



ACTIVITY 'S NAME: I know my rights

Type of activity: intrapersonal or interpersonal

Number of participants: 10

Participants' academic profile(s): third cycle and secondary levels

Participants' average age: ≥18 years old

Duration: 45 minutes

Necessary materials:

A whiteboard where the trainer/facilitator may transcribe the situations presented in the activity description.

The situations can also be displayed using a video projector or distributed to the groups or trainees in paper format.

Aim or Purpose

To help the young adults to understand which are their employment rights.

Expected Outcomes

Basic notions of employees' rights.

Competencies that will be developed:

To identify the main employees' rights.

Skills that will be developed:

To be able to exercise his/her rights as an employee.

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Key terms / special vocabulary about/during the activity:

- absence
- health and safety conditions
- holidays
- reasonable adjustments
- rest period
- salary
- sick allowance

Preparation (what needs to be prepared beforehand to make the activity's implementation successful):

Trainees should read sessions 2 of module 3 before doing the activity, there they will find information about employment rights.

Activity's step-by-step description:

For the following situations, trainees, individually or in groups, should say whether the situation is correct or incorrect, and justify their choice.

1. Peter makes part of a cleaning team. He works hard and follows the time schedules and tasks that are asked. Peter's employer does not always pay him a salary because he says the company situation does not allow him to pay salaries to all the workers.

Correct Incorrect

Because:

2. Anna works in an office. She takes holidays every year, but she doesn't get the so-called leave entitlement.

Correct Incorrect

Because:

3. Philip works in a warehouse and has a 1-hour lunch break. Philip has two days off per week, on Sundays and Mondays.

Correct Incorrect

Because:

4. Francis works at a hotel reception. Last year, the company provided him with a total of 40 hours of training in a new hotel software program, conflict management and occupational health and safety.

Correct Incorrect

Because:

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5. John works in a repair car garage and one of his tasks is to paint the cars' bodies. However, John is not wearing gloves or a proper mask while painting the cars, so he gets paint on his hands and inhales paint fumes, which could harm his health.

Correct Incorrect

Because:

6. Marisa works as a custodian in a school. Last month she got sick, and the doctor said she had to stay at home for 3 weeks. While she was recovering Marisa received a sickness allowance.

Correct Incorrect

Because:

Recommendations (How to use the tool/resource)

Solutions for activity 2:

1. The situation is **incorrect**.

Because all workers have the right to a salary.

Salary is the compensation for the work done by the worker and must be paid punctually by the employer.

Complementary information for the trainer/facilitator:

Article 23, paragraph 3, of the Universal Declaration of Human Rights provides that Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity.

Article 1 of International Labour Organisation Convention No. 95 states that the term salary means remuneration or earnings, however, designated or calculated, capable of being expressed in terms of money and fixed by mutual agreement or by national laws or regulations, which are payable in virtue of a written or unwritten contract of employment by an employer to an employed person for work done or to be done or for services rendered or to be rendered.

Article 59, no. 1, paragraph a), of the Constitution of the Portuguese Republic establishes that all workers are entitled to a salary for their work, based on the quantity, nature and quality of the function performed.

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Article 127 of the Portuguese Labour Code concerning the employer's duties states in no. 1 paragraph b), that the employer must pay the salary on time, which must be fair and appropriate to the work.

2. The situation is **incorrect**.

Because all workers are entitled to holiday pay.

The annual paid holiday is a worker's right.

Complementary information for the trainer/facilitator:

Convention No. 132 of the International Labour Organisation provides that every person to whom the Convention is applied shall be entitled to an annual paid holiday of a specified minimum length.

Article 24 of the Universal Declaration of Human Rights provides that everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 264, no. 2 of the Portuguese Labour Code provides that the worker is entitled to paid holiday, comprising the basic retribution.

3. The situation is **incorrect**.

Because the daily rest break is a workers' right.

Workers are entitled to at least one day off per week, usually on Sunday.

Complementary information for the trainer/facilitator:

Article 59, no. 1, paragraph d), of the Constitution of the Portuguese Republic states that all workers have the right to rest and leisure, to limitation of maximum working hours and a weekly rest period. The same right is provided in article 31, no. 2, of the Charter of Fundamental Rights of the European Union.

Article 213, no. 1 of the Portuguese Labour Code provides that the daily working period must be interrupted by a rest break, of a duration of not less than one hour and not more than two hours, so that the worker does not work more than five consecutive hours, or six consecutive hours if the period is longer than 10 hours.

Article 232 of the Portuguese Labour Code provides that workers are entitled to at least one compulsory rest day for each working week,





normally taken on Sunday. In addition, they may also take another complementary rest day, which is normally taken in continuity with the compulsory rest day.

4. The situation is **correct**.

Because in Portugal, workers are entitled to 40 hours of training per year.

Complementary information for the trainer/facilitator:

The right of the worker to professional training is enshrined in articles 130 to 134 of the Portuguese Labour Code. Professional training is based on the employer's duty to ensure that each worker has the individual right to training, through a minimum number of hours of training per year, through the initiative of the worker; (article 131, no. 1, paragraph b)), but also on the employee's duty to diligently participate in the training provided by the employer (article 128, no. 1, paragraph d) of the Portuguese Labour Code).

Thus, article 131, no. 1, paragraph a) of the Portuguese Labour Code establishes that the employer must promote the development and suitability of the employee's qualification, to improve his employability and increase the productivity and competitiveness of the undertaking;

Workers shall be entitled to a minimum number of forty hours of continuous training each year or, if he/she is employed on a fixed-term basis for not less than three months, a minimum number of hours in proportion to the duration of the contract in that year (article 131, no. 2 of the Portuguese Labour Code).

5. The situation is **incorrect**.

Because the employee has the right to work in safe and healthy conditions.

Personal protective equipment to be used by the employee at the workplace must be provided by the employer.

Complementary information for the trainer/facilitator:

International Labour Organisation Convention No. 187 on the Promotional Framework for Occupational Safety and Health Convention, provides that each Member shall take active steps towards achieving progressively a safe and healthy working environment through a national system and national programmes on occupational





safety and health by taking into account the principles set out in instruments of the International Labour Organization (ILO) relevant to the promotional framework for occupational safety and health.

Moreover, Article 4, no. 1 of Council Directive 89/656/EEC, on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace, provides that the employer must provide personal protective equipment that complies with the applicable Union provisions on design and manufacture concerning safety and health. Under this article, employers who provide their workers with such personal protective equipment must ensure that it meets the requirements set out in Regulation (EU) 2016/425.

Article 281, paragraph 1 of the Portuguese Labour Code establishes that the worker has the right to provide work in safety and health conditions. Paragraph 2 of the same article states that the employer shall ensure that employees are provided with safety and health conditions in all aspects related to work by applying the necessary measures considering general principles of prevention.

Furthermore, on the other hand, employees must comply with occupational safety and health requirements established by law or collective bargaining instruments or determined by the employer (art. 281, no. 7 of the Portuguese Labour Code).

6. The situation is **correct**.
Because workers who are temporarily unable to work due to duly proven illness may be entitled to sick pay.

Social protection in the disease is a responsibility of the governments.

Complementary information for the trainer/facilitator:

Social protection in the disease is ensured through sick pay which is a cash benefit allocated to compensate for the loss of remuneration resulting from the temporary impediment to work due to illness.

A worker who is temporarily unable to work and has a certificate as being unable to work by a doctor of the competent health service is entitled to sick pay to compensate for the loss of pay resulting from temporary inability to work due to illness (Decree-Law no. 28/2004 of 4 February 2004 establishing the new legal framework of social protection in the event of sickness). To be entitled to this benefit it is necessary to have worked for 6 consecutive or interpolated calendar months with pay records, at the date of the onset of the sickness.





Evaluation:

The facilitator could ask a few follow-up questions in order to consolidate and assess the activity's results:

- What did you learn during the activity?
- Have you discovered anything new?
- Can you recognize the main employees' rights?

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