

# Code of Labour Procedure

**L**aw 2/24 of 19 March has been published to approve the Code of Labour Procedure (*Código de Processo do Trabalho* - "CPT"), which consolidates the rules of procedure for employment and labour matters in a single statute.

The approval of the CPT entails the repeal of Law 23/91 of 15 June (the Strike Law, in so far as it contradicts the new law), Law 22-B/92 of 9 September (the Law Abolishing the Labour Tribunals), Law 9/81 of 2 November (the Labour Justice Law), Resolution 12/81 of 7 November (On Social Security and Occupational Accidents), Joint Executive Decree 3/82 of 11 January (Regulation of the Labour Justice Law) and Decree-Law 45 497 of 30 December 1963 (Code of Labour Procedure).

The CPT applies to all individual employment and labour disputes arising from the establishment, maintenance, modification, suspension or termination of the legal employment relationship. It also applies to disciplinary appeals, issues arising from accidents at work and occupational diseases, collective labour disputes, as well as breaches of social security legislation, appeals against decisions of the Inspectorate General of Labour (Inspecção Geral do Trabalho - "IGT") and the enforcement of fines imposed by the IGT.

The main innovations include:

- Explicit provision of the principle of mandatory legal representation of the parties in all instances of employment proceedings.
- Explicit provision for the regime of specified injunctions in the resolution of employment disputes.
- A one-year limitation period for bringing an action for non-pecuniary rights or de facto benefits that cannot be satisfied after the end of the contract.
- Abolition of the principle of compulsory precedence, making the conciliation, mediation or arbitration phase in the settlement of employment disputes optional.
- Express provision for the right to reply to the defence within eight days in cases where an exception is raised in the defence or a counterclaim is made.

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**THE MAIN INNOVATIONS INCLUDE THE ABOLITION OF THE PRINCIPLE OF COMPULSORY PRECEDENCE, MAKING THE CONCILIATION, MEDIATION OR ARBITRATION PHASE IN THE SETTLEMENT OF EMPLOYMENT DISPUTES OPTIONAL.**

Pending cases will be governed by the Labour Code and it will be up to the judge or rapporteur, as the case may be, to make any procedural adjustments that prove necessary.

The law will enter into force on 20 April 2024. ■

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**DESTAQUE.**



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**PLMJ COLAB** ANGOLA – CHINA/MACAO – GUINEA-BISSAU – MOZAMBIQUE – PORTUGAL – SÃO TOMÉ AND PRÍNCIPE – TIMOR-LESTE

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