



# EMCC

European Monitoring Centre on Change

## Portugal: Notice period to employees

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Phase:

Type:

Management

Notice period to employees

Last modified: 16 May, 2019

Native name:

Código do Trabalho

English name:

Labour Code

### Article

114 (1, 2 and 3); 163 (1); 357 (5); 363 1(a), (b), (c), (d) and 2; 371 (1,3); 378 (2)

### Description

The employer must observe the following minimum notice periods which vary in accordance with each employee's seniority:

- 15 days for employees with less than one year of service;
- 30 days for employees with one to five years of service;
- 60 days for employees with five years or more and up to ten years of service;
- 75 days for employees with more than ten years of service.

If the dismissal affects both spouses (or unmarried partners), the notice period to be considered shall be the level immediately above the one that would apply if the dismissal would affect only one of the members of the couple. There is no difference in the notice period between collective and individual dismissals.

The dismissed employee shall be notified in writing.

The notice period in case of probationary periods and service commission agreements is also specified in the Labour Code. During a probationary period, either the employer or the employee can terminate the contract without providing notice. However, if the probationary period has lasted longer than 60 days, the employer shall abide by a seven day notice period, and if the probationary period has lasted longer than 120 days, the employer shall abide by a 15-day notice period. Service commission agreements can be terminated without cause for certain types of employees, namely managerial staff, as long the employer abides by the already mentioned minimum notice period thresholds.

Individual employees are not entitled to pay in lieu of notice according to the Labour Code. However, in case of a collective dismissal\*, should the employer fail to comply with the required notice period, the employment contract will not end until the statutory notice period has expired and the employer is then required to pay the employee a sum equal to the salary equivalent to the missing period of notice.

\*Collective dismissal occurs as a result of termination of the employment contract by the employer operated simultaneously or successively within a three-month period of either:

- At least two employees, if the company has fewer than 50 employees;
- At least five employees, if the company has 50 or more employees.

### Comments

No information available.

#### Cost covered by

Not applicable



### Involved actors other than national government

Trade union  
Works council  
Other

### Thresholds

No, applicable in all circumstances

### Sources

-  [Labour Code \(Law 7/2009, of 12 February\) – updated version](#)
-  [Eurofound. ERM Restructuring related Legislation Database: Definition of Collective dismissal](#)

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## Contact us

Eurofound, Wyattville Road, Loughlinstown, Co. Dublin, D18 KP65, Ireland

Phone: (00) 353 1 2043100

E-Mail: [information@eurofound.europa.eu](mailto:information@eurofound.europa.eu)

Press: [media@eurofound.europa.eu](mailto:media@eurofound.europa.eu)



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