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European Monitoring Centre on Change

## Portugal: Staff information and consultation on business transfers

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Portugal

Phase:

Anticipation

Type: Staff information and consultation on business transfers

Last modified: 10 December, 2021

Native name:	Código do Trabalho, Lei 7/2009 de 12 de Fevereiro, alterado pela lei 18/2021 de 8 de Abril
English name:	Labour Code - Law 7/2009 of 12 February, amended by Law 18/2021 of 8 April

### Article

286, 423, 427 and 429, 554 and 555.

### Description

The transferor and the transferee must inform the workers' representatives (or the employees themselves if there is no works council) about the date and grounds for business transfer, its legal, economic and social consequences for workers and the planned measures regarding workers. This information must be provided in writing before the business transfer in a timely manner, at least 10 days prior to the consultation.

The transferor and the transferee shall consult the workers' representatives before the business transfer takes place, in order to reach an agreement on the measures they intend to apply to workers as a result of the business transfer.

The works council shall request to the management, in writing, the information due. This shall be provided, also in writing, within eight days, unless due to its complexity a longer period is justified (this cannot exceed 15 days). The works council has the right to participate in the restructuring processes. In case of restructuring of the majority of the companies which works councils are coordinated by a coordination council, this also has the right to participate in the restructuring processes.

Both councils have the right to be consulted and to issue a prior opinion. They should be informed on the evolution of the subsequent actions and on the final restructuring instruments before their approval. They also have the right to meet the company's unit responsible and to present suggestions, claims or criticism to the competent company's bodies.

Articles 554 and 555 of the Labour Code establishes the consequences in case of non-compliance. The Labour Code states that a variable fine is applied in conformity with the scale of seriousness of the administrative offences in the field of labour and according to the firm's volume of business and the degree of the law-breaker's culpability. The fine may vary between 2 and 600 Units of Account (UC). In 2021, the valued of UC is fixed at €102.

### Comments

No information available.

#### Cost covered by

Not applicable

#### Involved actors other than national government

- Trade union
- Works council
- Other



#### Involvement others

- Coordination council

## Thresholds

No, applicable in all circumstances

## Sources

-  Labour Code (Law 7/2009, of 12 February) – updated version
-  Unidade de Conta (UC) - Lei n.º 75-B/2020 of 31 December

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