

Management

Code: 100495
 ECTS Credits: 6

Degree	Type	Year	Semester
2500258 Labour Relations	OB	3	2

Contact

Name: Laura Rodriguez Murciano
 Email: Laura.Rodriguez.Murciano@uab.cat

Use of languages

Principal working language: catalan (cat)
 Some groups entirely in English: No
 Some groups entirely in Catalan: Yes
 Some groups entirely in Spanish: Yes

Prerequisites

To carry out a correct follow-up of this subject it is necessary to have previously passed the subjects "Labor Law I", "Labor Law II", "Labor Law III" and "Trade Union Law", since all of them offer basic training in relation to the legal framework of labor relations without which the issues that are dealt with in "Judicial and extrajudicial management of the labor conflict" can not be understood or analyzed properly.

Objectives and Contextualisation

The main objective of this subject is the knowledge and understanding of the different means of resolving the labor conflict, both in its jurisdictional and out of court.

Content

FIRST PART: INTRODUCTION TO PROCESSAL LAW

SUBJECT 1. RIGHT AND PROCESS. THE PROCESS AS A CONTROL MECHANISM OF RESOLUTION

1. The autotutela
2. The self-contained means of conflict resolution
3. Heterocomposite systems for conflict resolution

UNIT 2. ACTION

1. The action as an expression of the procedural activity of the parties
2. The procedural discipline of the party
 - a) The ability to be a part
 - b) The procedural capacity
 - c) The legitimization

d) The procedural application

ITEM 3. THE JURISDICTION

1. Jurisdiction as an expression of the judge's procedural activity

2. The independence of the Judicial Power

3. Exclusivity of the exercise of the jurisdictional function

4. The unit of jurisdiction

5. Organizational criteria for the Courts of Justice

SUBJECT 4. THE PROCESS

1. The trialus judgment

a) The factor time in the process

b) General structure of the process

2. The procedure

3. The judicial trial. The thing judged

ITEM 5. THE CONSTITUTIONAL GUARANTEES OF THE PROCESS

1. The formulation of the constitutional guarantees of the process

2. The guardianship of the constitutional guarantees of the process

SECOND PART: LABOR PROCESSAL LAW AND EXTRAJUDICIAL WORKING CONFLICT SOLUTION MEANS

SUBJECT 6. JURISDICTIONAL SOCIAL ORDER: GENERAL ASPECTS

1. The material scope of the social jurisdictional order

2. The organs of the social jurisdiction and its functional and territorial scope

3. The work process

a) Informative principles

b) Parts

c) Procedural acts

SUBJECT 7. THE ORDINARY LABOR PROCESS

1. The pre-trial phase: administrative conciliation and prior administrative claim

2. Start, development and conclusion of the ordinary process

ITEM 8. PROCESSAL MODALITIES

1. Processes related to the individual work relationship: sanctions, vacations, professional classification, geographical mobility and substantial modification of working conditions

2. Disposal processes and other causes of termination of the employment relationship: disciplinary dismissal, dismissal of the objective and dismissal of the group and force majeure

3. Collective dimension processes: collective conflict, objection of collective agreements and electoral matters
4. Processes in union matters: guardianship of freedom of association and impugnations regarding union statutes
5. Exit process

SUBJECT 9. MEDIA OF IMPUGNATION AND EXECUTION OF SENTENCES

1. The means of challenging in the social jurisdiction: types of resources
2. The execution of sentences in the social jurisdiction

ITEM 10. THE EXTRAJUDICIAL MEANS OF SOLUTION OF WORK CONFLICTS

1. Types of extrajudicial means of conflict resolution: conciliation, mediation and arbitration
2. Extrajudicial means of legal origin
3. Extrajudicial means arising from collective bargaining
 - a) The Interconfederation Mediation and Arbitration Service (SIMA)
 - b) The Labor Court of Catalonia (TLC)
 - c) Other means of conventional origin