

New Labour Law

Law no. 13/2023 of 25 August repealed Law no. 23/2007 and has been in force since 21 February 2024. This issue sets out what changed in contracts, probation, holidays, leave, discipline, termination and severance — with direct comparison to the previous regime.

LEGAL FRAMEWORK AND APPLICATION IN TIME

Published in Boletim da República no. 165, Series I, it entered into force 180 days after publication. It **does not apply to facts constituted or commenced before entry into force**, in particular those relating to probation, holidays, limitation and prescription periods, and the formalities for disciplinary sanctions and termination of employment.

1 Company classification and foreign employee quotas

Classification moved from three to four categories, with direct effect on foreign hiring quotas and on the fixed-term contract regime.

CATEGORY	EMPLOYEES	FOREIGN QUOTA
Micro enterprise	Up to 10	15%
Small enterprise	11 to 30	10%
Medium enterprise	31 to 100	8%
Large enterprise	More than 100	5%

The micro enterprise quota is new. Secondment of foreign employees under the quota regime is permitted, provided the user company has quota available.

It is now permitted to hire foreign nationals who entered the country on a visa other than a work visa, provided this occurs under bilateral agreements between the Mozambican State and another State with which it maintains diplomatic and consular relations. Under the previous regime, entry on a diplomatic, courtesy, official, tourist, visitor, business or student visa barred hiring.

2 Employment contracts

2.1 Fixed-term contracts

Micro, small and medium enterprises may freely enter into fixed-term contracts during their first **eight years** of activity — previously ten, and only for small and medium enterprises — without conversion into open-ended contracts after the second renewal.

Notice of non-renewal was introduced:

CONTRACT DURATION	NOTICE
3 months or more and not exceeding 1 year	15 days
More than 1 year	30 days

2.2 Contracts of indeterminate term

A maximum duration of **six years** was set, continuous or intermittent. Once that period is exceeded, the contract converts into an open-ended contract.

LENGTH OF SERVICE	NOTICE OF EXPIRY
More than 6 months and up to 3 years	15 days
More than 3 years and up to 6 years	30 days

A COSTLY NEW PROVISION

Termination or dismissal without just cause of an employee on a contract of indeterminate term gives rise to severance of **45 days per year of service**, or pro rata where service is under one year. The previous regime made no such provision.

2.3 Probationary period

CONTRACT TYPE / CATEGORY	OLD LAW	NEW LAW
Open-ended — general rule	90 days	60 days
Open-ended — mid-level technical staff	180 days	90 days
Open-ended — senior technical staff, management and directors	180 days	180 days
Fixed-term exceeding 1 year	90 days	90 days
Fixed-term between 6 months and 1 year	30 days	30 days
Fixed-term up to 6 months	15 days	15 days
Indeterminate term with expected duration of 90 days or more	90 days	15 days

Law no. 13/2023 expresses these periods in months (two, three and six months). The figures in days above are the usual conversion at 30 days per month. When computing a specific case, the period runs in calendar months, so the end date may not coincide exactly with the count in days.

Where the probationary period is 15 days, termination during probation requires three days' notice.

2.4 Multiple employment

An employee may undertake to work for several employers through **several contracts** — previously a single contract — provided the employers are in a corporate, control or group relationship, or share a common organisational structure.

3 Leave and protection

MATTER	OLD LAW	NEW LAW
Maternity leave	60 consecutive days	90 consecutive days
Paternity leave	1 day every two years	7 days, within 1 year and 6 months of the previous leave

During maternity and paternity leave, the employment contract is **suspended**. Paternity leave may extend to 60 days in the event of the mother's death or incapacity. Maternity leave may be commuted between spouses working for the same employer.

Protection against dismissal without just cause now extends to one year after the **end of maternity leave**, rather than one year after birth.

3.1 Minimum working age

The minimum age is now **18**, with exceptional admission of minors who have completed 15 years, subject to authorisation by their legal representative, in which case working hours may not exceed **25 hours per week and 5 hours per day**.

4 Holidays and absences

CHANGE WITH DIRECT PAYROLL IMPACT

The holiday regime was simplified: **12 days in the first year** of effective service and **30 days in subsequent years**, counted in calendar days. The previous regime provided 1 day per month in the first year, 2 days per month in the second, and 30 days from the third year.

An employee must notify the employer of illness occurring during holidays within a maximum of **10 calendar days**. Failing that, the days of illness count as holiday.

4.1 Bereavement leave

DAYS	RELATIONSHIP
5	Spouse, de facto partner, father, mother, children, stepchildren, siblings, grandparents, grandchildren, stepfather, stepmother, parents-in-law, sons- and daughters-in-law
2	Uncles and aunts, cousins, nephews and nieces, brothers- and sisters-in-law

Absences to care for a spouse, de facto partner, children, wards and fostered children, father, mother, stepchildren, siblings, grandparents, stepfather, stepmother, parents-in-law and sons- and daughters-in-law, in the event of illness or accident, are now treated as justified.

An employee's unjustified refusal to attend a medical board constitutes a disciplinary offence.

5 New employee entitlements

PER DIEMS — A NEW OBLIGATION

Employees are now entitled to per diems, or to daily meals and accommodation, where travelling outside their usual place of work on business over a distance of **30 kilometres or more** and for a period of **8 hours or more**.

Performing duties on a substitution basis for a period of **30 days or more** — previously 45 — entitles the employee to the remuneration of the corresponding grade for the duration, unless already receiving higher remuneration, in which case an increase is to be agreed between the parties.

Temporary transfer may not exceed six months, or one year where compelling operational requirements justify it. Both temporary and permanent transfers must be set out in a written and reasoned document, with a minimum of 30 days' notice. Movement within the same geographical area not exceeding 30 kilometres, and mere business travel, do not constitute transfers.

6 Disciplinary regime

The employer still has 30 days from becoming aware of the offence to commence disciplinary proceedings, but in cases of maternity leave, paternity leave, holidays and illness, time runs from the end of the leave. Where the employee requests evidence to be taken, this must be done within five consecutive days.

Execution of the disciplinary sanction is now **immediate** upon notification of the decision. Under the previous regime, the employer had 90 days from the decision.

6.1 Incurable nullities

In addition to the employee's inability to defend himself where he was not given notice of the charge, the following now constitute incurable nullities: prescription of the offence; lapse of time; and breach of the deadline for notifying the decision.

6.2 Abuse of disciplinary power

This covers situations exceeding the limits imposed by law, good faith, good practice, or social or economic purpose. A sanction applied with abuse of power is unlawful and the employer is penalised:

SANCTION APPLIED ABUSIVELY	CONSEQUENCE FOR THE EMPLOYER
Verbal warning or recorded reprimand	Compensation of one month's salary of the employee
Fine or demotion	Compensation of five times the salary the employee lost

SANCTION APPLIED ABUSIVELY	CONSEQUENCE FOR THE EMPLOYER
Dismissal	Reinstatement of the employee or payment of compensation

6.3 Harassment

A definition of harassment was introduced: unacceptable conduct and practices, or threats of such conduct, whether isolated or repeated, which are intended to cause, cause or are capable of causing physical, psychological, sexual or economic harm, including gender-based violence and harassment. Harassment and any discriminatory act harmful to an employee, job applicant or intern gives rise to a right to compensation for pecuniary and non-pecuniary damage.

Evidence obtained in breach of the duty to inform the employee of the existence of surveillance devices is null.

7 Termination and severance

7.1 Unlawful dismissal

Dismissal is unlawful whenever it is motivated by political reasons, trade union membership, ideology or religion, even if a different reason is invoked; where legal formalities are not observed; or where it follows refusal of a favour or advantage, pressure, harassment or gender-based violence.

7.2 Employee unsuitability

Manifest unsuitability must be evidenced by a sustained reduction in productivity and quality, and is only admissible where the employee has been given an adaptation period of **not less than 60 days** in the post, following induction provided by the employer.

7.3 Severance table for termination with notice

BASE SALARY, INCLUDING SENIORITY BONUS	SEVERANCE PER YEAR OF SERVICE
Between 1 and 7 national minimum wages	30 days' salary
Between 7 and 18 sector minimum wages	15 days' salary
More than 18 sector minimum wages	5 days' salary

COMPARISON WITH THE PREVIOUS REGIME

The old law had four bands: 30 days between 1 and 7 national minimum wages; 15 days between 8 and 10 sector minimum wages; 10 days between 11 and 16; and 3 days above 16. The new law reduces this to three bands and removes the 10-day band, but sets the lowest band at 5 days rather than 3.

Calculation: severance corresponds to the stated number of days' salary *per year of service*, not to total salary multiplied by years.

7.4 Termination by the employee

An employee who fails to give at least seven days' notice must pay the employer a penalty of **seven days' salary** — previously twenty — deducted from any severance due.

7.5 Collective dismissal

A collective dismissal arises whenever the employer, simultaneously or successively over a three-month period, invoking structural, economic, technological or market reasons, terminates more than **eight contracts** in micro and small enterprises, and more than **ten contracts** in medium and large enterprises. The previous regime set the threshold at more than ten employees at once, without distinction by size.

8 Other provisions

- **Suspension for force majeure:** suspension of the contract is permitted in cases of force majeure, unforeseeable events, imminent or actual aggression by foreign forces, war, and other events capable of affecting the company's normal activity. During suspension, the employer may not hire new employees to replace those under suspension.
- **Hiring retirees:** permitted for a maximum of five years, renewable once, except where the employee is also a shareholder or partner in the company.
- **Strikes:** the employer has 48 hours — previously 40 — to notify the ministry responsible for labour of the suspension of activity for the duration of the strike.
- **Workplace accidents:** the right to claim compensation for a workplace accident or occupational disease lapses one year from the date of medical discharge formally notified to the injured party, or from the date of the accident where it causes death or permanent incapacity, whether total or partial. Time is interrupted if the injured party accepts any payment in cash or in kind from the responsible party.

RECOMMENDED EMPLOYMENT REVIEW

1. Confirm the company's classification under the four new categories and the applicable foreign quota.
2. Review contract templates on probationary periods, which changed substantially.
3. Check contracts of indeterminate term exceeding six years — these converted into open-ended contracts.
4. Update the holiday schedule to 12 days in the first year and 30 thereafter, in calendar days.
5. Put in place a per diem procedure for travel beyond 30 km and 8 hours.
6. Review internal rules on harassment, surveillance devices and disciplinary proceedings.
7. Recalculate severance provisions using the new three-band table.

Employment support

RT Serviços supports contract drafting, severance calculation, payroll processing and compliance with the New Labour Law.

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Sources: Law no. 13/2023 of 25 August — New Labour Law, Boletim da República no. 165, Series I · Law no. 23/2007 of 1 August (repealed) · ABCC, *Flash News* — *New Labour Law*, February 2024.

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