


Financing adult learning database

Name of the instrument - Local language	Estatuto trabalhador estudante
Name of the instrument - English translation	Worker student statute
Scheme ID	183
Country	 Portugal
Reporting year	2020
Type of instrument	Training leave
Sub-type of instrument	Paid leave - only employer and employee are involved
Type of entry	Single instrument

Short description	<p>This scheme, stipulated by law, entitles employees participating in part-time formal adult education to up to 6 hours/week of paid training leave up to 10 days of unpaid leave, and to receive support in fitting their work and study schedule. Time off work to attend courses has got a maximum duration depending on the regular working weekly hours. The working hours of the worker should be adjusted whenever possible to allow for the attendance of courses. All employees who attend any vocational education and training at any education level or temporary occupational programmes for youth with a duration of more than 6 months are eligible. The worker-student enjoys a set of rights and benefits concerning other workers, namely in matters such as working hours/time off from work, overtime work, justification of absences, holidays. Some preferential treatment is available for parents living on islands. The employer covers the costs of workers' time spent on training ("not worked time"), whereas worker-students usually cover the training costs (including fees, transport, etc).</p>
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Level of operation	National
Name of a part of the country	Not applicable
Name of the region (for regional instruments)	Not applicable
Name of the sector (for	Not applicable

sectoral instruments)	
Relevance	Key instrument
Legal basis	Labour code approved by Law n.º 7/2009, February 12, subsection VIII articles 89.º to 96.º
Objective(s) and target(s)	Student worker status is a legal benefit for people who combine work and study. This statute was created to help professionals who want to improve their training or students who need financial support to complete their studies.
Year of implementation	1997
Year of latest amendment	2019
Operation/management	Employees participating in part-time formal adult education are entitled to up to 6 hours/week of paid training leave up to 10 days of unpaid leave, and to receiving support in fitting their work and study schedule. The working hours of the worker should be adjusted whenever possible to allow for the attendance of courses. Time off-work to attend courses should have a maximum duration depending on the regular working week number of hours. If the working time or time off from work to attend training is detrimental to the running of the company, namely due to the number of workers-students in the company, the employer promotes an agreement with the worker and the workers' representatives or, if inexistent, the inter-union commission, union commissions or union delegates, on the degree to which the worker's interest can be satisfied. In case no agreement is reached, the employer makes a decision and informs the worker. The Ministry only intervenes if 1 or more workers make a complaint of non-compliance with this law/right to the Authority for Working Conditions.
Eligible group(s)	All employees who attend any level of school education (ranging from a post-graduate course to a doctorate), professional training course, or temporary youth occupation program lasting 6 months or more are eligible. The status is valid throughout the school year, but maintaining the status will depend on the academic achievement.
Group(s) with preferential treatment	No preferential treatment. But for parents living in islands, the law states: "It is considered that the worker-student who does not pass the year or does not pass at least half of the disciplines, modules or equivalent units is considered to have passed the school, namely because he/she has taken leave to travel to a hospital located outside the island of residence for childbirth"
Education and training eligible	Any vocational education and training at any education level or temporary occupational programmes for youth with a duration of more than 6 months.
Source of financing and collection mechanism	Employer, employee

Financing formula and allocation mechanisms	The employer covers the costs of workers' time spent on training ("not worked time"). Workers usually cover the training costs (including fees, transport, etc.). The maximum duration of training leave depends on the regular working week number of hours: - 3 hours/week if more than 20 hours/week and less than 30 hours /week - 4 hours/week if more than 30 hours/week and less than 34 hours/week - 5 hours/week if more than 34 hours/week and less than 38 hours/week - 6 hours/week if more than 38 hours/week. The employee is also entitled to absence on an examination day and the day before. These absences cannot exceed four days per academic subject per year. The employer does not cover the costs for traveling to the training center
Eligible costs	The employer covers the costs of workers' time spent in training. Workers usually cover the training costs (fees, transport, etc.).
Volumes of funding	Not applicable
Beneficiaries/take up	2016 - 3 812 workers-students 2017 - 3 012 workers-students 2018 - 4 584 workers-students 2019 - available data here (https://www.dgeec.mec.pt/np4/%7B\$clientServletPath%7D/?newsId=256&fileN...), but only preliminary results.
Organisation responsible for monitoring/evaluation	Tributary and Customs Authority (Ministry of Finance).
Most relevant webpage - in English	Not available
Most relevant webpage - local language	Main amendments of Law no. 93/2019, of 4 September, to the labor code approved by Law n. 7/2009, of 12 February: https://www.srslegal.pt/xms/files/Alteracoes_a_Lei_Laboral.pdf Observatório de Trajetos dos Estudantes do Ensino Secundário [Observatory of Trajectories of Secondary Education Students] See more: https://www.economista.pt/estatuto-trabalhador-estudante/ https://www.economias.pt/estatuto-trabalhador-estudante/ https://emprego.sapo.pt/guia-carreira/artigo/121/artigo.htm
Recent changes	2019. Law n.º 93/2019, September 4 amends the Labor Code, approved by Law No. 7/2009, of 12 February. Main change: "It is considered that the worker-student who does not pass the year or does not pass at least half of the disciplines, modules or equivalent units is considered to have passed the school, namely because he/she has taken leave to travel to a hospital located outside the island of residence for childbirth." Law n.º 93/2019, September 4 amends the Labor Code, approved by Law No. 7/2009, of 12 February. Main change: "It is considered that the worker-student who does not pass the year or does not pass at least half of the disciplines, modules or equivalent units is considered to have passed the school, namely because he/she has taken leave to travel to a hospital located outside the island of residence for childbirth."

	Recent changes in response to COVID-19
	No changes
Sources	Labour Code: http://www.pgdlisboa.pt/leis/lei_mostra_estrutura.php?tabela=leis&artig...
	Law n.º 90/2019, 4 September - Strengthening protection in parenting (http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=3141&tabela=...)
	Law n.º 23/2012, 25 June (http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=1755&tabela=...)
	http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=3165&tabela=...
	Observatório de Trajetos dos Estudantes do Ensino Secundário [Observatory of Trajectories of Secondary Education Students] (https://www.dgeec.mec.pt/np4/47/)