

Trade Union Law

Code: 100496
ECTS Credits: 6

Degree	Type	Year	Semester
2500258 Labour Relations	OB	3	1

Contact

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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: No

Teachers

Robert Gutierrez Alvarez

Prerequisites

In order to take advantage of this course it is compulsory to have previously passed the subjects "Dret del Treball I", "Dret del Treball II" i "Dret del Treball III". The main reason of this requirement is that a basic knowledge of labour collective relations is required to understand and analyze the main issues of "Dret Sindical".

Objectives and Contextualisation

The main objective of this course is to obtain the knowledge and comprehension of the legal mechanism of workers representation in companies - unitary representation and union representation-. This course also focuses on the workers participation in the collective bargaining and collective dispute, particularly the right to strike.

Content

Unit 1: The Participation and Representation of Workers in the Company: General Configuration

- 1. Workers participation
- 1.2. Types: Internal and External Participation
- 2. Representation
- 2.1. Concept
- 2.2. Theoretical Models: Unitary Representation and Union Representation

Unit 2: The Unitary Representation (I): Organic Elements

- 1. The Bodies of Unitary Representation: General View

2. Personnel Delegates and Work Council

2.1. General configuration and Scope of Action

2.2. Electoral Procedure

2.3 Duration and Extinction of Representative Mandate

3. Intercentre Comitee

Unit 3: The Unitary Representation (II): Functional Elements

1. Powers: Information, Query, Audit and others

2. Strict Sense Guarantees

2.1 Contradictory Proceeding

2.2. Right of Option in Unfair Dismissals

2.3. Prohibition of discrimination

2.4. Priority of Permanence

3. Instrumental Guarantees

3.1. Freedom of Speech and Information

3.2. Right to Notice Board and Local

3.3. Right to Time Credit

3.4. Right of Assembly

Unit 4: Union Representation

1. A General Vision of Union Representation of Workers in the Company

2. Union Sections

2.1. Concept and Scope of Action

2.2. Foundation Prerequisites and Rights

3. Union Delegates

3.1. Concept and Scope of Action

3.2. Prerequisites and Designation Rules

3.3. Powers

3.4. Guarantees

Unit 5: Collective Bargaining: General Configuration

1. Collective Autonomy and Collective Bargaining

2. Collective Bargaining

2.1. Concept

2.2. Features

2.3. Manifestations

3. Constitutional Recognition of Collective Bargaining and legal development

4. Typology of Negotiable Instruments: Statutory Collective Agreement; Extrastatutory Collective Agreement; Company Agreements and Framework Agreement

Unit 6: Statutory Collective Agreement (I): General aspects and negotiation procedure

1. Statutory Collective Agreement

1.1. Concept

1.2. Effectiveness

2. Negotiation Procedure of Statutory Collective Agreement

2.1. Negotiation Units: Scope, Negotiating Parties and its Capacity and Negotiating Legitimacy

2.2. Procedure: Initiative, Communications, Obligation to Negotiate; Negotiating Body Establishment, Discussion and Adoption of Agreements

2.3. Registration, Filing and Publication

Unit 7: Statutory Collective Agreement (II): Content and Application

1. Statutory Collective Agreement Content

2. Statutory Collective Agreement Application

2.1. General Effectiveness

2.2. Validity, Legal Control and Contestation

2.3. Term, Duration and Complain

2.4. Interpretation

2.5. Concurrence and Articulation

2.6. Accession and Extension of Collective Agreements

Unit 8: Other Negotiable Instruments

1. Extrastatutory Collective Agreements

1.1. Concept and Basics

1.2. Types

1.3. Legal Framework. Effectiveness

2. Company Agreements

3. Framework Agreements: Social Partnership, Negotiated Legislation and Social Agreements.

Unit 9: Collective Dispute Measures (I): General Vision and Right to Strike

1. A General Vision of Collective Dispute Measures

2. Right to Strike

2.1. Concept and Types

2.2. Legal Framework: Constitutional Recognition and Legal Development

2.3. Entitlement

2.4. Enforcement Procedure

2.5. Limits: Security and Maintenance Services, Minimum Services and Essential Services

2.6. Classification and Effects

Unit 10: Collective Dispute Measures (II): Lockout

1. Concept and Features

2. Recognition and Legal Development

3. Entitlement

4. Causes and Lockout limits

5. Procedure

6. Effects