

A Comparative Analysis of Legal Novelty on Telework in Portugal and Spain: A Gender Perspective

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Abstract : The paper provides an overview of the comparative analysis of legal novelty on telework in Portugal and Spain from a gender perspective. Telework, defined as the practice of working remotely using information and communication technologies, has gained increased attention in recent years, particularly in the context of the COVID-19 pandemic. As countries implement legal frameworks to regulate telework, it is essential to assess their gender implications and their impact on promoting gender equality in the workplace. In Portugal, legal novelty on telework have been introduced through various legislative measures, including the Telework Regulation Act (Lei do Teletrabalho) enacted in 2018. This legislation aims to provide a framework for telework arrangements, outlining rights and obligations for both employers and employees. However, the gender perspective in Portugal's telework regulations remains somewhat limited, with few explicit provisions addressing gender disparities in telework participation or the unequal distribution of caregiving responsibilities. In contrast, Spain has taken a more proactive approach to addressing gender equality in telework through its legal novelty. The Spanish government passed the Royal Decree-Law 28/2020, which introduced significant reforms to telework regulations in response to the COVID-19 pandemic. This legislation includes provisions aimed at promoting gender equality in telework, such as measures to ensure work-life balance and prevent discrimination based on gender in telework arrangements. Additionally, Spain has implemented initiatives to encourage "joint responsibility" at home, emphasizing the importance of shared caregiving duties between men and women. By comparing the legal novelty on telework in Portugal and Spain from a gender perspective, this study aims to identify best practices and areas for improvement in promoting gender equality in telework arrangements. Through a comprehensive analysis of the legal frameworks, this study will assess the extent to which Portugal and Spain's telework regulations address gender disparities and support the advancement of women in the workforce. The findings of this comparative analysis will have significant implications for policymakers, employers, and other stakeholders involved in shaping telework policies. By identifying effective strategies for promoting gender equality in telework, this study seeks to contribute to the development of inclusive and sustainable work environments that benefit all employees, regardless of gender.

Keywords : telework, labour law, digitalization, gender

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