

ACT NOTIFICATION REGIME

LABOUR ADMINISTRATIVE OFFENCES SERVICE BY PUBLIC NOTICE

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SUMMARY

The Authority for Working Conditions (*Autoridade para as Condições do Trabalho* – “ACT”) has begun to use service by public notice in administrative offence proceedings whenever direct service by registered mail or electronic means is not possible. This practice allows statutory deadlines to commence without direct communication with the addressee and creates an increased risk for companies and employers, who should now regularly monitor the ACT’s online portal.

1. Background

As of 29 January 2026, the ACT has started to use service by public notice, published on its online portal, whenever service by registered mail with acknowledgement of receipt or by electronic means cannot be carried out. Although this procedural mechanism is expressly provided for in Article 8(3) of the procedural regime applicable to labour and social security administrative offences, approved by Law No. 107/2009 of 14 September, it had not been applied in practice until now. By activating this mechanism on a more regular basis, the ACT seeks to ensure the effective continuation of sanctioning proceedings, even where difficulties arise in locating or contacting the alleged offender.

2. Legal framework of service by public notice

Service by public notice, published on the ACT’s online portal, covers several relevant procedural acts, including offence reports issued in the context of inspection activities, complaints submitted by employees, trade unions or third parties, as well as final administrative decisions imposing fines or ancillary sanctions.

Such service is deemed to have been effected on the date of publication of the notice and produces legal effects after a three-day extension period. From that moment, the addressee has 15 working days to either make voluntary payment of the fine - generally benefiting from a reduced amount - or to submit a written defence, together with any available evidence, thereby exercising the right of defence and the adversarial principle.

In the absence of voluntary payment of the fine or submission of a written defence within the statutory time limit, the ACT continues and decides the proceedings on the basis of the elements contained in the case file, without holding a hearing or allowing for the production of additional evidence.

By resorting more systematically to service by public notice, the ACT overcomes frequent obstacles such as outdated addresses, prolonged absences or refusal to accept service, which previously delayed or prevented the conclusion of many administrative offence proceedings.

For companies and employers, this development - which does not alter the substantive regime of administrative offences or the legally established defence rights - results in a significant increase in the risk associated with the management of administrative offence proceedings. Service by public notice may go unnoticed, leading to missed defence deadlines and payment of the fine in full.

This practice does not stem from a legislative amendment, but it does make the ACT's enforcement activity more effective and expeditious, reducing its dependence on the cooperation of the addressee. For companies, this requires closer attention to the regular consultation of the ACT's online portal, the updating of available contact details and the adoption of internal preventive measures, such as appointing responsible persons for the receipt of notifications and ensuring regular legal monitoring.

In summary, in a context of increasingly active labour enforcement, the regular use of service by public notice reinforces the need for a preventive approach to managing administrative offence risk. Failure to monitor these procedural acts in a timely manner may have significant financial and reputational consequences, making it essential for companies to integrate monitoring of the ACT's online portal into their labour compliance procedures and to secure timely legal support whenever they are involved in administrative offence proceedings.

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