

**Trade Union Law**

Code: 100496  
ECTS Credits: 6

Degree	Type	Year	Semester
2500258 Labour Relations	OB	3	1

### Contact

Name: Alberto Moreno Sole  
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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.

### Competences

- Advising union and business organizations and their members.
- Applying the information and communication technologies to the different areas of action.
- Carrying out representation and negotiation roles in several fields of the industrial relations.
- Clearly expressing ideas or facts in a compelling way.
- Drawing up and formalising reports and documents.
- Self-motivating by undertaking specific training programs to acquire new knowledge.
- Students must be capable of deciding, sharply taking decisions and judging.
- Working effectively in teams.

### Learning Outcomes

1. Acting as a negotiator in a collective bargaining presented as a practical work.
2. Applying and using in teaching practice the mechanisms of the collective agreements.

3. Applying the information and communication technologies to the different areas of action.
4. Classifying the basic institutions of employee representation in a company.
5. Clearly expressing ideas or facts in a compelling way.
6. Describing the forms and mechanisms for the involvement of workers in a company.
7. Drawing up and formalising reports and documents.
8. Explaining the collective bargaining and its forms.
9. Recognising the different measures that form the industrial dispute.
10. Self-motivating by undertaking specific training programs to acquire new knowledge.
11. Students must be capable of deciding, sharply taking decisions and judging.
12. Working effectively in teams.

## **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 Recongition 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

## **Methodology**

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## Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
-	22.5	0.9	10, 4, 6, 8, 9
Type: Supervised			
-	22.5	0.9	1, 2, 3, 10, 4, 6, 8, 5, 9, 7, 11, 12
Type: Autonomous			
-	100	4	4, 6, 8, 9

## Assessment

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## Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
-	50%	3.5	0.14	1, 2, 3, 5, 7, 11, 12
-	50%	1.5	0.06	1, 2, 3, 10, 4, 6, 8, 5, 9, 7, 11

## Bibliography

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