

FAQ CONCERNING ORDER NO.2836-A/2020

QUESTION	ANSWER
1) To what entities does Order 2836-A/2020 apply?	Order No. 2836-A/2020 is applicable to all government bodies and services, public enterprises, including hospitals healthcare centres and private-law public foundations such as some universities anytime the employees are subject to the leave policy provided for in the legal framework for employment in civil services (LTFP).
2) Does order no.2836-A/2020 apply to regional and local administration?	Order No. 2836-A/2020 does not apply directly given the autonomy of regional and local administration. However, the directorate general for local authorities recommended that local authorities draw up a contingency plan aligned with the guidelines of the Directorate General for Health available at https://www.dgs.pt/corona-virus including Guideline no.6/2020 of 26.02.2020.
3) What employees can remain in preventive isolation?	The employees who, although not being ill, cannot go to work in order to comply with the requirements of the competent health authority and provided that: <ul style="list-style-type: none"> • Teleworking is not possible • Remote training is not possible • Resource to alternative work arrangements is not possible
4) Who has the power to decide about preventive isolation?	Preventive isolation is decided by the competent health authority.
5) Who is the competent health authority?	The competent health authority (also known as Medical Officer of Health) is the doctor appointed on secondment to decide about the intervention of the State in defense of public health (article 3 of Decree-law no.82/2009 of April 2 as amended by Decree-law no.135/2013 of 4 October).
6) How is the preventive isolation certificate issued?	The certificate is issued by the Health Authority for the workers who have to remain in preventive isolation. The form is available from https://www.dgaep.gov.pt/ and www.dgs.pt and replaces the document used to justify absence from work.
7) Who initiates the process?	The process must be initiated by the competent health authority.
8) Who sends the certificate? To whom?	Two situations are possible: In the case of workers in preventive isolation or under the converging social protection scheme, the form should be sent by the competent health authority to the secretariat-general (or equivalent) of the government area to which the service or institution belongs within 5 working days of issuance. Next, the secretariat-general sends the document to the relevant service or institution within two working days. In the case of workers receiving social security benefits, the worker sends the certificate to the employer who in turn sends it to the Social Security within 5 working days.
9) Is the certificate from the Health Authority a sick leave?	The certificate attesting the need for preventive isolation replaces the document used to justify absence from work as well as for the purposes associated with family care allowances.
10) How can an employer get in touch with the Health Authority if any of their employees have to be in mandatory preventive isolation?	In the event a confirmed case with COVID-19 occurs in a public service/institution, the Health Authority will get in touch with the employer (in conjunction with the relevant secretariat-general) in order to identify the workers that may be considered as the patient's "close contacts". The Health Authority issues a certificate for each worker who has been identified for preventive isolation. The Health Authority exercises jurisdiction over the public health unit of the relevant geographic area.
11) If a worker is infected with coronavirus, do his/her absences from work follow the rules applicable to these cases?	Yes. A worker infected by the coronavirus, which is duly confirmed by the competent health authority, will be covered by the sick-leave scheme provided by law for any sort of illness.
12) What steps should be taken if a worker's condition evolves from a preventive isolation situation to a situation of actual illness from COVID-19?	If a worker is unable to work remotely (including teleworking, remote training as well as other work schemes), absences from work will be covered by the preventive isolation scheme. In case of actual disease, absences will be covered by the sick-leave scheme provided by law for any type of illness.
13) What applies to a worker who cannot go to work due to a family member being in preventive isolation ordered by the competent health authority?	If none of these situations occur, pursuant to Order no.2875-A/2020 of 3 March, the worker's absences are deemed equivalent as family leave absences. In this case, the preventive isolation certificate replaces the document used to justify absence from work as well as that for social security allowances, if applicable.
14) What applies to a worker who cannot go to work due to a child or grandson/granddaughter being in a situation of actual illness from COVID-19?	If the family member situation evolves to a situation of actual illness from COVID-19 – in the event he/she is unable to continue working remotely, carrying out remote training or other work schemes, or cannot continue to be covered by the preventive isolation scheme – the worker shall become covered by the family leave scheme in accordance with the regime set out in the law for these cases.
15) In the situation mentioned in the previous questions, is the worker entitled to receive the salary and meal allowance?	Three situations are possible: <ul style="list-style-type: none"> • In the event they are in preventive isolation ordered by the competent authority, without actually carrying out duties, they shall retain the right to receive the full wage but not subsistence allowances; If the worker is able to resort to alternative working schemes, such as teleworking or remote training programmes, he/she will receive full wage and subsistence allowance. • In the event the worker is on family leave, he/she will receive the subsidies established by law for these cases, but will not receive meal allowances (in these cases, the worker is not actually carrying out duties); • According to contingency plans, even if the health authority has not ordered preventive isolation, the public employer may, on a preventive basis, promote the resort to alternative working schemes such as teleworking or remote training programmes, with payment of full wage and subsistence allowance.