

Portugal

Algorithmic management

Phase	Labour Code (Law 7/2009 of 12 February) amended by Law 13/2023 of 3 April
Native name	Código do Trabalho (Lei 7/2009 de 12 de Fevereiro)
Type	Algorithmic management
Added to database	29 October 2023
Access online	Click here to access online

Article

Labour Code - article 3 (3); article 12-A (1c); article 24 (3); article 106; article 424 and article 466

Description

LAST UPDATE 2023 - THIS CONTENT WILL NOT BE UPDATED

In the framework of the Decent Work Agenda (entered into force with Law 13/2023, of 3 April), the Labour Code (Law 7/2009 of 12 February) has changed, including specific information regarding Algorithms and Artificial Intelligence:

- Collective Bargaining Agreements can only regulate the use of algorithms, artificial intelligence, and associated technologies in a way that is more advantageous to employees (article 3 (3)).
- Legal rules on equality and non-discrimination are now applicable to decision-making based on algorithms or other artificial intelligence systems (article 24(3)).
- Employers must inform job applicants about the use of algorithms and artificial intelligence (article 106).

In regards to the platform operators, the Labour Code establishes that an employment agreement presumption can be established between self-employed activity providers and digital platform operators if certain indicators are present, notably if the platform operator

controls the activity provided, particularly through electronic means or algorithmic management (article 12-A 1c))

Workers representatives have the right to be informed regarding the parameters, criteria, rules and instructions on which algorithms or other artificial intelligence systems are based that affect decision-making on access and maintenance of employment, as well as working conditions, including the creation of profiles and control of professional activity (article 424) as well as the trade union, in case or medium or large companies (article 466).

Commentary

No information available

Additional metadata

Cost covered by	None
Involved actors other than national government	Employer organisation Trade union Works council
Involvement (others)	None
Thresholds	Affected employees: No, applicable in all circumstances Company size: No, applicable in all circumstances Additional information: No, applicable in all circumstances

Sources

- [Law 7/2009 of 12 February](#)~~~ [Law 13/2023 of 3 April](#)~~~

Citation

Eurofound (2023), Portugal: Algorithmic management, Restructuring legislation database, Dublin