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European Monitoring Centre on Change

## Portugal: Obligation to consider alternatives to collective dismissals

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Portugal

Phase:

Management

Type: Obligation to consider alternatives to collective dismissals

Last modified: 16 February, 2021

Native name: Código do Trabalho

English name: Labour Code

### Article

361

### Description

The information and consultation process with workers' representatives in the framework of collective dismissals shall cover alternative measures aimed at reducing the number of workers to be dismissed, namely:

- suspension of the employment contracts;
- work reduction;
- professional retraining and reclassification;
- pre-retirement and early retirement.

The application of the 'professional retraining and reclassification' and the 'pre-retirement and early retirement' measures depends on the agreement of the worker.

Collective dismissal is defined as the dismissal of at least two workers in micro and small companies, and at least five workers in larger companies.

### Comments

For more information on collective dismissal see '[definition of collective dismissal](#)'.

#### Cost covered by

Not applicable

#### Involved actors other than national government

Trade union  
Works council

#### Thresholds

Company size by number of employees:

2

Number of affected employees:

2

#### Sources

Labour Code (Law 7/2009, of 12 February) – updated version

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