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THE TRANSFER OF PRODUCTIVE UNITS IN BANKRUPTCY: HOW TO PROTECT JOBS WITHOUT COMPROMISING VIABILITY?

BANKRUPTCY LAW

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SUCCESSION OF A COMPANY DOES NOT AUTOMATICALLY TERMINATE EMPLOYMENT CONTRACTS

When a productive unit is transferred within a bankruptcy procedure, the purchaser usually subrogates the existing employment contracts, unless the bankruptcy judge orders otherwise with proper justification. This protects job continuity and prevents mass layoffs.

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THE BANKRUPTCY JUDGE CAN MODULATE LABOR EFFECTS

The legislation allows the judge to limit or exclude labor subrogation if necessary to guarantee the viability of the operation. This power must be exercised with proportionality criteria and respect for the fundamental rights of workers.

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MAINTAINING EMPLOYMENT IS A STRATEGIC VALUE

Preserving jobs not only fulfills a social function but also adds value to the transferred productive unit by retaining the company's knowledge, experience, and operational structure.

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JURISPRUDENCE REQUIRES MOTIVATION AND BALANCE

Courts have established that any decision affecting labor rights in a company succession must be properly justified, seeking a balance between the interest of the bankruptcy, business viability, and protection of workers.

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