



New General Labour Law - Main Changes

On the 27th of December, Law no. 12/23 was published, approving the new General Labour Law (new GLL), which enters into force within 90 days upon its publication.

The new GLL revokes Law no. 7/15, of 15 June and all other legislation that contradicts it.

We highlight the main changes introduced by the new GLL:

1. Reinstatement of the rule that the employment contract must be entered into for an indefinite period;
2. Fixed-term employment contracts must be made in writing, and the situations in which the execution of a fixed-term employment contract is allowed are currently legally foreseen, as well it is reduced the maximum duration of this type of contract (the duration may vary between 6 months and 5 years);

Examples of situations in which the execution of a fixed-term contract is legally admitted:

- Replacement of a temporarily absent employee;
- Temporarily limited activity;
- Temporary or exceptional increase in the employer's normal activity;
- Execution, direction and supervision of civil construction works; and
- Launch of activities of uncertain duration.

Fixed-term contracts entered under Law 7/15 of 15 June remain in force under such law until the date of expiry.

If, on the date of expiry of the employment contract, the parties intend to renew it, it must be renewed under the terms of the new GLL.

3. The introduction of a section on personality rights, relating to freedom of expression and opinion, physical and moral integrity, protection of private life, protection of personal data, medical tests

and examinations, means of remote surveillance, and the confidentiality of messages and access to information;

4. Contracts entered into with minors no longer require the express authorisation of parents or guardians;
5. Introduction of new modalities of special contracts, namely: teleworking contract, service commission contract, sports employment contract and artistic employment contract;
6. Increase in the catalogue of disciplinary measures, with the inclusion of temporary demotion from category and the suspension of the employee with partial loss of remuneration;
7. The summon of the employee within the scope of the disciplinary process may now be made through the employee's corporate e-mail;
8. It is now forbidden to initiate disciplinary proceedings during the employee's vacation period;
9. Introduction of the right of trade unions to issue an opinion in the context of disciplinary proceedings;
10. Extension of the deadline for the entry into force of the internal regulations;
11. Inclusion of the figure of "employees mobility" for employers within the same business group;
12. Introduction of the flexible work schedule modality for employees with family responsibilities;
13. Changes in the rules of extraordinary compensatory rest in case of overtime;
14. Admission of the possibility of accumulation of annual leave period upon agreement between the employee and the employer;
15. Introduction of the right to compensation for material expenses and losses resulting from the postponement or suspension of scheduled holidays of the employee;
16. Introduction of paternity leave of 1 day, on the occasion of the birth of a child, without salary deduction and possibility of an additional paternity leave of 7 unpaid working days;
17. Widening of the range of justified absences;
18. Modification of the period and remuneration due in case of absences due to accident or common illness;
19. Reduction of the period for justified absences for postpartum medical care and provision of the same right of assistance to the spouse;
20. Elimination of the employee's holiday deductions as a result of unjustified absences;
21. Inclusion of a chapter referring to the valorisation of work, performance evaluation, remuneration and other economic and social rights of the employee;
22. New section on social and cultural promotion of employees;

23. Inclusion of sexual harassment as a ground for just cause for disciplinary dismissal and indirect dismissal;
24. Provisioning, in the process of dismissal for objective causes and in collective dismissal, of the legal criteria of preference for the selection of employees to be dismissed (qualification or professional experience / seniority) and change in the number of jobs covered to be considered as a collective dismissal;
25. Elimination of the most favourable regimes depending on the size of the employer (large/medium or small companies), regarding the duration of the fixed-term employment contract, salary supplements, absences regime and compensation for termination of the employment contract, among other matters;
26. Amendment of the deadline for the judicial challenge of the dismissal;
27. Elimination of the mandatory precedence of a conciliation or mediation phase in labour disputes.



Filipa Tavares de Lima
Managing Partner

Tel: +244 921 835 116
Email: filipa.lima@ftl-advogados.com



Érica Palhares
Associate

Tel: +244 928 986 223
E-mail: erica.palhares@ftl-advogados.com

For more information about the content of these legal news, please contact: info@ftl-advogados.com