



### New Labour Procedure Code

The new Labour Procedure Code (LPC) - Law no. 2/24 was published on 19 March and enters into force within 30 days from the publication date.

The LPC revokes all legislation that contravenes its provisions, namely:

- Law no. 23/91, 15 June – Strike Law, when it contravenes LPC;
- Law no. 22-B/92, 9 September – Law that extinguishes the Organisms of Labour Justice;
- Law no. 9/81, 2 November – Labour Justice Law;
- Resolution no. 12/81, 7 November on Social Security and Accidents at Work;
- Joint Executive Decree no. 3/82, 11 January – approving the Regulation of the Labour Justice Law; and
- Decree-Law no. 45 497, 30 December 1963 approving the Labour Procedure Code.

We highlight the following main changes introduced by the LPC and their potential impact:

1. The following main principles shall govern the Labour Procedure:
  - Overvaluation of the conciliatory act;
  - Mandatory legal representation;
  - Substantive justice over formal justice;
  - Simplicity of the procedure;
  - Extra *vel ultra petita* conviction (i.e. the judge can sentence the defendant in a higher amount or on a different purpose from the one requested);
  - Officious initiative of the court in probative matters;
  - Free labour judicial proceedings for employees and their families.
2. The LPC applies to all individual labour disputes resulting from the formation, maintenance, modification, suspension or termination of the labour relationship, as well as to disciplinary appeals, and to issues arising from work accidents and occupational diseases.
3. It also applies to collective labour disputes arising from the right to strike and collective labour agreements, as well as to breaches of labour rules on social security, appeals against General Labour Inspectorate's decisions and enforcement of fines imposed by the later.

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4. Voluntary arbitration, mediation and conciliation are now optional;
5. Labour proceedings can be declaratory actions or enforcement actions, both following a summary procedure;
6. Declaratory labour actions may be common or special. Special declaratory labour actions are related to the following matters:
  - Occupational accidents and professional diseases;
  - Challenges on disciplinary dismissals and other disciplinary measures;
  - Challenges on collective dismissal;
  - Challenges on strike resolutions;
  - Protection of safety, hygiene and health at work
7. Introduction of the suspension of the deadlines for filing the judicial proceeding and the statute of limitation with the request for legal representation or public defence until notification of the decision.
8. Express provision of the following specific interim measures:
  - Suspension of disciplinary dismissal;
  - Suspension of dismissal on objective grounds;
  - Suspension of the resolutions of employees' general meetings or bodies equivalent to trade unions; and
  - Protection of safety, hygiene, and health at work.
9. Introduction of the 45-day time limit for the right to challenge disciplinary measures other than dismissal.
10. Provision for the right to reply to the defence when an objection or counterclaim is raised.
11. Pending cases will be governed by the LPC.



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