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RESTRUCTURING PLANS AND EMPLOYMENT PROTECTION: THE NEW ROLE OF LABOR LAW IN BUSINESS INSOLVENCY

BANKRUPTCY LAW

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EARLY RESTRUCTURING PLANS

The reform introduces restructuring plans as the main tool to avoid insolvency. These plans allow action from a situation of "probable insolvency," facilitating the adoption of preventive labor measures, such as workforce reorganization or contractual modifications, before the company enters bankruptcy.

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ACTIVE PARTICIPATION OF WORKERS

The role of legal representatives of workers in restructuring processes is strengthened. Their participation is key in negotiating measures that affect employment, such as collective dismissals or relocations, and in the judicial approval of the plans.

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EMPLOYMENT PROTECTION AS A JUDICIAL CRITERION

Employment preservation becomes an essential criterion for judges to approve restructuring plans. This requires companies to justify how their measures will help maintain jobs, balancing economic viability with social protection.

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COORDINATION BETWEEN COMMERCIAL AND LABOR JURISDICTIONS

The reform improves coordination between commercial and labor courts, allowing faster processing of labor measures within the bankruptcy process. This includes the possibility for the commercial judge to adopt urgent decisions affecting labor relations, always respecting fundamental rights.

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