number of births, take-up of this leave is still not at 100 per cent for two main reasons: statistics may still exclude some employees with special social protection regimes (e.g., civil servants, lawyers); and some employees still do not fit the eligibility criteria (i.e., beneficiaries who do not have a sufficient record of social security contributions or whose household income is not as low as required by the flat-rate benefit).

However, if take-up is calculated in relation to the total number of Initial Parental leaves granted, take-up rates show an increase from 83.9 per cent, in 2015, to 94.1 per cent in 2022, which means that most fathers whose spouses take the Initial Parental leave also take their mandatory exclusive leave.

Moreover, if we exclude flat-rate benefits and only consider well-paid leaves (i.e., paid at 80-100 per cent of earnings due to sufficient record of social security contributions), take-up of Fathers-only Mandatory leave, calculated in relation to the total number of well-paid Initial Parental leaves, increases to 99.5 per cent, in 2023 (93.9, in 2015). This means that among mothers who are on well-paid leave (paid at 80-100 per cent of earnings due to sufficient record of social contributions) nearly all fathers take up obligatory and well-paid Fathers-only leave. On the other hand, when focusing on flat-rate benefits (social parental benefits) targeted to very low-income families, we see that in the majority of Social Initial Parental leaves (taken by mothers) there might not be a Fathers-only Social Initial Parental leave; in 2023 Fathers-only Social Initial Parental leave is only taken by 41.6 per cent of fathers where the mother takes leave.

The same trend is observed for the optional additional leave days: considering the period after the 2011-2014 crisis, in relation to the number of births, the percentage of fathers who take up their exclusive but optional leave days shows a slight increase from 62.7 per cent (53,599) in 2015, to 66.9 per cent (57,393) in 2023. Again, in relation to the total number of Initial Parental leaves granted, take-up rates increased from 74.3 per cent in 2015, to 80.6 per cent in 2023. In relation to well-paid Initial Parental leave, Fathers-only Optional well-paid leave reaches 86 per cent in 2023.

d. Additional Parental Leave (formerly Parental Leave)

Take-up of Additional Parental leave is still low mainly due to its low level of earnings compensation (see 1c). There is no data for the new options, which came into force in July 2023. According to available data, we see that despite increasing between 2010 (1,764) and 2023 (10,656), data fluctuates and may rise or fall from year to year, with its highest value in 2022 (13,751). Additional Parental leave is mainly taken by mothers (of the 10,656 beneficiaries in 2023, 9,663 are women) and represents about 15 per cent of all parents taking Initial Parental leave (16.7 per cent in relation to total number of well-paid Initial Parental leaves).