

Academic experience

Since 1.10.2011

Guest lecturer at University of Lisbon – Faculty of Law

Academic subjects: Contract law, Rights in Rem, Civil Procedural Law, Labour Law, Commercial Law, Law of Succession, General Theory of Civil Law and Introduction to the Study of Law.

Acting as mentor in the second edition of *Hugo Sinzheimer Moot Court* (Aarhus, Denmark, 15-17 of June of 2017). The Portuguese team was awarded as “Excellent Written Statement”.

2014-2017

Guest lecturer at New University of Lisbon – Faculty of Law

Academic subjects: Labour Law Topics and Interdisciplinary Legal Practice

2014

Guest lecturer at *Universidade Europeia / Laureate International*

Academic subject: Private international law

2014

Member of the Faculty Council and representative of non-PhD lecturers at the Scientific Council of the University of Lisbon – Faculty of Law

From 1.10.2008 to 30.9.2009

Guest lecturer at University of Lisbon – Faculty of Law

Academic subjects: Private international law, Law of succession and Economy law

From 10.3.2008 to 30.9.2008

Junior guest lecturer at University of Lisbon – Faculty of Law

Academic subject: European Union Law.

Academic qualifications

Since 2011

PhD candidate at University of Lisbon – Faculty of Law.

2010

Master in Law from the University of Lisbon – Faculty of Law (18/20). Master's thesis under the title of *the Transmissão da Unidade Económica no Direito Individual do Trabalho* (published by Almedina, 2013).

2005

Law degree from the University of Lisbon – Faculty of Law (16/20).

Professional experience

Since November 2017

Independent lawyer with offices in Lisbon and Algarve.

Since May 2013

Head of employment area in Portugal at Gómez-Acebo & Pombo.

From June 2013 to July 2017

Acted as Gómez-Acebo & Pombo representative to the New University of Lisbon – Faculty of Law, within the scope of a Cooperation Agreement for Labour Law and Social Security Law. Scientific coordinator of Postgraduate Studies on Labour Law and Social Security Law and of the Portuguese and Spain Conference on Labour Law (2013-2014, 2014-2015 and 2015-2016).

From 15.08.2011 to 31.10.2012

Assistant deputy State Secretary for Employment. He was involved in the implementation of *Memorandum of Understanding on Economic Policy Conditionality* (employment, professional qualifications and regulated professions). Besides, he participated in the working groups for the amendment of the Labour Code, the revision of the Wage Guarantee Fund Regulation and for creation of the Labour Compensation Fund, the Labour Compensation Guarantee Fund and the Equivalent Mechanism. Finally, he coordinated the inter-ministerial working group to draft the framework law for public professional associations.

From 5.5.2008 to 12.8.2011

Lawyer at Nobre Guedes, Mota Soares & Associados, Law Firm (Lisbon, Portugal).

Fields of law: Labour law, Social Security Law, Litigation, Civil Law.

From 5.9.2005 to 4.5. 2008

Trainee lawyer at Nobre Guedes, Mota Soares & Associados, Law Firm (Lisbon, Portugal).

Fields of law: Labour law, Social Security Law, Litigation, Civil Law.

Associative activities

2017-2020

Co-coordinator of the European Young Scholars Section of the ISLSSL – International Society for Labour and Social Security Law

Since 2013

A founding member and vice-president of *AJJ – Associação de Jovens Juslaboralistas* (Young Labour Lawyers Association).

Since 2016

Member of the *AEDTSS - Asociación Española de Derecho del Trabajo y de la Seguridad Social* (Labour and Social Security Law Spanish Association)

Coordinator of the Labour Procedure Law group of its Young Scholars Section

Since 2016

Member of *Cielo Laboral* network

Member of the ILERA – International Labour and Employment Relations Association

Since 2014

Member of the *APODIT – Associação Portuguesa de Direito do Trabalho* (Labour Law Portuguese Association).

Member of the *IPPC – Instituto Português de Processo Civil* (Civil Procedure Law Portuguese Associação)

Since 2011

Member of the *APDI – Associação Portuguesa de Direito Intelectual* (Intellectual Law Portuguese Association)

Postgraduate studies, conferences and seminars

29 of January and 5 of February of 2018

Postgraduate Studies on *Talent Management*

Organizer: NovaSBE

Topic: *Labour Law*

February 8, 2018

XIX Postgraduate Studies on Labour Law

Organizer: Labour Law Institute of the University of Lisbon – Faculty of Law

Topic: *Health and safety at work*

July 14, 2017

I International Labour 2030 Congress (*Rethinking the future of work*), Oporto, Portugal

Organizers: Law Academy, CIELO Laboral and AJJ

Topic: "Intellectual law and employment contract: jurisprudential notes" .

June 26, 2017

Labour Law Research Network (LLRN) Conference, University of Toronto, Canada

Topics: *The “wireless worker” and the uberization trend under a Portuguese perspective | Collective labour law in the EU, Europe and beyond*

Co-Authorship: Teresa Coelho Moreira, PhD

May 26, 2017

International Conference on *Migrant Workers*

Organizer: Minho University – School of Law

Topic: *Migration and employment contract: applicable law and jurisdiction*

May 24, 2017

III International Meeting on Transformations of Iberian Labour Law, Madrid, Spain
(*Fundamental Rights and Innovative Technologies*)

Organizer: Rey Juan Carlos University and CIJE – Centre for Legal and Economic Research of the University of Oporto

Topic: *Portuguese Jurisprudence*

April 21, 2017

II Iberian Labour Law Meeting (*Reception of European Union law in the labour laws of Spain and Portugal*)

Organizers: AEDTSS, APODIT and the University of Santiago de Compostela

Topic: *Posting of workers in the EU*

April 6, 2017

Postgraduate Studies on Labour Law

Organizer: Portuguese Catholic University – Oporto School

Topic: *Work Compensation Fund, Work Compensation Guarantee Fund and Equivalent Mechanism*

March 4, 2017

Postgraduate Studies on Human Rights

Organizer: *Ius Gentium Conimbrigae* (IGC) / Human Rights Centre University of Coimbra – Faculty of Law

Topic: *Human Rights and Business in Practice*

February 17, 2017

International Conference on *The Right to Social Security in Times of Crisis*

Organizer: Portuguese Catholic University – Oporto School

Topic: *The right to social security in the context of the Charter European Social Review*

February 15, 2017:

XVIII Postgraduate Studies on Labour Law

Organizer: Labour Law Institute of the University of Lisbon – Faculty of Law

Topic: *Health and safety at work*

6-11 of February of 2017

Master in Social Rights

Organizer: Eduardo Mondlane University – Faculty of Law (Maputo, Mozambique) | Gent University (Belgium)

Topic: *Social rights*

December 2, 2016

II European Congress of Labour Law

Organizer: New University of Lisbon – Faculty of Law

Topic: *Conflict and harassment: quicksand*

17-21 October of 2016

Master in Social Rights

Organizer: Eduardo Mondlane University – Faculty of Law (Maputo, Mozambique) | Gent University (Belgium)

Topic: *Labour law*

October 1, 2016

Inaugural Congress CIELO 2016 (*The current social and labour changes: new challenges for the world of work*)

Organizers: Cielo Laboral Network | Portuguese Catholic University – Oporto School

Topic: *The protection of personality rights in the labour procedure*

June 27, 2016

III Postgraduate Studies on Labour and Social Security Law

Organizer: New University of Lisbon – Faculty of Law

Topic: *The litigation reversal in the labour procedure*

June 20, 2016

III Postgraduate Studies on Labour and Social Security Law

Organizer: New University of Lisbon – Faculty of Law

Topic: *The international jurisdiction of labour courts*

June 6, 2016

Conference on *Civil liability in the multilateral labour relationship*

Organizer: New University of Lisbon – Faculty of Law

Topic: *Civil liability of the worker*

June 3, 2016

XXVI Labour and Social Security Law National Congress (*The boundaries of Labour Law in the European Framework: service providers and interns*), Córdoba, Spain

Organizer: AEDTSS

Topic: *The Portuguese presumption of labour contract: trends and prospects*

May 27, 2016

Conference on *Work-related accidents and occupational diseases regime within the Public Administration*

Organizer: CEJ – Centre for Judicial Studies

Topic: *The protection of the rights of workers from Public Administration in the administrative and labour courts*

May 11, 2016

III Postgraduate Studies on Labour and Social Security Law

Organizer: New University of Lisbon – Faculty of Law

Topic: *General Principles of Social Security*

April 11, 2016

III Postgraduate Studies on Labour and Social Security Law

Organizer: New University of Lisbon – Faculty of Law

Topic: *Work Compensation Fund, Work Compensation Guarantee Fund and Equivalent Mechanism*

March 15, 2016

XVII Postgraduate Studies on Labour Law

Organizer: Labour Law Institute of the University of Lisbon – Faculty of Law

Topic: *Health and safety at work*

March 12, 2016

Postgraduate Studies on Labour Law

Organizer: Portuguese Catholic University – Oporto School

Topic: *Work Compensation Fund, Work Compensation Guarantee Fund and Equivalent Mechanism*

March 4, 2016

Training Course for Judges

Organizer: CEJ – Centre for Judicial Studies

Topic: *Preliminary rulings in the labour courts*

February 23, 2016

XVIII Postgraduate Studies on Labour Law

Organizer: Labour Law Institute of the University of Lisbon – Faculty of Law

Topic: *Domestic service contract*

22-23 January 2016

National Congress on *Labour Law and Social Security at the Crossroads: challenges for labour discipline*

Organizer: Cadiz University, Spain

Topic: *The Portuguese system of guarantee of compensations in case of termination of the employment contract*

3-4 December 2015

International Seminar on *Current question about social security benefits*
Organizer: Murcia University, Spain
Topic: *Retirement and work: in particular, early retirement*

October 27, 2015

Seminar on *Work-related accidents in Spain and Portugal*
Organizer: Miguel Hernández University, Elche, Spain
Topic: *Work-related accidents in Portugal*

October 8, 2015

III Portuguese and Spain Conference on *Labour Law*
Organizer: New University of Lisbon – Faculty of Law
Topic: *The collective bargaining: between young and not-so-young people*

October 2, 2015

Conference on *The Civil Procedure Code and Labour Procedure*
Organizers: APODIT | CEJ | Oporto District Council of the Portuguese Bar Association | Minho University – School of Law
Topic: *Lawsuits to challenge the confidentiality of information or its refusal or consultation, to protect the personality of the worker and of equality and non-discrimination based on sex: spheres of application*

15-18 September 2015

XXI World Congress of ISLSSL, Cape Town, South Africa
Organizer: ISLSSL
Topic: *Transfer of an undertaking and collective bargaining agreements*

6-8 July 2015

International Seminar on *Labour and Pensions of Europeans: an open debate*
Organizer: Murcia University, Spain
Topic: *Portuguese pensions after the Troika*

May 26, 2015

II Postgraduate Studies on Labour and Social Security Law
Organizer: New University of Lisbon – Faculty of Law
Topic: *International jurisdiction of Labour courts*

March 10, 2015

II Postgraduate Studies on Labour and Social Security Law
Organizer: New University of Lisbon – Faculty of Law
Topic: *Work Compensation Fund, Work Compensation Guarantee Fund and Equivalent Mechanism*

February 24, 2015

XVI Postgraduate Studies on Labour Law
Organizer: Labour Law Institute of the University of Lisbon – Faculty of Law

Topic: *Domestic service contract*

26-31 January of 2015

Master in Social Rights

Organizer: Eduardo Mondlane University – Faculty of Law (Maputo, Mozambique) | Gent University (Belgium)

Topic: *International Labour and Social Security Law*

January 16, 2015

Conference on *The Civil Procedure Code and Labour Procedure*

Organizers: APODIT | CEJ | Lisbon District Council of the Portuguese Bar Association | New University of Lisbon – Faculty of Law

Topic: *Lawsuits to challenge the confidentiality of information or its refusal or consultation, to protect the personality of the worker and of equality and non-discrimination based on sex: spheres of application*

January 15, 2015

II Postgraduate Studies on Labour and Social Security Law

Organizer: New University of Lisbon – Faculty of Law

Topic: *Transfer of an undertaking*

17-18 November of 2014

I Portugal-Cape Verde Congress, Praia, Cape Verde

Organizers: CEDIS – Centre for Research and Development on Law and Society | New University of Lisbon – Faculty of Law | Law and Social Sciences Institute (Cape Verde) | IDILP – Portuguese Language Law Institute

Topic: *The impact of the crisis on Labour Law*

November 4, 2014

II Postgraduate Studies on Labour and Social Security Law

Organizer: New University of Lisbon – Faculty of Law

Topic: *Trial period*

October 28, 2014

II Portuguese and Spain Conference on *Labour Law*

Organizer: New University of Lisbon – Faculty of Law

Topic: *The atypical collective bargaining*

2-3 October of 2014

EJTN Seminar on *European Labour Law – Foundations and Current Developments*

Organizers: CEJ – Centre for Judicial Studies | European Judicial Training Network (EJTN)

Topic: *Transfer of an undertaking* (workshop)

17-19 September 2014

XI European Regional Congress of ISLSSL, Dublin, Republic of Ireland

Young Scholars Meeting

Organizer: ISLSSL

Topic: *Labour Law in Portugal between 2011 and 2014*

May 15, 2014

I Postgraduate Studies on Labour and Social Security Law

Organizer: New University of Lisbon – Faculty of Law

Topic: *Appeals*

April 24, 2014

I Postgraduate Studies on Labour and Social Security Law

Organizer: New University of Lisbon – Faculty of Law

Topic: *The international jurisdiction of Labour courts*

4 and 5 April 2014

Advanced Training Course on *New Problems of the Labour Process, Extinction of the contract, collective bargaining and constitutional jurisprudence*)

Organizers: Trade Union of Portuguese Judges | Permanent Observatory of Portuguese Justice | Centre for Social Studies of the Coimbra University | Trade Union of Magistrates of the Public Prosecution

Topic: *Dismissal due to the extinction of the job position*

February 13, 2014

XV Postgraduate Studies on Labour Law

Organizer: Labour Law Institute of the University of Lisbon – Faculty of Law

Topic: *Domestic service contract*

January 28, 2014

I Postgraduate Studies on Labour and Social Security Law

Organizer: New University of Lisbon – Faculty of Law

Topic: *The transfer of an undertaking*

October 1, 2013

I Portuguese and Spain Conference on *Labour Law*

Organizer: New University of Lisbon – Faculty of Law

Topic: *The cut of compensations, the Labour Compensation Fund and the Labour Compensation Guarantee Fund*

12-13 May of 2011

Conference on *Labour Procedure*

Organizer: Labour Law Institute of the University of Lisbon – Faculty of Law

Topic: *Challenging disciplinary sanctions*

Publications

“Transfer of an economic unit: requirements, effects and recent CJEU ruling”, *European Labour Law Journal*, 2018 (to be published)

“Assédio moral e conflito laboral: areias movediças”, *II Congresso Europeu de Direito do Trabalho*, Almedina, 2018 (to be published), pp. 157-204

“Labour effects of corporate groups in Portugal”, *IusLabor*, 3/2017, pp. 58-64 (<https://www.upf.edu/documents/3885005/140470042/2.+CLLD.pdf/8c82bb42-39d8-444a-7b1c-09186a359a7f>)

“Derechos fundamentales y tecnologías innovadoras: sentencias portuguesas”, *III Encuentro Internacional sobre Transformaciones del Derecho del Trabajo Ibérico – Derechos Fundamentales y Tecnologías Innovadoras*, Universidad Rey Juan Carlos, 2017, pp. 68-79 (<https://eciencia.urjc.es/handle/10115/14967>)

“O direito à reintegração do trabalhador e do poder de oposição do empregador: em busca de equilíbrios”, *PdT*, I, 2017, pp. 269-293, em coautoria com Duarte Abrunhosa e Sousa (no prelo).

“A tutela dos direitos dos trabalhadores na Administração Pública nos tribunais administrativos e nos tribunais do trabalho em sede de acidentes de trabalho e doenças profissionais”, *Direito do Trabalho na Administração Pública*, I, E-book, CEJ, 2017, pp. 221-250 (em coautoria com Susana Santos Coelho) (http://www.cej.mj.pt/cej/recursos/ebooks/Administrativo_fiscal/eb_Direito_do_Trabalho_na_Administracao_Publica_I.pdf)

“O reenvio prejudicial no Direito do Trabalho: o órgão jurisdicional e a dúvida metódica”, *Estudos em Homenagem ao Professor António Monteiro Fernandes*, Nova Causa, 2017, pp. 312-345

“Sobrevigância e ultra-atividade: a convenção coletiva de trabalho entre a paragem cardíaca e a (quase) morte”, *Contratação coletiva: velhos e novos desafios em Portugal e Espanha: I Encontro Ibérico da Secção Europeia de Jovens da Sociedade Internacional de Direito do Trabalho e da Segurança Social*, AAFDL, 2017, pp. 263-291

“La protección constitucional del salario en Portugal: una perspectiva”, *Documentación Laboral*, 108, 2016, pp. 109-121 (em coautoria com Joana Neto Mestre)

“As ações para impugnação da confidencialidade, tutela da personalidade do trabalhador e da igualdade e não discriminação em função do sexo”, *O Novo Código de Processo Civil e o Processo do Trabalho*, Estudos APODIT 2, AAFDL, 2016, pp. 115-172

“A redução das compensações, os fundos de compensação do trabalho e de garantia de compensação do trabalho e o mecanismo equivalente”, *I Conferência Luso-Espanhola de Direito do trabalho: a reforma laboral em Portugal e Espanha*, Almedina, 2016, pp. 173-255

"Os critérios de seleção no despedimento por extinção de posto de trabalho", "Transformações Recentes do Direito do Trabalho Ibérico", Biblioteca RED, 2016, pp. 141-163 (em coautoria com Duarte Abrunhosa e Sousa) disponível em (<http://www.cije.up.pt/publications/transformações-recentes-do-direito-do-trabalho-ibérico—livro-razão>)

“Enseñanzas de la experiencia portuguesa”, *Compatibilidad de prestaciones de Seguridad Social con trabajo* (org. Carmen Sánchez Trigueros), Aranzadi, 2016, pp. 61-111

“La presunción de laboralidad en Portugal: tendencias y perspectivas”, *Revista Española de Derecho del Trabajo*, n.º 190, 2016, pp. 225-246

“El sistema portugués de garantía de las compensaciones en caso de extinción del contrato de trabajo”, *El Derecho del Trabajo y la Seguridad Social en la encrucijada: retos para la disciplina laboral*, Laborum, 2015, pp. 365-379

“Transfer of an economic unit and collective bargaining agreements”, *working paper* apresentado no XXI Congresso Mundial da Sociedade Internacional de Direito do Trabalho e da Segurança Social, Cidade do Cabo, África do Sul, 15-18 de setembro de 2015, disponível em <http://islssl.org/wp-content/uploads/2015/10/Portugal-DavidMartins.pdf>

“O Direito do trabalho em Portugal nos anos da crise (2011-2014)”, Estudos dedicados ao Professor Doutor Bernardo da Gama Lobo Xavier”, Universidade Católica Editora, 2015

"Despedimento por Extinção de Posto de Trabalho - a Revisão de 2012 e o Acórdão do Tribunal Constitucional de 2013", *Para Jorge Leite, Escritos Jurídico-Laborais*, Vol. I, Coimbra Editora, 2015 (em coautoria com Rita Canas da Silva), pp. 509-548

“Labour Law in Portugal between 2011 and 2014”, (<http://islssl.org/wp-content/uploads/2014/08/Portuguese-National-Report.pdf>)

Código do Registo Predial e Legislação Complementar, AAFDL, 2014

Da Transmissão da Unidade Económica no Direito Individual do Trabalho, Lisboa, Almedina, 2013

Direitos Reais, Elementos de Trabalho para as Aulas Práticas (em coautoria), Lisboa, AAFDL, 2012

Direito da Economia, Casos Práticos (em coautoria), Lisboa, AAFDL, 2008

Blog

www.direitocriativo.com

Lisbon, 20 of February of 2018

David Carvalho Martins