



> DeepL Translation for IR Notes readers

Labour XXI

Preliminary draft law on the reform of labour law

Explanatory memorandum

The programme of the XXV Government is based on ten priorities that guide its action in the different areas of governance, one of which is to make Portugal a fairer and more united country, which fights against social and territorial inequalities, protects the most vulnerable, guarantees the quality of public services, promotes social cohesion and civic participation, but also encourages the creation of wealth, the increase of workers' income, the growth of productivity and the competitiveness of employers.

The pursuit of these objectives requires a review of labour legislation, which remains rooted in traditional models and is encountering difficulties in meeting the challenges of working in the digital age. In this context, the government, in collaboration with the social partners, has established a series of priority issues to be re-examined, with a view not only to adapting labour legislation to the 4.0 economy, but also to promoting and boosting collective bargaining, combating job insecurity and ensuring a balance between personal and professional life. Thus, in accordance with the tripartite agreement on wage enhancement and economic growth 2025-2028, in particular the commitment made in point V relating to the revitalisation of social dialogue in the context of the issues addressed therein (health and safety at work, vocational training and labour legislation), several pieces of labour legislation have been amended.

In addition, and in order to ensure compliance with the obligations arising from European Union law, this legislative revision includes the transposition of two European directives. Directive (EU) 2022/2041 on adequate minimum wages in the European Union, which requires Member States to adapt national minimum wages, promote collective bargaining on wage setting and improve workers' effective access to minimum wage protection. And finally, Directive (EU) 2024/2831 on the improvement of working conditions on digital platforms, which introduces the improvement of working conditions and the protection of personal data.



working conditions and the protection of personal data in the context of work on digital platforms, thus requiring the introduction of amendments to the Labour Code.

Thus:

In accordance with Article 197(1)(d) of the Constitution, the Government is presenting to the Assembly of the Republic the following bill:

Amendment of the Labour Code and related legislation

Article 1

Subject

This law proceeds :

- a) The transposition into domestic law of Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improved working conditions for digital platforms;
- b) The transposition into national law of Directive (EU) 2022/2041 of the European Parliament and of the Council of 19 October 2022 on adequate minimum wages in the European Union;
- c) the amendment to the Labour Code, approved by Law no. 7/2009 of 12 February ;
- d) the third amendment to Law no. 98/2009 of 4 September, amended by Law no. 83/2021 of 6 December and by Decree-Law no. 87/2024 of 7 November, which regulates the system of compensation for accidents at work and occupational illnesses;
- e) the third amendment to Law no. 107/2009 of 14 September, amended by Laws ^{no.}63/2013 of 27 August and ^{no.}55/2017 of 17 July, which approves the procedural regime applicable to labour and social security offences;
- f) the amendment of Decree-Law no. 259/2009 of 25 September, which governs compulsory arbitration and necessary arbitration, as well as arbitration on minimum services

- during strikes and the means necessary to guarantee them, in accordance with article 513 and paragraph b) of number 4 of article 538 of the Labour Code;
- g) To the amendment of the Code of Labour Procedure, approved by [Decree-Law no. 480/99](#) of 9 November ;
 - h) the third amendment to [decree-law no. 102/2000](#) of 2 June, amended by [decree-law no. 326-B/2007](#) of 28 September, which approves the statute of the General Labour Inspectorate ;
 - i) To the amendment of [Law no. 4/2019](#) of 10 January, which establishes the system of employment quotas for disabled people with a degree of disability equal to or greater than 60%;
 - j) the ninth amendment to [Decree-Law no. 91/2009](#) of 9 April, amended by [Decree-Law no. 70/2010](#) of 16 June, by [Decree-Law no. 133/2012](#) of 27 June, by [Law no. 120/2015](#) of 1 September, by [Decree-Law no. 53/2018](#) of 2 July, by [Decree-Law no. 84/2019](#) of 28 June, by [law no. 90/2019](#) of 4 September, by decree-law no. 53/2023 of 5 July and by [law no. 65/2023](#) of 20 November, which establishes the legal regime for social protection in the area of parenthood within the framework of the social security system and the solidarity sub-system;
 - k) the amendment of [Law no. 15/2001](#) of 5 June, which establishes the general regime for tax offences.

Article 2

Amendment of the Labour Code

Articles 3, 10, 10-A, 10-B, 12, 12-A, 21, 24, 38, 40, 40-A, 42, 43, 44, 47, 48, 56, 57, 89-A, 99, 114, 118, 127, 131, 136, 140, 142, 144, 145, 148^e, 149, 157, 158, 159, 161, 164, 165, 166, 168, 169-A, 169-B, 170, 177, 208^e-A, 208^e-B, 216, 217, 218, 231, 241, 249, 252, 254, 255, 263, 264, 273, 275^e, 279^e, 285^e, 286^e, 286^e-A, 287^e, 337^e, 358^e, 366^e, 390^e, 392^e, 394^e, 431^e, 439^e, 440^e, 450, 461, 465, 485, 497, 498, 499, 500, 501, 502, 511, 512, 513, 514, 515, 537 and 538 of the Labour Code, approved [by law no. 7/2009](#) of 12 February, are now worded as follows:

Article 3



Relationship between sources of regulation

- 1 - [...].
- 2 - [...].
- 3 - [...] :
 - a) [...];
 - b) [...];
 - c) [...];
 - d) [...];
 - e) [...];
 - f) [...];
 - g) [...];
 - h) [...];
 - i) [...];
 - j) Method of performance and remuneration guarantees ;
 - k) [Repealed];
 - l) [...];
 - m) [...];
 - n) [...];
 - o) [...].
- 4 - [...].
- 5 - [...].

Article 10

Self-employed workers in a situation of economic dependence

- 1 - [...].
- 2 - For the purposes of this Code and without prejudice to the provisions of Law no. 101/2009 of 8 September, which establishes the legal regime for home-based work, economic dependency exists when the work provider is a natural person who provides, directly and without the intervention of a third party, an activity for a beneficiary, from which he derives 80% of his annual income.
- 3 - [...].
- 4 - [...].

Article 10-A**Representation and collective bargaining**

1 - Self-employed workers in a situation of economic dependence, within the meaning of the preceding article, shall have the right to have their socio-professional interests represented by an association of trade unions, including in the context of the negotiation of instruments for the collective regulation of work.

2 - The right to collective representation of self-employed workers in a situation of economic dependence, within the meaning of the previous article, is defined in specific legislation. 3

- The instruments of collective labour regulation provided for in No. 1 may be extended administratively, applying, with the necessary adaptations, the regime provided for in Articles 514 et seq.

4 - The minimum working conditions of economically dependent self-employed workers may be laid down by administrative provision, applying, with the necessary adaptations, the system laid down in Articles 517 et seq.

Article 10-B

Application of the scheme for economically dependent self-employed workers For the purposes of the provisions of the preceding Articles, application of the scheme for economically dependent self-employed workers depends on a communication sent by the provider of work to the beneficiary of the activity, accompanied by proof that the condition laid down in paragraph 2 of Article 10 has been met, and a communication to the competent social security service.

**Article 12 Presumption
of a contract of employment**

1 - [...].

2 - The provisions of the preceding paragraph shall apply to work carried out via digital platforms, the presence of restrictions on the provider's organisational autonomy resulting from consideration of the following facts constituting an additional indication of the existence of an employment contract :



- a) Determination of periods of work or periods of absence by the beneficiary of the activity;
- b) Restrictions on the freedom of acceptance of tasks by the provider of the activity;
- c) Restrictions on the use of subcontractors or replacements by the activity provider
;
- d) Choice of clients by the beneficiary of the activity.

3 - The provisions of the previous paragraph only apply when all of the following conditions are met:

- a) The activity is provided to the beneficiary on a regular basis;
- b) The provider of the activity is in a situation of economic dependence, in accordance with the provisions of paragraph 2 of Article 10

4 - (former paragraph 2).

5 - (former paragraph 3).

6 - (former paragraph 4).

Article 12-A

Digital platforms

1 - A digital platform is any natural or legal person who provides a service which meets all of the following criteria:

- a) It is provided, at least in part, remotely, by electronic means, such as a website or mobile application;
- b) It is provided at the request of a recipient of the service;
- c) It involves, as a necessary and essential component, the organisation of work carried out by persons for remuneration, whether this work is carried out online or in a specific location;
- d) It involves the use of automated monitoring systems or automated decision-making systems.

2 - (former No. 7).

3 - Employment contracts concluded with digital platforms, directly or through an intermediary, shall be subject to the rules laid down in this Code which are not incompatible with the nature of the activity performed, in particular the provisions relating to accidents at work, termination of contract, minimum wage, holidays, limits on normal working hours, equality and non-discrimination.

4 - Repealed].



- 5 - Repealed].
- 6 - Repealed].
- 7 - Repealed
- 8 - Repealed
- 9 - [Repealed].
- 10 - [Repealed].
- 11 - Repealed].
- a) [Repealed];
- b) [Repealed]. 12
- Repealed].

Article 21

Use of remote surveillance means

- 1 - The use of remote surveillance means shall be possible only if it is necessary, appropriate and proportionate to the objectives to be achieved.
- 2 - The provisions of paragraph 4 of Article 19 of Law No 58/2019 of 8 August shall apply to the use of remote surveillance means in the workplace.
- 3 - [...].
- 4 - The use of remote surveillance equipment must be preceded by an opinion from the Workers' Committee, which is deemed to be favourable 10 days after receipt of the request for an opinion.
- 5 - [...].

Article 24

Right to equal access to employment and work

- 1 - [...].
- 2 - [...] :
 - a) [...] ;
 - b) [...] ;
 - c) [...] ;
 - d) [...].



3 - [...] :

- a) [...] ;
- b) [...].

4 - The employer must display and make available on the company's intranet site information relating to employees' rights and duties in terms of equality and non-discrimination. 5 - [...].

Article 38

Leave for termination of pregnancy

1 - [...].

2 - [...].

3 - The rules on leave to care for a family member laid down in Article 252 shall apply to the person accompanying the employee.

4 - (former No. 3).

Article 38-A

Gestational bereavement leave

[Repealed
].

Article 40 Initial

parental leave

1 - Working mothers and fathers are entitled to initial parental leave upon the birth of their child.

2 - Initial parental leave may last up to 180 consecutive days, if taken in accordance with the following provisions:

- a) Compulsory period of 120 days, which may be shared between the parents, without prejudice to the mother's period of exclusive parental leave;
- b) Optional additional period of 30 days ;
- c) Optional additional period of 60 days, shared equally between the two parents.



- 3 - In the event of an option for initial parental leave with an optional additional period shared equally between the two parents, the parents may combine the additional period with part-time work, with a normal period of work equal to half full-time.
- 4 - Unless the employee indicates otherwise, the optional additional period shared equally between the two parents is taken simultaneously. 5 - The simultaneous taking of the initial parental leave by parents working in the same micro-business is subject to the employer's agreement.
- 6 - The leave provided for under no. 2 is extended by 30 days in the following cases:
- a) In the event of multiple births, for each twin beyond the first;
 - b) If the child is hospitalised immediately after the recommended period of post-partum hospitalisation;
 - c) If the baby is delivered before the end of the 33rd week of pregnancy.
- 7 - If the child is hospitalised immediately after the recommended period of post-partum hospitalisation, when the birth takes place before the end of the 33rd week of pregnancy, the period of hospitalisation is added to the leave referred to in no. 2.
- 8 - In the event of hospitalisation of the child or of the parent benefiting from the leave provided for in no. 2, the period of leave is suspended, at the parent's request, for the duration of the hospitalisation.
- 9 - Repealed].
- 10 - Repealed].
- 11 - Repealed].
- 12 - Repealed].
- 13 - Repealed].
- 14 - [Repealed].
- 15 - [Repealed].
- 16 - Repealed].
- 17 - Violation of the provisions of the preceding paragraphs shall constitute a very serious offence.

**Article 40 -
Obligation to
communicate**

- 1 - In the absence of a declaration as to the type of initial parental leave, it shall be presumed that the leave is taken by the mother.

2 - If the initial parental leave is shared, the parents shall inform their respective employers, within seven days of the birth or, where applicable, after the end of the period of hospitalisation referred to in subparagraph b) of paragraphs 6 and 7 of the previous article, of the beginning and end of the periods from which each is benefiting, by submitting a joint declaration to that effect or, where applicable, a declaration from the other parent stating that he or she is in employment.

3 - If the parental leave is not shared between the parents, and without prejudice to the rights of the mother referred to in the following article, the parent benefiting from the leave shall inform his or her employer, within seven days of the birth, of the duration of the leave and the start of the corresponding period, enclosing a statement from the other parent certifying that he or she is in employment and not benefiting from the initial parental leave.

4 - Entitlement to the extended leave provided for in paragraphs 6 and 7 of the preceding article and the suspension of leave provided for in paragraph 8 of the preceding article shall depend on the communication to the employer accompanied by a statement issued by the hospital, where applicable.

Article 42

Initial parental leave to be taken by one of the parents if the other is unable to do so 1 - The father or mother is entitled to the leave referred to in (paragraphs) 2, 6 or 7 of Article 40, or to the remaining period of leave, in the following cases: [...]; [...]; [...]; [...]; [...]; [...]; [...]; [...]; [...]; [...]:

a) [...];

b) [...].

2 - The total period of leave referred to in Article 40(2)(c) shall be granted only if the conditions laid down therein are fulfilled on the date of the events referred to in paragraph 1.

3 - [...].

4 - [...].

5 - [...].

6 - [...].

Article 43

Exclusive parental leave for the father



1 - The father is required to take 28 days' parental leave, consecutive or split, within 42 days of the birth of the child, including 14 consecutive days immediately after the birth.

2 - [...].

3 - [...].

4 - [...].

5 - [...].

6 - [...].

Article 44 Adoption

leave

1 - In the event of the adoption of a child under the age of 15, the prospective adopter shall be entitled to the leave referred to in Article 40⁽²⁾.

2 - [...].

3 - [...].

4 - If there are two prospective adoptive parents, the leave must be taken in accordance with the provisions of

^{no.2} of Article 40

5 - [...].

6 - [...].

7 - [...].

8 - [...].

9 - [...].

10 - [...].

11 - [...].

12 - [...].

13 - [...].

14 - [...].

15 - [...].

Article 47

Breast-feeding leave



- 1 - A mother who breastfeeds her child shall be entitled to leave for that purpose until the child reaches the age of two.
- 2 - In the case of bottle-feeding and provided that both parents are in employment, either parent may exercise the right provided for in the previous paragraph until the child reaches the age of one.
- 3 - Daily leave for breastfeeding or maternal breastfeeding is taken in two separate periods, each lasting a maximum of one hour, unless another arrangement is agreed with the employer.
- 4 - If one of the parents works part-time, corresponding to at least half the full working time, the daily breastfeeding leave is reduced in proportion to the corresponding normal working time.
- 5 - In the event of multiple births, the leave referred to in the previous paragraph is extended by a further 30 minutes for each twin beyond the first.
- 6 - In the situation referred to in paragraph 4, daily leave shall be taken during the first or last hour of the normal working period, unless another arrangement is agreed with the employer.
- 7 - Breach of the provisions of paragraphs 1 to 5 shall constitute a serious offence.

Article 48

Exemption procedure for breastfeeding or maternity leave

- 1 - For the purposes of breastfeeding leave, the employee shall inform the employer, 10 days before the start of the leave, that she is breastfeeding her child and must submit a medical certificate proving this.
- 2 - In order to prove that she is breastfeeding, the employee must submit a new medical certificate to the employer every 6 months.
- 3 - [...].
 - a) [...];
 - b) [...];
 - c) [...].

Article 56

Flexible working time for workers with family responsibilities

- 1 - [...].



2 - [...].

3 - Flexible working hours shall be established by the employer on a proposal from the worker and must comply with the following provisions :

- a) [...];
- b) [...];
- c) [...];
- d) Adapt to particular forms of organisation of working time arising from the period of activity of the company or the nature of the employee's duties, in particular in the case of night work or work usually carried out at weekends and on public holidays.

4 - [...].

5 - [...].

6 - [...].

Article 57

Authorisation to work part-time or flexitime

1- [...];

- a) [...];
- b) [...];
 - i) [...];
 - ii) [...];
 - iii) [...];
- c) [...];
- d) Proposal for flexible working hours to be implemented in accordance with paragraph 3 of the previous article.

2- [...].

3- [...].

4- [...].

5- [...].

6- [...].

7- [...].

8- [...].

- a) [...].
- b) [...].



- c) [...];
- 9 - [...];
- 10 - [...].

Article 89-A

Employment contract with a student during school holidays or breaks

- 1 - A contract of employment with a student, the duration of which is limited to the period of school holidays or breaks, need not be in writing and may be terminated at any time by either party, subject to 15 days' notice.
- 2 - [...].
- 3 - [...].
- 4 - The sections relating to fixed-term employment contracts and temporary employment contracts do not apply to fixed-term employment contracts and temporary employment contracts concluded under paragraph 1 with a student during a holiday period or a break from school.
- 5 - [...].

Article 99 Company

rules

- 1 - [...].
- 2 - [...].
- 3 - The company's internal rules take effect after publication of their content, in particular by posting them at the company's registered office and workplaces, and by making them available on the company's intranet site, so as to enable employees to become fully aware of them at any time.
- 4 - [...].
- 5 - [...].

Article 112

Duration of the trial period

- 1 - [...].



- a) [...];
 - b) [...];
 - i) [...];
 - ii) [...];
 - iii) [Repealed].
 - c) [...].
- 2 - [...].
- a) [...];
 - b) [...].
- 3 - [...];
- 4 - [...].
- 5 - Repealed].
- 6 - Repealed].
- 7 - [...].
- 8 - [...].

Article 114

Termination of contract during the probationary period

- 1 - [...].
- 2 - [...].
- 3 - [...].
- 4 - [...].
- 5 - [...].
- 6 - Repealed].
- 7 - [...].
- 8 - [...].
- 9 - Breach of the provisions of paragraph 5 shall constitute a serious offence.

Article 118

Duties performed by the employee

- 1 - [...].
- 2 - [...].



3 - [...].

4 - Where the performance of ancillary duties requires special qualifications, the worker shall be entitled to vocational training appropriate to the duties to be performed.

5 - Violation of the provisions of the preceding paragraph shall constitute a minor administrative offence.

Article 127.

Obligations of the employer

1 - [...] :

- a) [...];
- b) [...];
- c) [...];
- d) [...];
- e) [...];
- f) [...];
- g) [...];
- h) [...];
- i) [...];
- j) [...];
- k) [...];
- l) [...].

2 - [...].

3 - [...].

4 - The employer shall display in the premises and make available on the company intranet site all information relating to the legislation on the right to parenthood or, if internal rules as referred to in Article 99 are drawn up, shall record all such legislation therein.

5 - (Repealed.)

6 - (Repealed.)

7 - [...].

Article 131

Further training

1 - [...] :



- a) [...];
- b) [...];
- c) [...];
- d) [...].

2 - Each year, the number of hours of continuing training to which the worker is entitled is twenty hours in the case of micro-enterprises and forty hours in other cases, or, if the worker is employed for a fixed term of three months or more, the number of hours proportional to the duration of the contract for that year.

- 3 - [...].
- 4 - [...].
- 5 - [...].
- 6 - [...].
- 7 - [...].
- 8 - [...].
- 9 - [...].
- 10 - [...].

Article 136

Non-competition agreement

- 1 - [...].
- 2 - [...] :
- a) [...];
- b) This concerns an activity the exercise of which may cause serious harm to the employer;
- c) [...].
- 3 - [...].
- 4 - [Repealed].
- 5 - [...].

Article 140

Admissibility of fixed-term employment contracts

- 1 - [...].
- 2 - [...].



- a) [...];
- b) [...];
- c) [...];
- d) [...];
- e) [...];
- f) [...];
- g) [...];
- h) [...].

3 - [...].

4 - [...].

- a) Launch of a new activity of uncertain duration, as well as the start of activity of a company or establishment, within two years of one of these events;
- b) Hiring of a worker who has never worked under an open-ended employment contract or who is long-term or very long-term unemployed;
- c) Hiring a worker who has retired due to age or disability.

5 - [...].

6 - The fixed-term employment contract provided for in point c) of paragraph 4 is subject to the system provided for in points b), c) and d) of paragraph 2 of Article 348.

7 - (former No. 6.)

Article 142

Very short-term employment contracts

1 - Very short-term employment contracts may be concluded without being subject to the written form in the following cases :

- a) To cope with an exceptional increase in the company's activity, up to 35 days per calendar year ;
- b) In the case of a company carrying out a seasonal or cyclical activity with a break in activity in the agricultural or tourism sector, for a maximum of 35 days.

2 - In the cases provided for in point b) of the previous paragraph, the total duration of fixed-term employment contracts concluded between the same worker and the same employer may not exceed 70 working days per calendar year.



3 - For the purposes of the preceding paragraphs, the employer must communicate the conclusion of the contract to the competent social security service, by means of an electronic form containing the information referred to in points a), b) and d) of paragraph 1 of the preceding article.

4 - (former paragraph 3).

5 - Failure to comply with the obligation to notify laid down in paragraph 3 shall constitute a minor administrative offence.

Article 144

Information relating to fixed-term employment contracts

1 - [...].

2 - [...].

3 - [...].

4 - The employer must display and make available on the intranet site information relating to the existence of permanent jobs available in the company or establishment.

5 - [...].

Article 145.

Preference in hiring

1 - [...].

2 - [...].

3 - [...].

4 - Infringement of the provisions of paragraph 1 shall constitute a minor administrative offence.

Article 148.

Term of fixed-term employment contract

1 - The term of a fixed-term employment contract may not exceed three years.

2 - A fixed-term employment contract may be concluded for a period of less than one year only in the situations provided for in Article 140(2)(a) to (g), and its duration may not be less than that provided for the task or service to be performed.



3 - In the event of a breach of the provisions of the preceding paragraph, the contract shall be deemed to have been concluded for a period of one year.

4 - In the situations provided for in Article 140, paragraph 4, subparagraphs a) and b), the term of the fixed-term employment contract may not exceed two years from the start of the justifying reason or the conclusion of the contract, respectively.

5 - The term of an open-ended employment contract may not exceed five years.

6 - [...].

Article 149

Renewal of a fixed-term employment contract

1 - [...].

2 - [...].

3 - [...].

4 - A fixed-term employment contract may be renewed up to three times.

5 - [...].

Article 157. Eligibility of

intermittent work

1 - [...].

2 - [...].

3 - The arrangements provided for in this subsection may be modified by an instrument of collective labour regulation in respect of matters relating to the nature of the undertaking's activity, periods of work and periods of inactivity, the amount of remuneration during periods of inactivity and the period of notice.

Article 158

Form and content of intermittent employment contracts

1 - [...].

2 - Where the written form has not been complied with, the contract shall be deemed to have been concluded without a period of inactivity.

3 - In the absence of the identification referred to in paragraph 1, point (b), or if the annual number of hours worked or the annual number of days worked is not known, the contract shall be deemed to have been concluded without a period of inactivity.



worked or the annual number of full-time working days is less than this limit, the contract shall be deemed to have been concluded for the annual number of hours resulting from the provisions of paragraph 2 of the following article.

Article 159

Period of work performance

- 1 - [...].
- 2 - The period of work referred to in the preceding paragraph may not be less than three consecutive full-time months per year.
- 3 - [...].
- 4 - [...].
- 5 - [...].

Article 160.

Employee's rights

- 1 - [...].
- 2 - [...].
- 3 -
[Repealed].
- 4 - [...].
- 5 - [...].
- 6 - [...].

Article 161

Purpose of the assignment

The following may be carried out on assignment:

- a) Administrative posts or equivalent ;
- b) Management or equivalent posts dependent on the administration;
- c) Personal secretarial duties relating to the holders of these posts;
- d) Other functions provided for in a collective labour regulation instrument, the nature of which also presupposes a special relationship of trust.

Article 164

Effects of termination of assignment

- 1 - [...] :
- a) [...] ;
 - b) Termination of the employment contract within 30 days of the employer's decision to terminate the assignment, with entitlement to compensation calculated in accordance with Article 366, if the assignment has lasted at least six years;
 - c) [...].
- 2 - [...].
- 3 - [...].

Article 165

Concept of telework and scope of the scheme

1 - Telework shall be deemed to mean work carried out in the context of a relationship of legal subordination between the worker and an employer, in a place not predetermined by the latter and necessarily requiring the use of information and communication technologies. 2 - The regime provided for in this subsection shall apply, with the necessary adaptations, to other forms of paid work carried out at a distance.

Article 166

Telework agreement

- 1 - [...].
- 2 - [...].
- 3 - The telework agreement shall define the system of permanence or alternation between periods of telework and periods of face-to-face work.
- 4 - [...].
- a) [...].
 - b) The place where the employee usually works ;
 - c) The normal daily and weekly working hours, as well as the proportion of work carried out remotely and on site, where applicable;



- d) [...].
- e) [...].
- f) [...].
- g) [...].
- h) [...].
- 5 - [...].
- 6 - Repealed].
- 7- [Repealed].
- 8 - The place of work provided for in the telework agreement may be changed temporarily by the employee, subject to five days' notice to the employer, which shall take effect only if the employer does not object in writing during the notice period.
- 9 - [...].

Article 168

Equipment and systems

- 1 - [...].
- 2 - The applicable collective labour regulation instrument and the telework agreement shall lay down the amount of compensation due to the worker for additional costs.
- 3 - The amount of compensation due to the worker for additional costs shall be calculated proportionally where there is alternation between periods of telework and on-site work.
- 4 - All additional expenses proven to be borne by the worker as a direct consequence of the acquisition or use of the computer or telematic equipment and systems necessary for the performance of the work, in accordance with the preceding paragraphs, shall be fully compensated by the employer.
- 5 - (paragraph 4 above).
- 6 - Payment of the allowance provided for in no. 4 shall be due immediately after the employee has incurred the expenses.
- 7 - (former no. 6).
- 8 - (former no. 7).
- 9 - (former no. 8).



10 - (former No. 9).

Article 169-A

Organisation, direction and control of work

1 - Work meetings, as well as tasks which, by their nature, must be carried out at pre-arranged times and in coordination with other workers, must take place during working hours.

2 - [...].

3 - The activities provided for in the previous paragraph which require the physical presence of the worker must be scheduled, preferably, during the face-to-face work periods provided for in the contract.

4 - (former no. 3).

5 - (former no. 4).

6 - (former no. 5).

7 - (old no. 6).

Article 169-B

Specific obligations

1 - [...].

a) [...].

b) [...].

c) [...].

d) [...].

e) Inform the worker before introducing changes in the equipment and systems used in the course of work, in the duties assigned or in any characteristic of the contractual activity;

f) [...].

2 - [...].

a) [...].

b) [...].

c) [...].

d) [...].



3 - [...].

4 - [...].

Article 170-A

Occupational health and safety

1 - [...].

2 - [...].

3 - [Repealed].

4 - [...].

5 - [...].

6 - [...].

Article 177

Form and content of temporary employment contract

1 - [...] :

a) [...] ;

b) [...] ;

c) [...] ;

d) [...] ;

e) [...] ;

f) [...] ;

g) [...] ;

h) [...].

2 - [...].

3 - [...].

4 - (Repealed.)

5 - The contract shall be null and void if it is not concluded in writing or if it does not mention the elements referred to in points a), b), g) and h) of paragraph 1.

6 - In the case provided for in the preceding paragraph, the work shall be deemed to have been performed by the worker for the temporary employment undertaking under a contract of employment of indefinite duration, the provisions of paragraph 6 of Article 173 being applicable.

7 - [...].

Article 208-A
Individual of hours

- 1 - The hours bank scheme may be introduced by agreement between the employer and the employee, in which case the normal working time may be increased by up to two hours a day and up to 50 hours a week, the increase being limited to 150 hours a year, and this agreement must govern the aspects referred to in Article 208(4) and include a reference period which may not exceed 4 months.
- 2 - The individual hours bank scheme may be introduced by express agreement with the worker or by adherence to an internal regulation, in accordance with Article 104.
- 3 - The employer must inform the worker of the need to work at least 3 days in advance or, in the cases referred to in Article 227(2), as soon as possible, paragraph 3 of the same Article being applicable accordingly.
- 4 - The reference period is 4 months.
- 5 - At the end of the reference period, the difference between the increase and the reduction in working time shall be deemed to be compensated, without prejudice to the provisions of the following paragraph.
- 6 - If there is a balance in favour of the worker, the total of the non-compensated hours shall be paid in cash.
- 7 - The legal regime provided for in the preceding paragraphs shall remain in force until the end of the reference period in progress on the date of entry into force of the relevant instrument of collective labour regulation.
- 8 - Failure to comply with the provisions of this article relating to working hours shall constitute a serious offence.

Article 208-B
Collective time
bank

- 1 - [...].
- 2 - If the agreement referred to in paragraph 2 of the preceding Article is concluded with at least 75% of the workers in the team, section or economic unit which the collective hours bank is intended to cover, the employer may apply the same hours bank system to all the workers in that structure, the provisions of paragraph 3 of Article 206 being applicable.

- 3 - Repealed].
- 4 - Repealed].
- 5 - Repealed].
- 6 - Repealed].
- 7 - Repealed].
- 8 - [Repealed].
- 9 - [Repealed].
- 10 - [Repealed].
- 11 - [Repealed].
- 12 - Repealed].
- 13 - [...].
- 14 - [...].

Article 216

Display of the working hours table

- 1 - The employer shall display the work timetable in a clearly visible place in the workplace concerned and make it available on the company's intranet site.
- 2 - [...].
- 3 - (Repealed.)
- 4 - [...].
- 5 - [...].

Article 217 Changes to

working hours

- 1 - [...].
- 2 - Any change in working hours must be preceded by consultation with the employees concerned and the works council or, where there is no works council, the trade union or inter-union committee or the trade union delegates. Even if the adaptability scheme is in force, it must be posted and made available on the company's website seven days before it comes into force, or three days in the case of a micro-business.
- 3 - [...].
- 4 - [...].



5 - [...].

6 - [...].

Article 218

Conditions for exemption from working hours

1 - [...] :

a) Exercise of an administrative or management function, or functions of trust, control, assistance to the holders of these functions and functions of technical complexity ;

b) [...];

c) [...].

2 - The collective labour regulation instrument may provide for other situations of eligibility for exemption from working hours in addition to those set out in the previous paragraph.

3 - (Repealed).

4 - (Repealed).

Article 231

Recording of overtime

1 - [...].

2 - [...].

3 - [...].

4 - [...].

5 - [...].

6 - [...].

7 - The employer must communicate, in accordance with the provisions laid down in the order of the Minister responsible for labour, to the competent inspection department of the Ministry responsible for labour, a list of the names of workers who have worked overtime during the previous calendar year, specifying the number of hours worked pursuant to paragraphs 1 or 2 of Article 227.

8 - [...].

9 - [...].



Article 241. Fixing the holiday period

1 - [...].

2 - [...].

3 - [...].

4 - [...].

5 - [...].

6 - [...].

7 - [...].

8 - [...].

9 - The employer shall draw up the holiday schedule, indicating the start and end of each worker's holiday period, before 15 April each year, and shall keep it posted in the workplace and available on the company's intranet site between that date and 31 October. 10 - [...].

Article 249 Types of absence

1 - [...].

2 - [...] :

a) [...];

b) [...];

c) [...];

d) [...];

e) [...];

f) [...];

g) [...];

h) [...];

i) [...];

j) [...];

k) Early or extended absences during the holiday period, up to a maximum of two days per year, requested by the employee ;

l) (former para. k));

m) (former paragraph l)).

3 - The absences provided for in point k) of the preceding paragraph must be requested within 10 days of the holiday period being fixed, and the employer may only oppose them for imperative reasons linked to the running of the company.

4 - (former No. 3).

Article 252

Absence to assist a family member

1 - An employee shall have the right to be absent from work for up to 15 days a year in order to provide urgent and essential assistance, in the event of illness, accident or termination of pregnancy, to his or her spouse or to the person living in a common-law and/or community property relationship with the employee, to a relative or ally in the direct ascending line or to the 2nd degree in the collateral line.

2 - [...].

3 - [...].

4 - [...].

5 - [...].

a) [...];

b) [...];

c) [...].

Article 254

Proof of reason for absence

1 - [...].

2 - [...].

3 - [...].

4 - (former No.
5).

5 - The presentation to the employer of a medical certificate or declaration of illness for fraudulent purposes shall constitute a false declaration which may justify dismissal for just cause.

6 - [...].

Article 255**Effects of justified absence**

- 1 - [...].
- 2 - [...] :
 - a) [...];
 - b) [...];
 - c) [...];
 - d) [...];
 - e) Absence in anticipation or extension of the holiday period, as provided for in subparagraph k) of paragraph 2 of Article 249
 - f) (former paragraph e)).
- 3 - [...].

Article 263.**Christmas bonus**

- 1 - An employee is entitled to a Christmas bonus equal to one month's pay.
- 2 - [...].
- 3 - The Christmas bonus shall be paid before 15th December each year or in twelfths with the monthly pay, if the employee so wishes.
- 4 - Violation of the provisions of this article constitutes a very serious administrative offence.

Article 264**Holiday pay and bonuses**

- 1- [...].
- 2 - [...].
- 3 - Holiday pay shall be paid before the start of the holiday period and in proportion to the monthly remuneration if the holiday is taken in instalments or twelfths of the monthly remuneration, if at the employee's express wish .
- 4 - [...].

Article 273

Determination of guaranteed minimum pay

- 1- [...]
- 2 - When determining the guaranteed minimum monthly remuneration, the following factors shall be taken into account, in order to ensure their adequacy with the criteria of income and price policy, inter alia:
 - a) Workers' needs ;
 - b) The increase in the cost of living;
 - c) The general level of wages and their distribution
 - d) The rate of wage growth;
- 3 - For the purposes of assessing the adequacy of the guaranteed minimum monthly wage, indicative reference values used at national or international level may be used.
- 4 - (former No. 3).
- 5 - (former No. 4).

Article 275

Reduction of the guaranteed minimum monthly pay related to the worker 1 - Without prejudice to compliance with the principles of non-discrimination and proportionality, the guaranteed minimum monthly pay shall be reduced as follows:

- [...].
- 2 - [...].
 - 3 - [...].

Article 279.

Compensation and reductions

- 1 - [...].
- 2 - [...].
- 3 - [...].
- 4 - Discounts must comply with the principles of non-discrimination and proportionality.
- 5 - (formerly 4).
- 6 - (formerly 5).

Article 285

Effects of the transfer of a business or establishment

1 - In the event of the transfer, for whatever reason, of the ownership of an undertaking or business, or of part of an undertaking or business constituting an economic unit, the employer's position in the employment contracts of the employees concerned, as well as responsibility for the payment of fines imposed for breaches of employment law, shall be transferred to the transferee.

2 - [...].

3 - The employees affected by the transfer shall retain all their contractual and acquired rights, in particular as regards pay, seniority, professional category, functional content and social benefits.

4 - The provisions of the preceding paragraphs shall not apply in the event that the transferor, prior to the transfer, transfers the employee to another establishment or business unit, in accordance with the provisions of Article 194, while retaining him in his service, except as regards the transferee's liability to pay the fine imposed for breach of employment law.

5 - [...].

6 - [...].

7 - Repealed].

8 - Repealed].

9 - Repealed].

10 - [Repealed].

11 - [...].

a) [...].

b) Behaviour by the transferor or transferee which does not recognise having transferred its position in the employment contracts of the employees concerned at the time of the transfer of ownership of an undertaking, business or part of an undertaking or business constituting an economic unit, or at the time of the transfer, assignment or reversion of its operation.

12 - [...].

13 - Infringement of the provisions of paragraphs 1, 2 and 3 shall constitute a serious offence.

14 - [...].

Article 286

Information and consultation in the event of transfer

- 1 - The transferor and the transferee shall inform the representatives of their employees or, where there are no such representatives, the employees themselves, of the date of and reasons for the transfer, of its legal, economic and social consequences for the employees and of the measures envisaged for them, as well as of the essential elements of the contract relating to the transfer.
- 2 - The transferor and the transferee must consult the respective employee representatives prior to the transfer, with a view to obtaining agreement on the measures they intend to apply to the employees following the transfer, without prejudice to the legal and contractual provisions applicable to such measures.
- 3 - The transferor shall also inform the competent inspection department of the Ministry of Labour of the essential elements of the contract relating to the transfer and of all the elements that constitute the economic unit.
- 4 - The provisions of the previous paragraph shall apply in the case of medium-sized and large companies and, at the request of the inspection department of the Ministry of Labour, in the case of micro and small companies.
- 5 - The information referred to in the previous paragraphs must be provided in writing, before transmission, in good time, at least 10 working days before the consultation referred to in paragraph 2.
- 6 - (former paragraph 5).
- 7 - (former paragraph 6).
- 8 - If there are no representatives of the employees affected by the transfer, they may appoint from among their number, within five working days of receiving the information referred to in paragraph 1, a representative committee composed of between three and five members, depending on whether the transfer involves up to five employees or more.
- 9 - The transferor must immediately inform the employees affected by the transfer of the content of the agreement or of the result of the consultation referred to in no. 2, if the representative committee has not been involved.
- 10 - The transfer may not take place until seven working days have elapsed from the expiry of the period laid down for the appointment of the representative committee referred to in paragraph 8, if such committee has not been set up, or after the agreement or the end of the consultation referred to in paragraph 2.
- 11 - The provisions of the preceding paragraphs shall not apply to cases of transfer of the economic unit without there being a legal transaction between the transferor and the transferee, in which case :

- a) The transferor to inform the employees' representatives or the employees of the existence of a situation involving the transfer of the economic unit and of the date on which the transfer is due to take place;
- b) The transferee to consult with a view to concluding the agreement referred to in paragraph 2.

12 - (former paragraph 8).

13 - Infringement of the provisions of paragraphs 1, 2, 3, 4, 5, 9, 10 and 11 shall constitute a serious infringement.

Article 286-A

Employee's right to object

1 - The employee may object to the transfer of the employer's position in his contract of employment in the event of the transfer, assignment or reversion of part of the undertaking or business, which constitutes an economic unit, in accordance with paragraphs 1, 2 or 10 of Article 285, while retaining the link with the transferor.

2 - The right to object must be exercised in writing and is effective only if there is a valid reason, in particular in the event of the assignee's manifest insolvency or difficult financial situation, or in the event of the employee's objective lack of confidence in the assignee.

3 - The employee must express his opposition to the transfer to his employer in writing within five working days of the expiry of the deadline set for the appointment of the representative committee, if one has not been set up, or after the agreement or the end of the consultation referred to in paragraph 2 of Article 286, stating his identity, the activity for which he has been engaged and the reason for his opposition, in accordance with paragraph 2 of this Article.

4 - In the event of the transfer of the economic unit without there being a legal transaction between the transferor and the transferee, the right to object must be exercised within five working days of the transferor receiving information about the transfer or, in the absence of such information, of the employee becoming aware of the transfer.

5 - Breach of the provisions of paragraph 1 shall constitute a serious offence.

Article 287

Representation of employees after transfer

1 - [...].



2 - If the undertaking, business or economic unit transferred is incorporated into the undertaking of the transferee and the transferee does not have a structure for the collective representation of employees provided for by law, the structure existing in the incorporated entity shall continue to operate for a period of two months from the transfer or until a new elected structure takes up its duties, or for a further two months if the election is cancelled.

3 [...].

a) [...];

b) [...].

4 - [...].

Article 337.

Limitation and proof of credit

1 - [...].

2 - [...].

3 - A worker's credit, as referred to in No. 1, may not be extinguished by renunciation, except in cases where the worker expressly declares renunciation thereof in a written declaration recognised by a notary in accordance with the law.

Article 338-A

Prohibition on the subcontracting of services

[Repealed
].

Article 366

Compensation in the event of collective redundancy

1 - [...].

2 - [...].

a) [...].

b) [...].

c) [...].

d) [...].



3 - [...].

4 - An application for reinstatement in the context of legal proceedings for the assessment of dismissal shall require the employee to provide security for the compensation received [in court].

5 - Repealed].

6 - [...].

7 - [...].

Article 358

Procedure applicable to micro, small and medium-sized undertakings

1 - In the context of a redundancy procedure in a micro, small or medium-sized undertaking, if the employee is not a member of a works council or a trade union representative, the formalities provided for in Article 353(2), Article 356 and Article ¹, (2) and (6) above are waived, the provisions of the following paragraphs being applicable.

2 - [...].

3 - [...]:

a) [...];

b) [...];

c) (Repealed.)

4 - [...].

5 - [...].

6 - [...].

Article 390

Compensation for unfair dismissal

1 - [...].

2 - [...].

a) The sums which the employee receives at the end of the contract and which he would not have received had he not been dismissed, after 12 months from the date of dismissal
;

b) [...];

c) [...].

Article 392**Compensation in lieu of reinstatement at the employer's request**

- 1 - The employer may ask the court to exclude reinstatement on the basis of facts and circumstances which make the employee's return seriously prejudicial and disruptive to the running of the business.
- 2 - [...].
- 3 - [...].

Article 394**Valid reason for
termination**

- 1 - [...].
- 2 - [...].
- a) [...];
- b) [...];
- c) [...];
- d) [...];
- e) [...];
- f) [...].
- 3 - [...].
- a) [...];
- b) [...];
- c) [...].
- d) Transfer to the assignee of the employer's position in the corresponding employment contract, following the transfer of the undertaking, in accordance with paragraphs 1 or 2 of Article 285, on the basis provided for in paragraph 1 of Article 286-A.
- 4 - [...].
- 5 - [...].

Article 431**Vote on the constitution and approval of the statutes of the employees' committee**

- 1 - [...].



2 - The employer shall deliver the electoral register to the employees who convened the meeting, within forty-eight hours of receiving a copy of the convening notice, who shall immediately post it on the premises and make it available on the company's intranet site.

3 - [...] :

a) [...] ;

b) [...] ;

c) [...].

4 - [...].

5 - [...].

6 - [...].

7 - [...].

8 - [...].

Article 439

Control of the legality of the constitution and statutes of committees

1 - [...].

2 - The provisions of Articles 447 and 456 shall apply, with the necessary adaptations.

Article 440. Right of association

1 - [...].

2 - [...].

3 - [...].

4 - [...].

5 - [...].

6 - Trade union associations may represent self-employed workers in a situation of economic dependence, as provided for in Article 10, in accordance with their respective statutes.

7 - Self-employed workers in a situation of economic dependence may form associations for the defence of socio-professional interests or join trade union associations whose articles of association so provide.

Article 450**Content of articles
of association**

- 1 - [...].
- a) [...];
 - b) [...];
 - c) [...];
 - d) The possibility and conditions of representation of economically dependent self-employed workers provided for in Article 10-A.
- 2 - [...].
- 3 - [...].
- 4 - [...].
- 5 - [...].

Article 460**Right to trade union activity in
the undertaking**

- 1 - [...].
- 2 - Repealed].
- 3 - [...].

Article 461**Meeting of workers in the workplace**

- 1 - [...].
- a) [...];
 - b) [...].
- 2 - In small, medium-sized and large undertakings without unionised workers, trade union associations may also convene meetings in accordance with subparagraph a) of the preceding paragraph, provided that the subjective, objective and geographical scope of the trade union association, as provided for in its articles of association, covers the workers of the undertaking.
- 3 - The provisions of Art.
- 420, with the necessary adaptations. 4 -
- (former No. 3).

5 - (former no. 4).

6 - (former no. 5).

Article 465

Display and distribution of trade union information

1 - [...].

2 - [...].

3 - In undertakings where there are no unionised workers, trade union associations whose subjective, objective and geographical scope of action covers the workers of the undertaking may request the employer to display or authorise the display, under the conditions laid down in the preceding paragraphs, of notices, communications, information or other texts relating to trade union life and the socio-professional interests of the workers.

4 - (former No. 3).

Article 485

Promotion of collective bargaining

1 - [...].

2 - For the purposes of the preceding paragraph, the State shall provide incentives for collective bargaining within the framework of its specific policies and action plans, in particular through measures which favour undertakings which have concluded or recently revised a collective agreement, in the context of access to public aid or financing, including European funds, public procurement procedures and tax incentives.

3 - [...].

Article 497

Application at company level

1- The collective agreement which, by virtue of the preceding Article, covers more than half of the workers in the service of the employer may be applied to the other workers by decision of the employer and unless expressly opposed by the worker who is not a member of a trade union or by the trade union association concerned for its members.



2 - The decision to apply generally the collective agreement provided for in the preceding paragraph shall be taken by declaration of the employer, addressed to the workers, and must be preceded by the opinion of the workers' committee, where such exists.

3 - The application of the collective agreement determined in accordance with paragraph 1 shall be effective for as long as the collective agreement is in force under articles 500 and 501 and, in any event, for a maximum period of five years.

4 - The application of the collective agreement in accordance with this Article does not derogate from the rules of competition between negotiated instruments of collective regulation.

5 - The objection referred to at the end of paragraph 1 must be expressed within 15 days of becoming aware of the declaration referred to in the same paragraph, by written communication addressed to the employer.

Article 498

Application of the agreement in the event of transfer of undertaking or business

1 - In the event of the transfer, for whatever reason, of the ownership of an undertaking or business or of part of an undertaking or business constituting an economic unit, the instrument of collective labour regulation binding on the transferor shall apply to the transferee until the expiry of its period of validity or for at least 12 months from the date of the transfer, unless in the meantime another negotiated instrument of collective labour regulation becomes applicable to the transferee.

2 - On expiry of the period referred to in the preceding paragraph, if no collective bargaining instrument is applicable to the assignee, the effects already produced on the contract of employment by the collective bargaining instrument binding on the assignor shall be maintained as regards the matters referred to in Article 501(8).

3 - [...].

4 - [...].

Article 498-A

Subcontracting of services

[Repealed
].

Article 499

Validity and renewal of the collective agreement

- 1 - The collective agreement may be concluded for a fixed or indefinite period.
- 2 - If the parties do not set a shorter term, the collective agreement shall have a minimum duration of two years.
- 3 - Wage scales may have a minimum duration of one year.
- 4 - In the absence of a stipulation by the parties, the collective agreement is renewed successively for a period of one year.

Article 500.

Termination of the Collective Agreement

- 1 - [...].
- 2 - Termination must be given at least 180 days before the expiry of the current collective agreement and takes effect on the expiry of that period.
- 3 - If the collective agreement is concluded for an indefinite period, termination may be made at any time, but shall only take effect after a period of 180 days.
- 4 - Without prejudice to its validity and effectiveness, the denunciation must be accompanied by a justification based on economic or structural grounds or grounds relating to inadequacies in the terms of the denounced agreement.
- 5 - (former no. 3).
- 6 - (former no. 4).

Article 500-A

Arbitration to examine the denunciation of a collective agreement

[Repealed].

Article 501

Monitoring and expiry of the collective agreement



1 - A collective agreement whose termination depends on its replacement by another instrument of collective labour regulation may be terminated at any time after four years from its entry into force.

2 - Repealed].

3 - After denunciation, the agreement remains in force during the negotiation period, including the conciliation, mediation or voluntary arbitration phase, and for a maximum period of 12 months.

4 - During the period provided for in the previous paragraph, the parties may agree to extend the survival scheme for a further period of up to 12 months.

5 - Repealed].

6 - Repealed].

7 - Repealed].

8 - At the end of the monitoring period, either party may inform the Ministry responsible for labour matters and the other party that the negotiation process has ended without agreement. 9 - The collective agreement expires on the first working day of the month following the communication referred to in the previous paragraph.

10 - Upon receipt of the communication provided for in paragraph 8, the department of the Ministry in charge of labour matters responsible for monitoring and promoting collective agreements shall immediately publish a notice indicating the expiry date of the collective agreement.

11 - (former paragraph 8).

12 - (former paragraph 9).

13 - The rules on the filing and publication of collective agreements apply to the agreement to extend the period of validity of the agreement and to the agreement on the effects arising from the agreement in the event of expiry.

Article 501-A

Arbitration for the suspension of the survival period and mediation

[Repealed].

Article 502



Termination and suspension of the validity of a collective agreement

- 1 - [...].
- 2 - [...].
- 3 - The collective agreement or part thereof may be amended, with a reduction in working conditions, or temporarily suspended in its application, in the event of a crisis in the undertaking, for market, structural or technological reasons, in the event of a disaster or other events seriously affecting the normal activity of the undertaking, provided that such a measure is essential to ensure the viability of the undertaking and the maintenance of jobs, without prejudice to the possibility of delegation provided for in Article 491(3).
- 4 - The agreement provided for in the previous paragraph must expressly state the reasons and determine the period of application of the modification or suspension and the effects thereof.
- 5 - If the parties fail to reach the agreement provided for in the preceding paragraph within a period of three months, arbitration shall be required.
- 6 - The rules relating to the filing and publication of the collective agreement apply to amendment, suspension and revocation.
- 7 - Amendment, suspension and revocation affect the rights deriving from the agreement, unless these are expressly reserved by the parties in the agreement.
- 8 - (former no. 7).
- 9 - (former no. 8).
 - a) [...];
 - b) [...];
 - c) [...].
- 10 - The relevant department of the Ministry of Labour publishes a notice in the Bulletin du travail et de l'emploi indicating the date of suspension, amendment or expiry of the collective agreement.
 - a) [...];
 - b) [...];
 - c) [...].
- 11 - (former no. 10).

Article 510. Admissibility of compulsory arbitration



- 1 - [...].
- 2 - Compulsory arbitration shall also be determined in the cases provided for in paragraph 5 of Article 502, with exemption from the conditions provided for in paragraph 2 of Article 511.

Article 511. Determination of binding arbitration

- 1 - Compulsory arbitration shall be determined by a reasoned decision of the Minister responsible for Labour, at the request of one of the parties within 12 months of the expiry of the period referred to in the previous article.
- 2 - [...].
- 3 - [...].
- 4 - Repealed].
- 5 - [...]
- 6 - [...]

Article 512 Competence of the Economic and Social Council

- 1 - [...].
- 2 - The Economic and Social Council shall, if necessary, draw lots to select arbitrators for the purposes of compulsory arbitration or necessary arbitration, in accordance with the conditions laid down in articles 508 and 510 respectively.
- 3 - [...].

Article 513 Rules governing compulsory arbitration and necessary arbitration

The rules governing compulsory arbitration and necessary arbitration, insofar as they are not regulated in the preceding sections, shall be the subject of specific legislation.

Article 514



Extension of a collective bargaining agreement or arbitration award

1 - A collective bargaining agreement or an arbitration award relating to or assimilated to a collective bargaining agreement may be extended, in whole or in part, by extension order, to the employers and employees falling within the sector of activity or profession defined in that instrument.

2 - [...].

3 - Extension shall not apply to employees who are members of a trade union and who have expressed their opposition to extension in accordance with Article 516.

4 - Extension shall have effect throughout the period of validity of the collective agreement, including those provided for in articles 500 and 501.

Article 515

Subsidiarity

1 - [...].

2 - The extension order does not apply to workers covered by a collective agreement in accordance with article 497.

Article 515-A

Effects of cessation of validity of an agreement or arbitration award applied by an extension order

[Repealed].

Article 537

Obligation to provide services during a strike

1 - In an undertaking or establishment intended to satisfy imperative social needs, the provision of the minimum services essential to the satisfaction of such needs shall be due.

2 - [...].

a) [...].

b) [...].

c) [...].

- d) [...].
- e) Food and water supply ;
- f) [...].
- g) [...].
- h) [...].
- i) [...] ;
- j) Care services for children, the elderly, the sick and the disabled; [...];
- k) Private security services for essential goods or equipment.

3 - The obligation to provide the services referred to in paragraph 1 shall be incumbent on the association of trade unions which declares the strike, or on the strike committee in the case referred to in paragraph 2 of Article 531, and on the worker members.

4 - (former paragraph 3).

5 - (former No. 4).

Article 538

Definition of services to be provided during a strike

1 - The extent of the services provided for in paragraphs 1 and 4 of the preceding Article and the means necessary to provide them shall be defined by an instrument of collective labour regulation or by an agreement between the workers' representatives and the employers concerned by the notice or the corresponding employers' association.

2 - In the absence of a provision in a collective labour regulation instrument or of an agreement on the measurement of the minimum services provided for in no. 1 of the preceding article, the competent department of the Ministry of Labour, assisted if necessary by the competent department of the Ministry in charge of the sector of activity, shall convene the entities referred to in the preceding paragraph to negotiate an agreement on the minimum services and the means necessary to ensure them.

3 - Repealed].

4 - In the case referred to in the preceding paragraphs, in the absence of an agreement within three days of the strike notice, the minimum services and the means necessary to provide them shall be defined:

- a) [...] ;
- b) [...].



5 - The definition of the minimum services must comply with the principles of necessity, adequacy and proportionality.

6 - The order and the decision of the arbitration tribunal provided for in the previous paragraph shall take effect immediately after their notification to the entities referred to in paragraph 1 and must be displayed in the premises of the undertaking, establishment or department, in places intended for the information of employees, and on the undertaking's intranet site. 7 - [...].

Article 3

Amendment of law no. 98/2009 of 4 September, amended by law no. 83/2021 of 6 December and by decree-law no. 87/2024 of 7 November, which regulates the system of compensation for accidents at work and occupational illnesses.

Article 8 now reads as follows:

Article 8. Definition

1 - [...].

2 - [...].

a) [...];

b) [...];

c) [Repealed
].

Article 4

Amendment to Law no. 107/2009 of 14 September, amended by Laws ^{no}63/2013 of 27 August and ^{no}55/2017 of 17 July, which approves the procedural regime applicable to labour and social security offences

Article 35 now reads as follows:

"Article 35**Effects of judicial remedy**

- 1 - [...].
- 2 - The judicial remedy shall have suspensory effect if the claimant deposits the amount of the fine and the costs of the proceedings, within the period referred to in Article 33(2), with an adherent banking institution, in favour of the competent administrative authority which issued the decision imposing the fine.
- 3 - The deposit referred to in the previous paragraph may be replaced by a bank guarantee in the form of a "first demand guarantee".

Article 5

Amendment to Decree-Law no. 259/2009 of 25 September, which governs compulsory arbitration and necessary arbitration, as well as arbitration on minimum services during strikes and the means necessary to ensure them, in accordance with Article 513 and Article 538, paragraph 4, subparagraph b) of the Labour Code.

Article 27 now reads as follows:

"Article 27**Rules applicable to the arbitration procedure**

- 1 - [...].
- 2 - The arbitral tribunal shall convene the parties in order to hear them on the definition of the minimum services and the means necessary to provide them in conditions of safety, and the parties may attach any documents they consider relevant.
- 3 - Repealed].
- 4 - [...].
- 5 - [...].
- 6 - [...].
- 7 - [...]. "

Article 6**Amendment of the Labour Procedure Code**

Articles 33, 34, 74-B, 161-A and 186-M now read as follows:

"Article 33

Subsidiary application

1 - [...].

2 - [...].

3 - The system of inversion of litigation shall not apply to the precautionary measure of suspension of dismissal where a request is made to challenge the regularity and legality of the dismissal, in accordance with Article 34(4) and Article 98-C.

Article 33-B Intervention

by the Public Prosecutor

1 - Repealed].

2 - Repealed].

Article 34

Application

1 - Once the initial request has been submitted within the period provided for in Article 386 of the Labour Code, the judge shall order the defendant to be summoned to oppose, if he so wishes, and shall in the same document set the date for the final hearing, which must take place within a period of 15 days.

2 - Repealed].

3 - [...].

4 - [...].

5 - [...].

Article 74-B

Payment of intermediate remuneration by the State

1 - Without prejudice to the provisions of Article 390(2) of the Labour Code, the court shall determine, in the decision of first instance declaring the dismissal to be unlawful, that payment of the remuneration due to the employee after the expiry of a period of 12 months from the lodging of the application until notification of the decision of first instance shall be made by the State.



filing of the application until notification of the decision of first instance be made by the competent social security body.

2 - The provisions of Articles 98-N and 98-O shall apply to the cases provided for in the preceding paragraph.

Article 161-A

Payment of intermediate remuneration by the State

1 - Without prejudice to the provisions of Article 390(2) of the Labour Code, the court shall determine, in the decision of first instance declaring the collective redundancy to be unlawful, that payment of the remuneration due to the employee after the expiry of a period of 12 months from the lodging of the application until notification of the decision of first instance shall be made by the competent social security body.

2 - The provisions of Articles 98-N and 98-O shall apply to the cases referred to in the preceding paragraph.

Article 186-M

No dispute

1 - [...].

2 - If the employee, within the framework of the procedure provided for in paragraph 4 of the preceding article or through the intermediary of his agent, declares in the file that he no longer has any interest in pursuing the action, the court shall declare the proceedings terminated.

Article 7

Amendment of Decree-Law no. 102/2000 of 2 June, amended by Decree-Law no. 326-B/2007 of 28 September, which approves the statute of the General Labour Inspectorate.

Article 11 now reads as follows:

"Article 11.

Powers

1 - [...] :



- a) [...];
- b) [...];
- c) [...];
- d) [...];
- e) [...];
- f) [...];
- g) [...];
- h) [...];
- i) [...];
- j) [...];
- k) [...];
- l) [...];
- m) [...].

2 - [...].

3 - [Repealed].

4 - [Repealed]."

Article 8

Amendment of Law n° 4/2019 of 10 January

Articles 1 and 5 now read as follows:

Article

1

Purp

ose

This Act establishes a system of employment quotas for disabled persons, whose degree of disability is equal to or greater than 33%, with a view to their recruitment by private sector employers and public sector bodies not covered by the scope of Decree-Law no. 29/2001 of 3 February.

Article 5 Employment

quota



1 - [...].

2 - [...].

3 - [...].

4 - [...].

5 - [...].

6 - [...].

7 - [...].

8 - Where temporary work is used by an undertaking which assigns disabled workers to a post within the recipient entity, the disabled worker assigned shall also be taken into account in calculating the staff of the undertaking receiving the service for the purposes of the preceding paragraphs.

9 - In the event of recourse to the provision of services by a centre for sheltered employment, in accordance with decree-law no. 290/2009 of 12 October, which assigns disabled workers to a position within the beneficiary entity, the disabled worker assigned shall be taken into account in the calculation of the workforce of the company benefiting from the service for the purposes of the preceding paragraphs.

Article 9

Amendment to Decree-Law no. 91/2009 of 9 April, which establishes the legal regime for social protection in the area of parenthood within the framework of the social security system and the solidarity sub-system.

Articles 12, 14, 15, 24, 30, 32, 41, 42, 59 and 71A now read as follows:

"Article 12.

Initial parental allowance

1 - Initial parental allowance is granted for a maximum period of 180 consecutive days, in accordance with the following provisions:

- a) Compulsory period of 120 days ;
- b) Optional additional period of 30 days ;



- c) Optional additional period of 60 days to be shared between the two parents.
- 2 - The leave provided for in paragraph 1 is extended by 30 days in the following cases:
 - a) Multiple births, for each twin beyond the first ;
 - b) Hospitalisation of the child immediately after the recommended period of post-partum hospitalisation;
 - c) When childbirth occurs before the end of the 33rd week of pregnancy.
- 3 - For the duration of the initial parental leave provided for in paragraphs 3 and 4 of article 40 of the Labour Code, beneficiaries are entitled to the corresponding initial parental allowance.
- 4 - In the event of hospitalisation of the child immediately after the recommended period of postnatal hospitalisation, where childbirth takes place before the end of the 33rd week, the period of hospitalisation is added to the leave referred to in paragraph 2.
- 5 - (former paragraph 8).
- 6 - (former paragraph 7).
- 7 - In the absence of a declaration of option for the initial type of parental leave, the mother is entitled to parental allowance.

Article 14

Initial parental allowance for one parent where the other parent is unable to take parental leave

- 1 - [...] :
- a) [...] ;
- b) [...].
- 2 - The total period of entitlement provided for in subparagraph c) of paragraph 1 of Article 12 shall apply only if the conditions laid down therein are fulfilled on the date of the events referred to in the preceding paragraph.
- 3 - [...].
- 4 - [...].

Article 15

Initial parental allowance payable exclusively to the father

- 1 - The father's exclusive initial parental allowance shall be granted for the following periods, without prejudice to the provisions of paragraph 4 :



- a) 28 compulsory days, consecutive or otherwise, 14 of which must be taken immediately after the birth and the remainder during the mother's initial parental leave period ;
- b) 7 optional days, consecutive or otherwise, provided that they are taken at the same time as the mother's initial parental leave.

2 - [...].

3 - [...].

4 - [...].

Article 24

Common conditions

1 - [...].

a) [...];

b) [...].

2 - [...].

3 - The choice of initial parental allowance for 150 or 180 days provided for in Article 12(1)(b) and (c) and the provisions of Article 12(2) and (3), Article 14, Article 15(1)(b) and (2) and Article 16 shall apply only in the event of a live birth.

Article 30

Amount of the initial parental allowance

1 - The daily amount of the initial parental allowance shall be as follows :

a) [...];

b) If the option is taken for the 120-day leave period plus an optional 30-day leave period, the daily amount is equal to 80% of the beneficiary's reference pay ;

c) If the option is taken for the 120-day leave period plus an optional 30-day leave period, with each of the parents benefiting from at least 30 consecutive days or two equally consecutive 15-day periods, the daily amount is equal to 90% of the beneficiary's reference pay;



- d) If the 120-day leave period is chosen, plus an optional additional period of 60 days divided equally between the two parents, the daily amount is equal to 100% of the beneficiary's reference pay;
- 2 - In situations where the parent benefits from leave in accordance with Article 40(4) of the Labour Code, the daily amount of the allowance corresponds to 50% of the amount calculated in accordance with the previous paragraph.

Article 32

Amount of the increase in allowances for multiple births, hospitalisation and prematurity up to 33 weeks

The daily amount of the allowances payable during the periods of increased initial parental leave for the birth of twins, hospitalisation and prematurity up to 33 weeks, provided for in paragraphs 2 and 4 of Article 12, is equal to 100% of the beneficiary's reference pay.

Article 41

Suspension of the period for which benefits are granted

- 1 - [...].
- 2 - [...].
- 3 - The suspension of the initial parental allowance for hospitalisation of the child, as provided for in paragraph 2, does not cover the situations provided for in Article 12(4).

Article 42 Non-cumulation with

income from employment

The allowances provided for in this chapter may not be combined with income from work, with the exception of the following situations:

- a) Initial parental allowance corresponding to the benefit of initial parental leave, under the conditions provided for in paragraph 4 of Article 40 of the Labour Code ;
- b) [...].

Article 59**Amount of the increase in allowances for multiple births, hospitalisation and prematurity up to 33 weeks of pregnancy**

The daily amount of the allowances payable during the periods of extension of the initial parental leave for the birth of twins, for hospitalisation and for prematurity up to 33 weeks, provided for in paragraph 2 of Article 12, is equal to 80% of one thirtieth of the value of the IAS.

Article 71-A**Means of proof for the extension of parental leave for hospitalisation of the child and for prematurity up to 33 weeks of pregnancy**

Extensions of parental leave for hospitalisation of the child and for prematurity up to 33 weeks of pregnancy, as provided for in ^{paragraphs}2 and 4 of Article 12, are subject to the presentation of a certificate from the hospital attesting to the duration of the child's hospitalisation.

Article 10**Amendment of Decree-Law no. 15/2001 of 5 June establishing the general system of tax offences**

Article 106-A now reads as follows:

Article 106-A**Failure to notify the admission of workers**

[Repealed
].

Article 11**Repeal rule**

The following are repealed

- a) Paragraph (k) of No. 3 of Article 3, Nos. 4 to 12 of Article 12-A, Article 38-A, Nos. 9 to 16 of Article 40, subparagraph (iii) of No. 1 and Nos. 5 and 6 of Article 112, paragraph 6 of Article 114, paragraph 4 of Article 136, paragraph 3 of Article 160, paragraphs 6 and 7 of Article 112, paragraph 4 of Article 136, paragraph 3 of Article 160, paragraphs 6 and 7 of Article 160 and paragraph 4 of Article 160 are repealed.
paragraphs 6 and 7 of Article
166, Article 170a(3), Article 208b(3) to (12), Article
285, Article 338-A, Article 366, paragraph 5, Article 460, paragraph 2, Article 498-A,
Article 500-A, paragraphs 2, 5, 6 and 7 of Article 501, Article 501-A and paragraph 4 of
Article 511, Article 515-A, paragraph 3 of Article 538 of the Labour Code;
- b) Paragraph c) of Article 8 of Law 98/2009 of 4 September ;
- c) Paragraph 3 of Article 27 of Decree-Law no. 259/2009 of 25 September;
- d) Article 33-B and Article 34(2) of the Labour Procedure Code;
- e) Paragraphs 3 and 4 of Article 11 of Decree-Law no. 102/2000 of 2 June.
- f) Article 106-A of Decree-Law no. 15/2001 of 5 June.

Article 12

Application over time

1 - The collective time bank system instituted by referendum and in force on the date of entry into force of this Act shall cease to apply within one year of the entry into force of this Act, unless, in the meantime, an event leading to the extinction of this type of time bank occurs.

2 - The party to the proceedings who, on the date of entry into force of this law, has lodged an appeal with purely devolutive effect, which has been registered at the registry after the entry into force of article 33 of law no. 13/2023 of 3 April, may, within 60 days of the entry into force of this law, request the granting of suspensive effect on payment of a deposit.

3 - Trade union associations wishing to represent workers under article 10-A of the Labour Code must adapt their articles of association in accordance with article

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4 - The provisions of article 208-A apply to time balances existing on the date of entry into force of this diploma, the reference period being considered to be the last 12 months.