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European Monitoring Centre on Change

## Estonia: Staff information and consultation on business transfers

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Estonia

Phase:

Anticipation

Type:

Staff information and consultation on business transfers

Last modified: 06 June, 2019

Native name:

Töölepingu seadus; Võlaõigusseadus

English name:

Employment Contracts Act; Law of Obligations Act

### Article

113

### Description

A definition of business transfer can be found in paragraph 180 of the Law of Obligations Act, which states that the transferor of an enterprise may undertake to transfer the enterprise to the transferee on the basis of a contract with the transferee. An enterprise may also be transferred pursuant to law. An enterprise comprises the things, rights and obligations relating to and in the service of the management of the enterprise, including contracts relating to the enterprise.

The transferor and transferee of an enterprise shall submit, in good time but not later than one month before the transfer of the enterprise, to the employees' representative or, in his or her absence, the employees, a notice in a format which can be reproduced in writing, containing at least the following information:

- the planned date of transfer of the enterprise;
- the reasons for the transfer of the enterprise;
- the legal, economic and social consequences of the transfer of the enterprise for the employees;
- the measures planned with regard to the employees.

If the transferor or the transferee of an enterprise intends, due to the transfer of the enterprise, to make changes affecting the situation of the employees, he or she shall consult the employees or their representative with the goal of reaching an agreement on the measures planned.

Upon consultation, the employees or their representative have the right to meet with the representatives of the transferor and transferee of the enterprise, including members of the directing body, and make proposals, in a format which can be reproduced in writing, relating to the measures planned with regard to the employees no later than within 15 days as of the submission of the notice unless a longer term is agreed on. The transferor and the transferee of the enterprise are obligated to justify disregard of the proposals.

### Comments

No information available.

#### Cost covered by

Not applicable







#### Involved actors other than national government

Works council

#### Thresholds

No, applicable in all circumstances

## Sources

-  In Estonian: Töölepingu seadus
-  In English: Employment Contracts Act
-  In Estonian: Võlaõiguse seadus
-  In English: Law of Obligations Act
-  EMCC actors in restructuring
-  DG Employment, Social Affairs and Equal Opportunities/Héra, Selected companies' legal obligations regarding restructuring, 2011

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