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Hiring Retirees – Legislative Perspective and Challenges

Contractual employment relationships, like other legal transactions, are based on the premise that... Principles of private autonomy and freedom of contract. The parties can negotiate and enter into agreements. labor-related issues, whether in conventional hiring processes or in subsequent periods. to those (post-reform).

This is, in fact, an exceptional permission arising from the current Labor Law, approved. by Law No. 13/2023, of August 25 (LT), which establishes that companies may hire experienced retirees **based on the need to transmit experience.**

professional training for young workers provided that the contract is for a maximum period of 5 years, with a single renewal – this limitation does not apply to workers who are also shareholders or partners of the company, as established by paragraphs 2 and 3 of article 256.

The aforementioned exception relates to the rule according to which, whenever a worker registered in the Social Security System and fulfilling the requirements to receive the respective pension, The termination of your employment contract due to retirement is mandatory (number 2 of article 136 of the Labor Code). for the release of vacancies for young candidates (article 243 of the LT).

In this sense, mindful of the principle of specificity regarding the object and duration of contracts of Regarding fixed-term work, our understanding is that the new contractual relationship should comply with the... regime for the provision of services or consultancy, due to the objective impossibility of a contractual employment relationship *strictus* sense.

Finally, we emphasize that putting the contract with retirees in writing is paramount. for the legal security of the employment relationship between the parties and to demonstrate its regularity. together with any competent authorities.