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GLOSSÁRIO JURÍDICO- TRABALHISTA

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A

ABC Paulista – the ABC Region is an industrial region in Greater São Paulo, Brazil. The name refers to three smaller cities south of São Paulo, capital of the Brazilian state of the same name. Originally, these three cities were Santo André, São Bernardo do Campo, and São Caetano do Sul. Later, the region became known as the ABCD, with the addition of the city of Diadema. The region is famous because of the great number of international companies, particularly car manufacturers, in its area, which became an industrial pole and birthplace of the labor union movement. In this region was formed the Unified Workers' Central (*CUT*), fruit of the “new unionism” of the late 1970s that militantly advocated for workers' rights and challenged the military dictatorship (1964–1985). This movement also spawned the Workers' Party (*PT*) whose activities and popularity launched Luiz Inácio Lula da Silva (“Lula”) as a political leader and eventual President of the Republic (2003–2011 and 2023–present).

ABMT – see *Associação Brasileira dos Magistrados do Trabalho (ABMT)*.

Abono – bonus; benefit; premium; allowance.

Abono de férias – vacation cash bonus. Employees are entitled to cash in 1/3 (one third) of their annual vacation period, thereby converting a portion into a monetary bonus.

Abranger – to cover; to reach; to include.

Absenteísmo (ausências ou atrasos ao trabalho) – absenteeism; absences or tardiness.

Absentismo – same as *Absenteísmo*.

Ação – claim (*reclamação de um direito em juízo*); action (*direito subjetivo de invocar a prestação jurisdicional*); share of stock (*cota-parte indivisível do capital social de uma sociedade por ações*).

Ação afirmativa – affirmative action.

Ação anulatória – action of annulment.

Ação cautelar – provisional remedy.

Ação civil pública – civil action in the public interest.

Ação coletiva – class action.

Ação Declaratória de Constitucionalidade (ADC) – action for declaration of constitutionality; declaratory action of constitutionality. It is a legal mechanism that allows some individuals or entities, including Brazilian government authorities, to request the Brazilian Supreme Federal Court (*Supremo Tribunal Federal* – *STF*) to issue a declaration affirming the constitutionality of a law or normative act. The purpose of this legal procedure is to establish legal certainty and resolve doubts about the constitutionality of a legal provision.

Ação de consignação em pagamento – payment into court (proceeding).

Ação Direta de Inconstitucionalidade (ADI or ADIN) – direct action for declaration of unconstitutionality. It is a legal mechanism that allows some individuals or entities, including Brazilian government authorities, to challenge the constitutionality of laws, normative acts, or regulations. This legal procedure is typically filed before the Brazilian Supreme Federal Court (*Supremo Tribunal Federal* – *STF*).

Ação Direta de Inconstitucionalidade por Omissão (ADO, ADI por Omissão or ADIN por Omissão) – direct action of unconstitutionality by omission. It is a legal mechanism used to address situations where there is an omission or lack of regulation by the legislative branch in a matter related to some constitutional principles. As the 1988 Constitution covers a wide range of topics, some constitutional norms require additional laws to regulate them. For example, Article 10, §2, of the *ADCT* (Act of Transitional Constitutional Provisions) establishes a five-day paternity leave until a statute is enacted to regulate Article 7, XIX of the Constitution. In ruling on the Direct Action of Unconstitutionality by Omission No. 20 (*ADO 20*) in 2023, the Supreme Federal Court (*STF*) recognized the existence of an unconstitutional omission by the National Congress in regulating paternity leave as provided in Article 7, XIX, of the 1988 Constitution, establishing a deadline of eighteen months for the National Congress to legislate on the matter. The Court also held that if Congress does not pass a statute to regulate the matter within the specified period, the *STF* itself will determine the duration of paternity leave. See also *Ato das Disposições Constitucionais Transitórias* (*ADCT*).

Ação plúrima – joinder of parties.

Ação rescisória – motion for annulling judgment.

Acatar – to comply with; to heed; to accept; to obey; to adhere to.

Acessibilidade – accessibility.

Acesso à justiça – access to justice; access to the court system.

Acidente de trabalho – work accident; work injury.

Acionista – shareholder; stockholder.

Acórdão – court of appeals judgment or superior court judgment, made by a panel of judges or Justices; the opinion rendered by appeals or superior courts; decision of court.

Acordo – settlement; agreement.

Acordo coletivo de trabalho (ACT) – collective bargaining agreement entered into between a union and one or more employers (compare *convenção coletiva de trabalho*).

Acordo extrajudicial – out-of-court settlement.

ACT – see *Acordo coletivo de trabalho (ACT)*.

ADC – see *Ação Declaratória de Constitucionalidade (ADC)*.

ADCT – see *Ato das Disposições Constitucionais Transitórias (ADCT)*.

ADI – see *Ação Direta de Inconstitucionalidade (ADI or ADIN)*.

Adiantamento salarial – wage advance; salary advance.

Adicional de hora extra – overtime premium. Employment law requires a salary increment of at least 50% for overtime working hours. The percentage may be higher if stipulated in a collective bargaining agreement (*acordo coletivo de trabalho* or *convenção coletiva de trabalho*).

Adicional de insalubridade – unhealthy work environment premium; hazard pay; health hazard bonus. It is a salary increment owed to employees working in unhealthy conditions, equivalent to 10%, 20% or 40% of the national minimum monthly wage. The criteria for determining eligibility and the amount of the additional payment are typically defined by labor regulations

and guidelines in Brazil. (*CLT*, Articles 189 to 192 and *Norma Regulamentadora* No. 14 – NR-14). Compare *Adicional de periculosidade*.

Adicional de periculosidade – risk premium; hazard pay. It is a salary increment owed to employees working in dangerous conditions, equivalent to 30% of the worker's monthly wage (*CLT*, Article 193 and *Norma Regulamentadora* No. 16 – NR-16). Compare *Adicional de insalubridade*.

Adicional de transferência – premium paid to employees to compensate them for temporary transfers (*CLT*, Article 469, § 3º).

Adicional noturno – night-shift premium; night time bonus; salary increment owed to night-shift employees, whose night hours must be paid in an amount 20% higher than the daytime hours.

Adicional por tempo de serviço (ATS) – length of service bonus; salary increment sometimes provided for in a collective bargaining agreement (*acordo coletivo de trabalho* or *convenção coletiva de trabalho*).

ADIN – see *Ação Direta de Inconstitucionalidade (ADI or ADIN)*.

ADI por Omissão or ADIN por Omissão – see *Ação Direta de Inconstitucionalidade por Omissão (ADO, ADI por Omissão or ADIN por Omissão)*.

Aditar – to amend; to add; to insert.

Administrador(a) de empresa – business administrator.

Admissão (de um empregado) – the process of hiring an employee.

Admitir (um empregado) – to hire (an employee). Secondarily, *admitir* can mean to admit something.

ADO – see *Ação Direta de Inconstitucionalidade por Omissão (ADO, ADI por Omissão or ADIN por Omissão)*.

Adoção – adoption.

Adotar (uma criança) – to adopt a child.

ADPF – see *Arguição de Descumprimento de Preceito Fundamental (ADPF)*.

Advertência – warning; admonition.

Advertência escrita – written warning; written admonition. The term refers to a written warning issued to an employee. It is a more formal and documented form of communication compared to a verbal warning. This written notice usually outlines the specific issues and potential consequences if the concerns are not addressed.

Advertência verbal – verbal warning; verbal admonition. The term refers to a verbal warning given to an employee, typically as an initial step in addressing performance or behavioral issues. It is an informal communication that highlights concerns and seeks improvement.

Advocacia Geral da União (AGU) – Federal Counsel-General Office. Under the 1988 Constitution, Article 131, the *AGU* is an institution which, either directly or through a subordinate body, represents the Union and the federal agencies, judicially or extrajudicially, and is responsible, under the terms of the complementary statute which provides for its organization and operation, for the activities of judicial consultation and assistance to the Executive Branch. In courts, the *AGU* represents the three branches of the Brazilian federal government (executive, legislative and judiciary) as an institution essential to justice, according to the Brazilian Constitution.

Advogado(a) – lawyer; attorney.

Advogado(a) da União – federal attorney; member of *Advocacia Geral da União (AGU)*.

Advogado(a) Geral da União (AGU) – Federal Counsel-General, the person who heads the *Advocacia Geral da União (AGU)*.

Advogado(a) trabalhista – labor lawyer; labor attorney; employment lawyer; employment attorney.

Aeromoça – female flight attendant; stewardess. The term is considered to be outdated and potentially sexist because it usually uses the feminine form *aeromoça*. The use of gender-specific terms like this for female flight attendants may be seen as reinforcing traditional gender stereotypes and roles. In modern and inclusive language, it is recommended to use the terms *comissário(a) de bordo* or *comissário(a) de voo* to refer to individuals performing the role.

Afrodescendente – afro-descendant; person descended from ancestors from Africa.

Agricultura – agriculture.

Agronegócio – agribusiness.

AGU – see *Advocacia Geral da União (AGU)* and *Advogado(a) Geral da União*.

AJUTRA – see *Associação dos Juízes do Trabalho (AJUTRA)*.

Alcance – reach, coverage, scope; extent.

Alegar – to allege; to pledge; to claim.

Alfaiate – tailor.

Algoritmo – algorithm.

Alínea – subparagraph. After the *caput* (caption) of an article in a statute, there may be “parágrafos” (paragraphs, designated by the symbol §), “incisos” (items I, II, III...) and “alíneas” (subparagraphs a, b, c...).

Alíquota – tax rate; aliquot.

Alteridade – work performed for the account and benefit of another; employer’s assumption of economic risk. A defining feature of employment in many Ibero-American legal systems, under which the employer – rather than the worker – bears the economic risks of the activity and appropriates the results of the labor.

Alvará de funcionamento – business license issued by an administrative authority.

Alvará judicial – judicial order; writ.

Amamentação – breast-feeding; lactation.

Amatra – see *Associação dos Magistrados de Justiça do Trabalho (Amatra)*.

Ambiente de trabalho – work environment.

Ambiente hostil – hostile environment. Often used to refer to a type of work environment created by sexual or other types of harassment.

Americano – see *Estadunidense*.

Analista de recursos humanos – human resources analyst.

Analista de sistemas – systems analyst.

Analista financeiro(a) – financial analyst.

Anamatra – see *Associação Nacional dos Magistrados da Justiça do Trabalho (Anamatra)*.

Ânimo antissindical – anti-union motivation; anti-union animus.

Anistia – amnesty; pardon.

Antecipação de provas – anticipation of evidence; early production of evidence.

Antecipação de tutela – preliminary injunction; preliminary injunction relief.

Antiguidade (no cargo ou na função) – seniority.

Antissindical – anti-union. See also *Ato antissindical*.

Apelar – to appeal; to file an appeal. To formally challenge a judicial or administrative decision before a higher authority or appellate court.

Aplicativo (de celular) – app.

Aposentado(a) – retired.

Aposentadoria – retirement; retirement benefits; pension.

Aposentadoria compulsória – compulsory retirement; mandatory retirement; involuntary retirement. In the Brazilian federal public service, compulsory retirement occurs at 75 years of age (Constitution, Article 40, §1º, II, and Complementary Statute nº 152/2015).

Aposentadoria especial – special retirement; a type of retirement benefit provided to workers who have been exposed to hazardous conditions or have worked in professions with special risks that can negatively impact their health. This type of retirement is granted as a way to acknowledge the increased health risks associated with certain occupations. The *Perfil Profissiográfico Previdenciário (PPP)* is a comprehensive occupational profile form that

provides detailed information about the individual's work history and the specific conditions of their workplace, used when determining eligibility for special retirement. See *Profissiográfico Previdenciário (PPP)*.

Aposentadoria por invalidez – disability retirement.

Aposentar-se – to retire.

Aprendiz – apprentice, whose employment is regulated according to specific rules (e.g., can be as young as 14).

Aprendizagem – apprenticeship.

Arbitragem – arbitration. According to *CLT*, Article 507-A, “[i]n individual employment contracts whose remuneration is higher than twice the maximum limit established for the benefits of the General Regime of Social Security, an arbitration clause may be agreed to, provided that it is on the initiative of the employee or through his or her express agreement, as per the terms foreseen in Statute 9,307, of September 23rd 1996.”

Arbítrio – discretion; decision; will.

Árbitro – arbitrator (neutral third party who decides disputes in arbitration proceedings); referee (sports official).

Arcebispo – archbishop.

Arguição de Descumprimento de Preceito Fundamental (ADPF) – direct action of unconstitutionality for noncompliance with a fundamental precept. It is a legal mechanism in Brazil that allows some individuals or entities to challenge actions or omissions that violate fundamental constitutional principles, even in the absence of specific laws. The *ADPF* is filed in the Brazilian Supreme Federal Court (*STF*) and serves to protect and uphold fundamental rights and principles enshrined in the Brazilian Constitution. It provides a means to address situations not covered by other legal actions, ensuring the constitutional order is maintained.

Arguição de suspeição do(a) juiz(a) – motion to recuse judge; recusation of judge; recusal.

Arguir – (in a trial) to argue; to allege; to claim; to challenge; to object; to question; to ask for; to plead; to accuse.

Armazém; depósito – warehouse.

Arquiteto(a) – architect.

Arquivamento de uma ação, em virtude de a parte autora não promover seu andamento – *non prosequitur* judgment; *non pros*. Dismissal of a lawsuit because the plaintiff has failed to move it forward. Dismissal of a lawsuit when the plaintiff fails to advance it.

Arquivamento (de uma ação), mediante extinção sem resolução de mérito – dismissal of a lawsuit.

Arquivamento (de um documento) – filing; shelving.

Arquivamento dos autos – filing of records.

Arquivar – to file; to shelve. Often denotes the termination of the matter.

Arquivar (uma ação); extinguir a ação sem resolução de mérito – to dismiss a lawsuit.

Arquivo – file.

Arquivo (local de guarda de documentos históricos) – archives.

Arquivo judicial (local de guarda de documentos judiciais) – court file; court record files; court archives.

Arrecadação – collection; receipt; revenue. The act or process of collecting amounts owed, such as taxes, social security contributions, dues, fines, or other public or private revenues.

Arrendamento – leasing; rental.

Arrendar – to lease; to rent.

Assediada(o) – harassed.

Assediador(a) – harasser.

Assédio – harassment; bullying. Sometimes referred to as mobbing in some countries.

Assédio horizontal – horizontal harassment. A form of workplace harassment committed by a coworker or group of coworkers at the same hierarchical level in the organization as the victim, without a relationship of subordination, characterized by abusive or hostile conduct within the work environment. See also *Assédio vertical*.

Assédio moral no trabalho (intimidação sistemática, perseguição reiterada no trabalho) – psychological harassment at work; moral harassment at work; workplace bullying; mobbing.

Assédio sexual – sexual harassment. Sexual harassment is a crime under Brazilian penal laws, but also a violation of labor and employment law as elaborated by the labor courts. Sexual harassment is a subset of illegal harassment that offends the dignity of the person.

Assédio sexual no ambiente de trabalho – workplace sexual harassment.

Assédio sexual por chantagem ou *quid pro quo* – *quid pro quo* sexual harassment, a type of sexual harassment in which obtaining or maintaining employment advantages is conditioned on the provision of sexual favors. Compare *Assédio sexual por ambiente hostil*.

Assédio sexual por intimidação ou por ambiente hostil – Hostile work environment sexual harassment, a type of sexual harassment in which a hostile, offensive or intimidating work environment is created for the employee, but without the requirement that sexual favors be provided in return for obtaining employment benefits or economic advantages. Compare *Assédio sexual quid pro quo ou por chantagem*.

Assédio vertical – vertical harassment. A form of workplace harassment committed by a hierarchical superior against an employee who is subordinate to that superior, typically involving the misuse of managerial authority, power, or functional ascendancy. See also *Assédio horizontal*.

Assembleia geral – general meeting; general assembly (in a union, it is a meeting of all local union members, required to make certain decisions, e.g., endorse a collective bargaining agreement or a strike).

Assembleia geral extraordinária – special general meeting; special general assembly.

Assembleia geral ordinária – regular meeting; ordinary meeting; annual meeting.

Assessor(a) – clerk; legal assistant.

Asseverar – to assert.

Assinar a carteira; assinar a CTPS – to sign someone's Work and Social Security Card, which means that a worker is being hired as an employee by an employer; employers must note the terms and conditions of employment in employees' Work and Social Security Card. See *Carteira de Trabalho e Previdência Social (CTPS)*.

Assistente administrativo – administrative assistant.

Associação – association.

Associação Brasileira dos Magistrados do Trabalho (ABMT) – Brazilian Association of Labor Judges. A national professional association, founded in 2019, bringing together Brazilian labor judges serving on different Regional Labor Courts (*Tribunais Regionais do Trabalho*). The ABMT is a newer national association of labor judges, distinct from the traditional *Anamatra* (National Association of Labor Court Judges), which brings together the *Amatras* from different judicial regions. See also *Associação Nacional dos Magistrados da Justiça do Trabalho (Anamatra)*, *Associação dos Magistrados de Justiça do Trabalho (Amatra)* and *Associação dos Juízes do Trabalho (AJUTRA)*.

Associação dos Juízes do Trabalho (AJUTRA) – Association of Labor Court Judges. A professional association of labor court judges affiliated with the 1st Region of the Brazilian Labor Judiciary (Rio de Janeiro). Founded in 2017, *Ajutra* is a newer regional judges' association, created as an alternative representative body, distinct from *Amatra-1*, which is part of the traditional associative structure of the *Amatras* and *Anamatra*. See also *Associação Nacional dos Magistrados da Justiça do Trabalho (Anamatra)*, *Associação Brasileira dos Magistrados do Trabalho (ABMT)* and *Associação dos Magistrados de Justiça do Trabalho (Amatra)*.

Associação dos Magistrados de Justiça do Trabalho (Amatra) – Association of Labor Court Judges. The *Amatras* are private regional associations, each

representing judges from a specific region within the Brazilian labor court system. There are 24 *Amatras* in total, corresponding to the 24 circuits of the labor courts in Brazil. Each circuit encompasses a distinct geographical area within the country (see *Tribunal Regional do Trabalho da 1ª Região*, *Tribunal Regional do Trabalho da 2ª Região*, etc.). By organizing judges into regional associations, the *Amatras* facilitate communication, exchange of experiences, and collective action among judges who work in similar contexts and face similar challenges. Each *Amatra* serves as a collective voice for labor court judges within its respective region, advocating for their professional prerogatives, promoting judicial excellence, and contributing to the development of the justice system. Additionally, these private associations often engage in activities such as organizing seminars, conferences, and training programs to enhance the knowledge and skills of their members. See also *Associação Nacional dos Magistrados da Justiça do Trabalho (Anamatra)*, *Associação Brasileira dos Magistrados do Trabalho (ABMT)* and *Associação dos Juízes do Trabalho (AJUTRA)*.

Associação Nacional dos Magistrados da Justiça do Trabalho (Anamatra)

– National Association of Labor Court Judges. The term refers to the national association representing labor court judges in Brazil. Founded in 1976 and headquartered in the federal capital, Brasília (DF), this private association brings together the 24 *Amatras* (regional associations of labor judges). Its main body is the *Conselho de Representantes* (Council of Representatives), composed of members from each of the 24 *Amatras* who meet periodically to deliberate on issues of interest to the labor judiciary. See also *Associação dos Magistrados de Justiça do Trabalho (Amatra)*, *Associação Brasileira dos Magistrados do Trabalho (ABMT)* and *Associação dos Juízes do Trabalho (AJUTRA)*.

Astreinte – daily fine; monetary fine; a specific type of fine, applied by a judge, for disobeying a legal order; a fine imposed if a legal order is not followed.

Atacadista; vendedor atacadista – wholesaler.

Atacado; venda por atacado – wholesale.

Ata de audiência – minutes (of hearing); official minutes; judge's minutes.

Atestado – certificate.

Atestado de óbito – death certificate; certificate of death.

Atestado médico – medical certificate.

Atividade-fim – core business; primary business activities; principal business functions. The principal economic activities or functions that define a company's business purpose. In Brazil, outsourcing of core business activities was generally prohibited until the 2017 labor law reform and the Brazilian Supreme Federal Court's ruling in *Tema 725*, which removed this limitation.

Ativismo judicial – judicial activism; judge-made legislation. The expression is used to refer to the conduct of judges who take a more activist stance, rigorously dedicated to protecting their understandings of the Constitution and citizens' rights, making them skeptical of laws or government actions that burden rights or seem to infringe constitutional requirements. Critics of judicial activism assert that activist judges substitute their political views for those of elected officials, in effect legislating from the bench. Compare *Judicial restraint*.

Ato antissindical – unfair labor practice committed by an employer.

Ato das Disposições Constitucionais Transitórias (ADCT) – Act of Transitional Constitutional Provisions; Temporary Constitutional Provisions Act. The *ADCT* refers to the final part of the 1988 Brazilian Constitution which contains provisions of a temporary or transitional nature. These provisions are meant to address specific issues during the transition from the old constitutional scenario to the new one, containing transitional rules, temporary measures, and provisions related to the implementation of the new constitution. Some important labor rules were outlined in the *ADCT*, such as the temporary job stability for an employee elected to the board of the Internal Accident Prevention Commission – *CIPA* (Article 10, II, a), job stability for a pregnant employee from the confirmation of pregnancy until five months after childbirth (Article 10, II, b), and a five-day paternity leave until a statute is enacted to regulate Constitution Article 7, XIX (Article 10, §2, of the *ADCT*). See *Estabilidade da gestante* and *Estabilidade do cipeiro*.

Ato de improbidade – improbity; dishonesty; misconduct; one reason, among others, that justifies the dismissal of an employee for just cause (*CLT*, Article 482, a).

Atrasar – to delay.

Atraso – delay.

ATS – see *Adicional por Tempo de Serviço (ATS)*.

Atual – current; up-to-date; in force; existing.

Atualização monetária – inflation adjustment; readjustment linked to inflation; recalculation to compensate for the currency loss of value over time. Synonym of *Correção monetária*.

Audiência – hearing (during a trial).

Audiência presencial – in-person hearing.

Audiência telepresencial – remote hearing; virtual hearing.

Auditor(a) – auditor.

Auditor Fiscal do Trabalho (AFT); Fiscal do Trabalho – labor inspector.

Auditoria; fiscalização – auditing.

Aumento de salário – pay raise; wage raise.

Autarquia – independent governmental agency.

Autogestão – self-management; *gerência pelos trabalhadores*.

Automação – automation.

Autônomo – independent contractor.

Autor(a) – plaintiff; claimant.

Autos (de um processo) – suit records; judicial record; court record; case file; record of proceedings; transcript of trial.

Auxílio-doença – disability benefit; disability compensation; sick pay.

Avaliação de desempenho de empregado – employee performance evaluation; employee performance appraisal. This process involves assessing an employee's work performance, strengths, areas for improvement, and overall contribution to the organization.

Avaliar – to evaluate; to assess.

Avental de segurança – safety apron.

Averbar – to register.