

# Practical Guide to Absences from **Work**

Employee Rights in Portugal  
2025

# Understand your rights when you need to take time off work

Whether you are an employee or an employer, it is essential to understand your rights and obligations.

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This guide was created to help both professionals and companies in Portugal understand, in a simple and practical way, the legal framework for absences from work. Here, you will find clear answers on **when an absence may be considered justified**, whether there is **any loss of pay**, which supporting documents must be provided, and what precautions should be taken to avoid workplace disputes.

Throughout this e-book, you will find detailed explanations, quick-reference tables, **checklists**, and communication templates that you can easily adapt to your situation, whether you need to report an absence or manage one within your team.

The right information, at the right time, protects employees' rights, ensures companies meet their obligations, and **helps both parties make safer, more informed decisions**.

## A simple guide to understanding:

- Which absences are justified by law
- When there is a loss of salary or entitlement to an allowance
- How many days an employee may be absent depending on the reason
- Which documents an employer may request and the applicable deadlines
- How to protect your employment rights and meet your obligations

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# Introduction

Many employees are unaware of their rights when they need to miss work.

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Illness, caring for children, the death of family members, medical appointments, hospitalizations, or urgent situations are part of life.

That is why questions arise, such as:

How many days can I be absent?

Will I lose pay?

Do I need to provide supporting documents?

Can the company refuse my absence?

To answer these questions, we created this guide with a simple, practical, and accessible approach, designed to help employees better understand the different types of absences, their rights, obligations, and possible workplace consequences.

# Understanding Justified Absences

Justified absences are absences from work provided for by law.

## **An absence is considered justified when:**

- ✓ The employee retains their employment rights
- ✓ They cannot be subject to disciplinary action
- ✓ In some situations, there may be a loss of pay

## **The employer may require:**

- ✓ Supporting Documents
- ✓ Declarations
- ✓ Medical Certificates

# Sick Leave Absences

When an employee is ill, they may be absent with justification.

## Is sick leave paid?

General rule:

- ✓ There is a loss of remuneration
- ✓ The employee may be entitled to sickness benefits from Social Security

## What documents may be required?

- ✓ Medical Leave
- ✓ Temporary Incapacity Certificate (CIT)
- ✓ Doctor's Note
- ✓ Hospital Proof of Attendance

## What is the deadline for providing justification?

Foreseeable absence

- ▶ At least 5 days in advance

Unforeseeable absence

- ▶ As soon as possible

## Attention

If the employee:

- ✓ Does not provide proof
- ✓ Provides a false statement
- ✓ Prevents medical verification

**The absence may be considered unauthorized**

# Absences to Provide Family Care

## Absences to care for children

The employee may be absent to provide urgent and essential care to a child in the event of:

- ✓ Illness
- ✓ Accident
- ✓ Hospitalization

### How many days can the employee be absent?

Child under 12 years old:

- ✓ Up to 30 days per year
- ✓ Throughout the entire hospitalization period

Child aged 12 or over:

- ✓ Up to 15 days per year

Child with a disability or chronic illness

- ✓ The right applies regardless of age

Is there a loss of pay? Yes

### These absences

- ▶ Are justified
- ▶ Involve a loss of pay
- ▶ May be covered by Social Security benefits

### What is the deadline for notification?

Foreseeable situation:

- 🕒 5 days in advance

Urgent situations

- 🕒 As soon as possible



### What documents may be required?

- ✓ Medical proof
- ✓ Proof of care provided
- ✓ Hospital certificate
- ✓ Statement confirming that the other parent did not take leave for the same reason

## Absences to Care for Grandchildren

Grandparents also have specific employment rights

Applicable situations

### After the birth of a grandchild

- ▶ Up to:  30 consecutive days
- ▶ When:  The grandchild lives in the same household  
 Is the child of a teenager under 16 years old

### Care in the event of illness or accident

- They may be absent to provide urgent and essential care.

Is there a loss of pay?

**Yes**

### These absences

- ▶ Are justified
- ▶ Involve a loss of pay
- ▶ May be covered by Social Security benefits



### What documents may be required?

- Medical proof
- Hospital certificate
- Proof of birth
- Statement regarding the parents

### What is the deadline for notification?

Birth of a grandchild

 5 days in advance

Urgent situations

 As soon as possible

# Absences to Care for Household Members

## They may be absent to provide care for:

- ✓ Spouse
- ✓ Domestic partner
- ✓ Grandparents
- ✓ Parents
- ✓ Close family members
- ✓ Siblings

## How many days?

General rule:

- ✓ Up to 15 days per year

Person with a disability or chronic illness:

- ✓ Additional 15 days

Is there a loss of pay? Yes

## These absences

- ▶ Are justified
- ▶ Involve a loss of pay

## What documents may be required?

- ✓ Medical proof
- ✓ Statement of care provided
- ✓ Statement from other family members

## What is the deadline for notification?

Foreseeable situation

- 🕒 5 days in advance

Urgent situation

- 🕒 As soon as possible

# Bereavement and Mourning Leave

## Family Bereavement

The law provides for justified absences due to bereavement.

### How many days?

20 consecutive days:

- ✓ Spouse
- ✓ Child
- ✓ Domestic partner
- ✓ Stepchild

5 consecutive days:

- ✓ Parents
- ✓ Parents-in-law
- ✓ Sons-in-law
- ✓ Daughters-in-law

2 consecutive days:

- ✓ Brothers-in-law and sisters-in-law
- ✓ Siblings
- ✓ Grandchildren
- ✓ Grandparents

Existe perda de remuneração? Não



### What documents may be required?

- ✓ Death certificate
- ✓ Funeral statement
- ✓ Hospital certificate

### What is the deadline for notification?

- Foreseeable absence
- 🕒 5 days in advance
- Unforeseeable absence
- 🕒 As soon as possible

### These absences

- ▶ Are justified
- ▶ Do not involve a loss of pay

# Pregnancy Loss Bereavement

Can the employee and the father be absent?



✓ Up to 3 consecutive days

Is there a loss of pay?

**No**



**What documents may be required?**

- ✓ Medical certificate
- ✓ Hospital certificate
- ✓ Health center certificate

**What is the deadline for notification?**

Foreseeable situation

🕒 5 days in advance

Unforeseeable situation

🕒 As soon as possible

**These absences**

▶ Are justified

▶ Do not involve a loss of pay

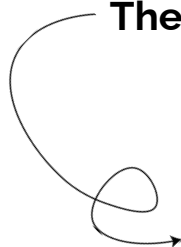
# Special Situations

## Endometriosis and Adenomyosis

Employees with disabling pain caused by endometriosis or adenomyosis may be absent for up to 3 consecutive days per month.

Is there a loss of pay? **No**

**These absences**



- ▶ Are justified
- ▶ Do not involve a loss of pay

### What documents may be required?

- ✔ Medical prescription as proof, with no need for monthly renewal

### What is the deadline for notification?

Foreseeable situation

🕒 5 days in advance

Urgent situation

🕒 As soon as possible

## Working Student



### May be absent for:

- ✓ Exams
- ✓ Tests
- ✓ Presentations
- ✓ Assessment exams



### Right to absences:

- ✓ On the day of the exam
- ✓ On the day before

### Is there a loss of pay?

Up to 10 absences per school year, there is no loss of pay



### What documents may be required?

- ✓ Statement from the educational institution
- ✓ Proof of enrollment
- ✓ Proof of attendance at the exam

### What is the deadline for providing justification?

- 🕒 With appropriate advance notice, preferably in writing

## Absences for Voting or Election Duties

May be absent if:

- ✓ They are a candidate in an election
- ✓ Member of a polling station staff

**Is there a loss of pay?**

As a general rule, there is no loss of pay



### What documents may be required?

- ✓ Document issued by the electoral commission
- ✓ Proof of candidacy
- ✓ Polling station statement

### What is the deadline for providing justification?

- 🕒 As soon as they become aware of the need for the absence

# When Is There a Loss of Salary?

Not all justified absences are paid.

## Justified absences **WITHOUT** loss of pay

- ✓ Death of a family member
- ✓ Pregnancy loss bereavement
- ✓ Some election-related absences
- ✓ Certain student worker absences
- ✓ Endometriosis

## Justified absences **WITH** loss of pay

- ✓ Illness
- ✓ Some authorized absences
- ✓ Care for a child
- ✓ Care for a family member

### In these cases:

There may be Social Security protection

# Unjustified Absences

Unauthorized absences may have serious consequences

## Possible consequences:

- ✓ Loss of pay
- ✓ Serious misconduct
- ✓ Disciplinary proceedings
- ✓ Dismissal

## The law provides for just cause when:

- ✓ 5 consecutive absences
- ✓ 10 non-consecutive absences

In the same calendar year

# Documents and Supporting Evidence

## The employer may require:

- ✓ Medical certificate
- ✓ Hospital certificate
- ✓ Proof of death
- ✓ Proof of care provided
- ✓ Statement from the other parent

## Always keep:

- ✓ Documents submitted
- ✓ Emails
- ✓ Copies

# Tips

## **Always notify the company**

Even in an emergency, notify them as soon as possible

## **Keep supporting documents**

Protect yourself with proper documentation

## **Know your rights**

Not all absences are unauthorized

## **Do not ignore letters or notifications**

Always respond within the deadlines

## **If in doubt, seek support**

Legal or accounting advice can help prevent problems

# Reference Table for Absences

Type of Absence	Allowed Days	Loss of pay?	Possible documents	Notification deadline
Illness	Variable	Yes	CIT, medical certificate, doctor's note	5 days before or as soon as possible
Care for a child under 12	30 days/year	Yes	Medical statement and statement from the other parent	5 days before or as soon as possible
Care for a child over 12	15 days/year	Yes	Medical statement	5 days before or as soon as possible
Care for a family member	15 days/year	Yes	Medical statement	5 days before or as soon as possible
Death of a spouse/child	20 days	No	Death certificate	As soon as possible
Death of parents/in-laws	5 days	No	Death certificate	As soon as possible
Death of siblings/grandparents	2 days	No	Death certificate	As soon as possible
Pregnancy loss bereavement	3 days	No	Hospital or medical certificate	As soon as possible
Endometriosis/Adenomyosis	3 days per month	No	Medical prescription	As soon as possible
Working student	Variable	As a general rule, no	School statement	Appropriate advance notice
Polling station staff member	Election day + following day	No	Polling station statement	As soon as possible

# Practical Checklist for Employees

## Before the absence

- ✓ Inform the employer
- ✓ Confirm whether the absence is foreseeable or urgent
- ✓ Check whether supporting documentation is required

## During the absence

Keep:

- ✓ Emails
- ✓ Supporting documents
- ✓ Medical statements
- ✓ Hospital documents

**Confirm submission of the justification**

## After the absence

- ✓ Check the payslip
- ✓ Keep all documents for safety
- ✓ Confirm whether the company recorded the absence as justified

# Ready-to-Use Templates

## Simple absence notification template

Dear Sir/Madam,  
I hereby inform you of my absence from work on \_\_\_ due  
to \_\_\_\_\_.  
I am attaching the relevant supporting document.  
Sincerely,

## Template for Submitting Supporting Documentation

Dear Sir/Madam,  
Following my absence from work between \_\_\_ and \_\_\_, I am  
sending the relevant supporting document attached.  
Sincerely,

# Most Common Mistakes

## Not informing the employer of the absence

You must notify the employer as soon as possible

## Submitting proof after the deadline

This may put the justification at risk

## Assuming that all absences are paid

Not all absences are paid

## Not keeping proof

Emails and documents may be essential

## Not confirming the absence record

Always check with HR

## Frequently Asked Questions

### Can the company refuse a medical certificate?

As a general rule, no, except in legally provided situations

### Can I be dismissed for unauthorized absences?

Yes. The law provides for dismissal in serious situations.

### Can I be absent to accompany my child to the hospital?

Yes, under the conditions provided for in the Labor Code.

### Can the company request supporting documents?

Yes. In several situations, the law allows documents to be required.

### Can I justify absences by email?

Yes, provided there is proof of submission.

# Conclusion

Employment rights exist to protect employees during difficult times.

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**Knowing the rules on  
absences allows you to**

Avoid conflicts

Protect your job

Ensure your rights  
are protected

Reduce abuse

**Information is protection**

# About This Guide

This e-book was created to help employees understand their employment rights in a simple, practical, and accessible way.

Share this guide with your colleagues, friends, family members, and employees who may need this information.

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## Legal Notice

This guide is for informational purposes only and does not replace specialized legal advice.

Labor legislation may be subject to changes.

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## Sources

 Labor Code

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