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We have acquired a company (call center) in the DR, and we wish to transfer the personnel to another company, and we have been presented with two options: terminate the employment contracts and wait 30 or 60 days and then insert them as personnel of the other company, and the other, transfer them immediately, without leaving any days in between. Which one is the less risky or better option?

Both options are feasible. However, the best option is the first one.

With the first option, it would never be possible to claim that there is continuity between the employment contracts with the acquired company and the employment contracts with the acquiring company, since there is a clear interruption and separation between one and the other employment contracts.

And to put this option into effect, you must proceed as follows: liquidate the personnel of the acquired company, let's say in the middle or end of the month; discharge them from the Social Security Treasury, and then (in the first 5 days of the following month) report their departure in the SIRLA of the Ministry of Labor, with the DGT-4 form. Then, wait the 30 or 60 days that had already been foreseen, and upon expiration, the acquiring company must register the

employee in the Social Security Treasury and report his or her entry in the SIRLA. All this, assuming that both companies had, from the beginning, their personnel in the DGT-3 form before the Ministry of Labor, and in the Social Security Treasury.

The second option is possible, and should not pose any risk, since it is presumed that it is a genuine acquisition of a company, and not a simulation or fraud to avoid labor liability. Furthermore, upon termination of the employment contracts, it is assumed that the acquired company paid the liquidation of the personnel. All this guarantees, in principle, that the acquiring company will not face any claims.