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Portugal: Employers obligation to provide skill development plans or training

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Portugal

Phase:

Anticipation

Type: Employers obligation to provide skill development plans or training

Last modified: 10 December, 2021

Native name:	Código do Trabalho; Lei n.º 105/2009, de 14 Setembro, alterado pela Lei 93/2019 de 4 de Setembro
English name:	Labour code; Law 105/2009 of 14 September, amended by Law 93/2019 of 4 September

Article

Labour code, articles 127 d) and i), 130 c), 131, 302; Law 105/2009 of 14 September, articles 13, 14 and 15

Description

The employer must create a training plan based on the diagnosis for training needs of the employees. The training plan should be annual or multi-annual. The plan must specify objectives, the training entity, the training actions, the place and schedule of the training.

The elements not possible to be specified in the training plan will be reported to the workers concerned, to the works council or, in its absence, to the inter-union committee, trade union committee or the trade union delegate.

The regulation does not apply to micro enterprises, defined as enterprises employing fewer than 10 workers.

One of the aims of vocational training must be related to promoting the qualification or retraining of workers who are at risk of becoming unemployed.

In the scope of lifelong learning the employer shall ensure:

- a minimum number of annual training hours for each employee (40 hours per year), either through programmes carried out in-house or allowing time-off to attend training programmes outside on their own initiative. Fixed-term contracts of less than three months are excluded and, in the case of other fixed-term contracts, the number of hours is calculated proportionally to the length of the contract. The same rule applies for temporary workers;
- that continuous training should target at least 10% of employees every year;
- the promotion of the development and improvement of the qualifications of employees in order to improve their performance and increase productivity and competitiveness of the company.

If a company has been declared as facing economic difficulties or is in the recovery process, the employer may temporarily reduce the normal working hours or suspend the employment contracts. The reduction or suspension must have a predefined duration not exceeding six months. Only in the case of a catastrophe or other occurrence which has severely affected the normal activities of the company the reduction or suspension may have the duration of one year.

During the reduction or suspension of the contract, workers are entitled to receive a minimum amount equal to two-thirds of the gross wage (without discounts) that they would receive if they were working normally. Additionally, during the period of reduction or suspension of the contract the training should be oriented to the company's viability and the maintenance of jobs, or the development of the workers' qualification in order to increase their employability. The training plan is drafted by the employer, following the consultation of the workers covered and opinion of the worker representative structure.

Comments

The legislation can be adjusted (that is deviate from the main text provision) through collective agreements given the specific features of the sector, qualifications of the staff and the undertaking's size and scope.

Cost covered by

Employer

Involved actors other than national government

Trade union

Works council

Thresholds

Company size by number of employees:

10

Sources

 [Labour code \(Law 7/2009, of 12 February\) – updated version](#)

 [Law 105/2009 of 14 September](#)

 [Law 93/2019 of 4 September](#)

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