

## Portugal ratifies Convention No 190 on the elimination of violence and harassment in the world of work

It was published last January 10 the Presidential Decree No 12/2024 that ratifies the Convention No 190 on the elimination of violence and harassment in the world of work, adopted by the General Conference of the International Labour Organization (ILO). The Convention's full text is attached to the Portuguese Parliament's Resolution No 7/2004, published in the Republic's Official Journal, 1<sup>st</sup> Series, No 7, of January 10, 2024.

We take this opportunity to highlight that over the last couple of years Portugal has approved several legal measures aimed at preventing and fighting the violence and harassment in the workplace, notably the following:

- Specific rule in the Portuguese Labour Code banning the harassment, being deemed as such any unwanted behaviour, including those based on discriminatory factors, that takes place either in the selection/hiring process, during the employment relationship, at work or professional training, with the purpose or effect of upsetting or embarrassing the person, affecting their dignity, or creating an intimidating, hostile, degrading, humiliating or destabilising environment;
- It includes sexual harassment, being deemed as such any unwanted sexual behaviour, either verbal or physical, aimed at or with the consequences referred to in the previous paragraph;
- Specific provision on the right to compensation for the victim of harassment;
- Harassment is considered as a very serious administrative offense (without prejudice of possible criminal liability)
- It is mandatory, for companies employing 7 or more workers, to have in place conduct manuals for the prevention and fight against harassment (failure to comply amounts to a serious administrative offense);
- It is mandatory to launch disciplinary inquiry whenever the employer becomes aware of an alleged harassment situation at work (failure to comply amounts to a serious administrative offense);
- It is mandatory for companies that employ 50 or more workers to have in place a whistleblowing channel that complies with the legal requirements (failure to comply amounts to a serious administrative offense).

Prevention and fighting of violence and harassment at work should be on top of any organization agenda and be part of its corporate culture. Further to the strict compliance with the legal obligations, it is of the utmost importance to inform and train all staff and direction members on these matters.

VCA Employment is highly experienced in the definition and implementation of internal policies for the prevention and fight of harassment at work, conducting internal investigations triggered by reports on harassment situations and leading disciplinary procedures regarding these matters.

## CONTACT LAWYERS



**Hugo Martins Braz**  
hugomartinsbraz@valadascoriel.com



**Tiago Lopes Fernandez**  
tiagolopesfernandez@valadascoriel.com

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