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LERA Session Title: Dispute Resolution in Multiple Contexts

Paper Title: **Alternative Dispute Resolution in Brazil**

Paper Abstract:

Although the adoption of Alternative Dispute Resolution (ADR) for workplace conflicts is not an exclusively American phenomenon, there is limited research on ADR in international settings. Brazil represents such a neglected case. While the legality of employment arbitration dominates the discussion of existing Brazilian literature, overloaded labor courts create a need to look for alternatives to employment litigation. Brazil is an interesting case to study, given its institutional differences and similarities to the American case. More than 2 million lawsuits are filed yearly in Brazilian labor courts suggesting that litigation avoidance might play a significant role as an ADR driver. Moreover, adoption of US-inspired HR practices might be followed by adoption of ADR practices. However, different legal environments and industrial relations systems may require adaptation of U.S.-inspired ADR methods. In this exploratory research I conduct five case studies with Brazilian companies in different industrial sectors in order to answer the following questions: (1) how are Brazilian companies responding to workplace conflict?; (2) how does the Brazilian industrial relations environment affect the functioning and adoption of ADR methods in the workplace? My preliminary results suggest that, in contrast to the American experience, companies in Brazil are opting for less legalistic forms of ADR such as ombudsman offices, usually seeking union partnerships in order to reach success in those initiatives. Moreover, ombudsman offices focus mainly on workplace bullying and moral harassment cases, whereas wage and hour disputes are still channeled to labor courts.