

# THE LEGAL FRAMEWORK AND LITERATURE REVIEW OF POSTED WORKERS

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## IN PORTUGAL DURING THE COVID-19 PANDEMICS

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**Abstract:** This academic article delves into the legal framework and literature review concerning posted workers in Portugal, with a specific focus on the impact of the COVID-19 pandemics. The analysis covers the European context, national legislation, court judgments, social partner perspectives, and regulations in the manufacturing sector. The evolving legal framework and responses to the pandemic are explored, highlighting the roles of social partners and the government in regulating posted workers in Portugal.

**Introduction:** The posting of workers across borders has become a significant aspect of labor mobility within the European Union (EU). In Portugal, the legal framework governing posted workers plays a crucial role in ensuring fair working conditions and protecting the rights of workers. The outbreak of the COVID-19 pandemics has brought new challenges and considerations for posted workers, necessitating a review of existing regulations and practices.

**European Context:** The European Commission reported a significant increase in the number of posted workers in the EU between 2010 and 2015, with a concentration in sectors such as construction. The average duration of postings varied across countries, with implications for labor rights and social protections. The EU average time of posted workers delivering services in another country was less than four months, indicating a transient nature of assignments.

**Portuguese Legal Framework:** Portuguese legislation addresses the posting of workers abroad in various contexts, including contracts between employers and recipients of services, establishment of foreign entities, and temporary work arrangements. Companies posting workers abroad for more than one month are required to provide detailed information on the duration of the posting, payment conditions, access to healthcare, and repatriation arrangements. Changes to these conditions must be communicated promptly to the workers.

**Literature Review:** The literature review on posted workers in Portugal reveals a gap in academic research, with limited studies available in databases such as ScienceDirect and Web of Science. However, insights from Portuguese administrative organizations and Eurofound shed light on the challenges and practices related to posted workers. The analysis

of scientific and grey documents provides valuable perspectives on the experiences of posted workers in Portugal.

**Social Partners and Government Roles:** Social partners and governments play essential roles in shaping the regulatory framework for posted workers in Portugal. Collaborative efforts between employers, trade unions, and government agencies are crucial for ensuring compliance with labor standards and addressing emerging issues, such as those arising from the COVID-19 pandemics. The involvement of social partners in collective bargaining and policy discussions is key to promoting fair working conditions for posted workers.


**Regulations in the Manufacturing Sector:** The manufacturing sector in Portugal is subject to specific regulations concerning the posting of workers, particularly in relation to assembly, installation, and construction activities. The provisions for secondment of qualified workers by companies supplying goods highlight exemptions from certain labor requirements, with a focus on the integration of services within supply contracts.

**Social Partners and Government Responses:** The involvement of social partners, including employers' associations and trade unions, is instrumental in shaping policies and practices related to posted workers in Portugal. Collaborative initiatives between social partners and government entities aim to address labor market challenges, promote dialogue, and enhance the enforcement of labor standards. The COVID-19 pandemics have prompted swift responses from governments and social partners to mitigate the impact on posted workers, such as providing guidance on health and safety measures, facilitating remote work arrangements, and ensuring access to essential services.

**Challenges and Opportunities:** Despite the progress in regulating posted workers in Portugal, challenges persist in ensuring compliance with labor standards, addressing disparities in working conditions, and adapting to evolving trends in the labor market. The COVID-19 pandemics have highlighted the vulnerabilities of posted workers, particularly in sectors heavily impacted by restrictions and economic downturns. Opportunities for enhancing the protection of posted workers include strengthening enforcement mechanisms, promoting awareness campaigns, and fostering partnerships between public and private stakeholders.

**Future Directions:** Looking ahead, it is essential to continue monitoring and evaluating the implementation of regulations governing posted workers in Portugal, with a focus on adapting to changing circumstances and emerging issues. Research efforts should be intensified to provide evidence-based insights into the experiences of posted workers, identify best practices, and inform policy development. Collaboration among stakeholders, including academia, government agencies, social partners, and international organizations, is key to advancing the rights and well-being of posted workers in Portugal and ensuring a fair and inclusive labor market for all.

**Conclusion:** In conclusion, the legal framework and literature review of posted workers in Portugal offer valuable perspectives on the challenges, responses, and opportunities in the context of the COVID-19 pandemics. The evolving landscape of labor mobility requires continuous dialogue, cooperation, and innovation to address the needs of posted workers and uphold their rights. By building on existing regulations, engaging with stakeholders, and fostering a culture of compliance and accountability, Portugal can further enhance the protection and support provided to posted workers, contributing to a more sustainable and equitable labor market.



Posting of workers during  
the COVID-19 pandemic,  
current challenges,  
and future prospects



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