

**FOURTH STUDY COMMISSION
2006**

QUESTIONNAIRE

Do we need special Labour Court procedures and alternative disputes methods

This Questionnaire does not deal with settlement of collective interests i.e. between trade union and employers association to change tariffs or between works council and employer regarding new plant agreements. In most countries there exist specific procedures and institutions to handle this kind of collective disputes. The main objective of this questionnaire is the settlement of a specific points of law regarding claims of employees. This also involves the question how trade unions and statutory representative bodies may be involved in supporting this by supporting the individual employee or representing employees interest in specific procedures.

I - Are there new initiatives to make Labour Court hearings more efficient?

1. Are there any pre-trial procedures ?
 - a. Are they mandatory ?
 - b. In which way is the court involved ?
 - c. How long may they go on ?
 - d. Who has to bear legal cost ?
 - e. Which effect do they have on the time of prescription ?
2. Are there specific ideas to give assistance to the plaintiff to raise his claim more effectively?
3. What interest has to be paid for remunerations, which are not paid at the date of maturity ?
4. Are there procedural regulations for mediation
 - a. Is mediation compulsory ?
 - b. How are the mediators selected ? In which way is the court involved ? Are judges different from trial judges ?
 - c. Is it confidential ?
 - d. How long may mediation go on? How is it finished ?
 - e. Who has to bear the legal cost ?
 - f. Which effect does mediation has on the time of prescription ?
 - f. What training in law and procedure is given to mediators ?

II - Collective (class) action.

1. What kind of collective actions have You got ?
2. Who are the Parties of these procedures ?
3. Which courts are competent ?

4. Which effects has their decision ?

5. To whom is this decision binding ?

6. Is it possible for a works council or trade union to sue or request for ascertainment of rights or legal relations, if some employees are involved? Do they have to specify these employees?

7. Who has to bear the cost ?