

Portugal

Selection of employees for (collective) dismissals

Phase	Labour Code (Law 7/2009 of 12 February); Law 27/2014 of 8 May
Native name	Código do Trabalho (Lei 7/2009 de 12 de Fevereiro); Lei 27/2014 de 8 de Maio
Type	Selection of employees for (collective) dismissals
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Article

Labour Code, articles 360 (2c), 368 (2)

Description

The employer intending to proceed with collective redundancies must announce this intention, in writing, informing about the criteria for the selection of workers to be dismissed. Collective dismissal is defined as the dismissal of at least two workers in micro and small companies, and at least five workers in larger companies.

List of criteria used to determine which employees are selected for dismissal:

- lower level of performance, pursuant to criteria pre-disclosed to the employee;
- lower academic and professional qualifications;
- higher cost of keeping the employment relationship in place;
- lower work experience in the job;
- lower seniority.

Commentary

For more information on collective dismissal see '[definition of collective dismissal](#)'.

Additional metadata

Cost covered by	None
Involved actors other than national government	National government Other Trade union Works council Employer organisation
Involvement (others)	Directorate General for Employment and Labour Relations (Direcção-Geral do Emprego e das Relações de Trabalho - DGERT)
Thresholds	Affected employees: 2 Company size: 2 Additional information: No, applicable in all circumstances

Sources

- [Law 27/2014 of 8 May 2014](#) ~~~~ [Labour Code \(Law 7/2009, of 12 February\) - updated version](#) ~~~~ [ILO EPLex - Substantive requirements for dismissals](#) ~~~~

Citation

Eurofound (2015), Portugal: Selection of employees for (collective) dismissals, Restructuring legislation database, Dublin