I – There are no alternative means to labour courts for solving labour arguments in Portugal, with only one exception: the «Centro de Arbitragem» in Azores, which realizes facultative conciliation and mediation in labour matters.

1. No, except in Azores. There is always the possibility, all over the country, for the public prosecutor to essay the conciliation before demanding court.

   a) No.

   b) The mediation existing in Azores does not involve the court.

   c) According to the terms of the protocol established, the mediation goes on for three months, with possibility of prorogation (see answer to question I-4)

   d) The conciliation efforts made by the public prosecutor before the court intervention have no costs. The future mediation will demand the payment of a tax by the parties.

   e) While they have facultative and/or officious nature, these proceedings have no effects on the time of prescription

2. No.

3. In case of agreement, the determination of eventual penalties depends on the clauses of the agreement. The interest’ rate is fixed by law.

4. With exception for the specific situation in Azores (see procedure answers), there are no such regulations. In meanwhile a protocol concerning labour mediation has been established between the justice ministry, several employers’ confederations and a trade union.

   a) No.
b) In the experimental project the mediators are independent, impartial and specialized in labour matters.

c) Confidentiality is not foreseen.

d) It may finish by agreement. It may take three months, eventually with prorogations.

e) Each party pays a fee of 50,00 €, but they can ask for exemption

f) It has no effects on the time of prescription

g) The protocol establishes independent mediators specialized on labour affairs.

II –

1. The trade unions can represent collective rights of employees such as the employers’ associations regarding their associates

2. It depends on the case. Both worker and the union have legitimacy.

3. The labour courts are competent in all these proceedings.

4. The effects of a judicial decision.

5. Court decisions bind all the parties (principal and accessories) who have participated in the proceedings.

6. Yes, it is possible.

7. The parties bear the costs. Unions are not exception. But there is always the possibility for demanding exemption.