

**Dialogue and Worker Participation in the Context of  
the Modern Company**

Code: 42135  
ECTS Credits: 10

Degree	Type	Year	Semester
4313301 Social and Employment Rights	OB	0	1

## Contact

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## Use of Languages

Principal working language: spanish (spa)

## Teachers

Xavier Sola Monells

## Prerequisites

No specific prerequisites are demanded for the development of this subject.

## Objectives and Contextualisation

The subject aims to offer a complete and detailed approach to the different institutions that integrate the collective dimension of labour relations. Through a dogmatic and practical approach, the combination of master classes and practical exercises we will analyse the subjects who interact in the company (employee representation and union representation) and the different instruments that the legal system articulates for this purpose (rights of information and consultation, collective bargaining, strike, etc.).

The combination of theoretical teaching with practical activities and the analysis of real examples will allow the student to have a complete understanding of its content and to develop a critical and propositive vision.

The selection of the topics to be studied has been made taking into account those aspects that, due to their recent modification of the regulations, require updating by the students, as well as those others that have been the object of little attention in the degree programmes and that normally show a certain complexity, which makes them more suitable to be dealt with in the master's degree.

## Competences

- Apply legal techniques for decision-making in personnel management.
- Apply systems, media and technologies for obtaining and providing information in one's profession or research.
- Continue the learning process, to a large extent autonomously.
- Identify and apply case law and constitutional doctrine on basic labour rights, especially on the treatment of diversity within companies.
- Interpret and apply the laws on the nature and functions of workers' representative bodies and on collective bargaining.
- Look for new areas to open up within the field.

- Recognise legally-based collective labour disputes and collective disputes of interest in companies, identify out-of-court legal mechanisms to solve these and interpret the resulting agreements and arbitrators' awards in legal terms.
- Use acquired knowledge as a basis for originality in the application of ideas, often in a research context.

## Learning Outcomes

1. Apply mechanisms of information, consultation and bargaining to restructure the workforce smoothly through negotiation.
2. Apply systems, media and technologies for obtaining and providing information in one's profession or research.
3. Compare case law contributions from the Constitutional Court and the Supreme Court.
4. Continue the learning process, to a large extent autonomously.
5. Draft/interpret the preparatory information for consultations with workers' representatives on the collective modification of working conditions.
6. Identify the measures that configure the new collective bargaining.
7. Know about intervention in out-of-court legal mechanisms to solve collective disputes.
8. Know the contributions from the employment divisions of the higher courts of the autonomous communities.
9. Know the techniques of participation in corporate restructuring.
10. Look for new areas to open up within the field.
11. Resolve practical issues regarding workers' representation in decentralised companies.
12. Understand the legal nature and effectiveness of company agreements and arbitrators' awards, in contexts of reorganisation of production.
13. Use acquired knowledge as a basis for originality in the application of ideas, often in a research context.

## Content

The main topics to be studied in the course are:

1. Workers' representation in the company
  - 1.1. The organic configuration of the unitary representation. Typologies and incidence of changes in the enterprise structure.
  - 1.2. The functional dimension of worker representation. Competences, safeguards and instrumental resources.
  - 1.3. Union representation. Organic and functional aspects.
  - 1.4. Collective bargaining and representative bodies
  - 1.5. The protection of the rights of participation and representation. Judicial and administrative aspects.
2. Collective bargaining
  - 2.1 Collective bargaining as a source of law. General aspects and special reference to the dynamics of collective bargaining.
  - 2.2 Legitimation in order to negotiate
  - 2.3 The structure of collective bargaining.
  - 2.4 Company agreements and extra-statutory negotiation
  - 2.5 European collective bargaining.
  - 2.6 Challenge and control of legality of the collective agreement.
3. Strike.
  - 3.1 Titularity, modalities and limits
  - 3.2 Minimum services and security and maintenance services. Problematic and current affairs.
  - 3.3 Procedure and exercise of the right to strike
  - 3.4 Extrajudicial procedures for the settlement of collective disputes

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## Methodology

The learning process of the students in this module is structured through three types of training activities that are specified below:

### 1) Guided activities

These are those that are developed in the classroom, in the hours foreseen for the module and under the direction of the responsible teacher. There are three types of directed activities: a) the master classes, in which the teacher will present and develop different aspects of the subject; b) the lectures, in any speciality in the academic or professional field, will analyse particularly relevant current issues; i c) the practical activities, consisting of the resolution of practical or questionable cases and their oral or written presentation, based on the work done by the students prior to the face-to-face session. Through this last type of activity, it lasts between four and six activities of continuous evaluation, with the value that will later be specified in the corresponding section.

### 2) Supervised activities

They are those that are developed outside the classroom, based on the indications offered by the teaching staff, and that are subject to some process of supervision or follow-up by them.

In the framework of this module, the most common tasks will be the fence and analysis of legal documentation (jurisprudence, regulations, administrative resolutions, collective agreements, etc.), the fence and reading of bibliographies, the resolution of practical cases and the preparation of legal documents; all of this will be linked to practical activities, through which the work carried out by the students will be supervised.

### 3) Autonomous activities

They are all those in which the students organize their time and effort independently, individually or in groups, such as the reading of bibliography, the elaboration of diagrams and summaries or the study. In the framework of this module, the autonomous activities, which are essentially linked to the preparation and passing of the final exam, constitute an important section in the development of the learning process, especially in the Master's degree, in which the mature nature of the student allows for a better knowledge and ability of the autonomous activities.

## Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Lectures	4	0.16	3, 7, 6, 11, 13
Master classes	36	1.44	2, 7, 12, 8, 9, 10, 4, 13
Practical activities	20	0.8	1, 2, 3, 8, 9, 5, 6, 10, 4, 11
Type: Supervised			
Bibliography search and reading	10	0.4	3, 8, 5, 10, 13
Resolution of case studies and preparation of legal documents	17.5	0.7	1, 2, 3, 7, 8, 9, 5, 10, 11
Search and analysis of legal documentation (case law, regulations, administrative resolutions, collective agreements)	10	0.4	1, 2, 9, 6, 11
Type: Autonomous			
Bibliography search and reading	40	1.6	3, 12, 8, 9, 13
Elaboration of diagrams and summaries	20	0.8	3, 7, 12, 8, 5,

Study	90	3.6	7, 12, 8, 9, 4, 11, 13
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## Assessment

The assessment will be based on continuous evaluation activities, attendance and a final exam.

The continuous evaluation activities will be short in format and will be carried out as part of the guided activities. They will consist in the resolution of practical cases and/or questionnaires and their subsequent oral or written presentation. A minimum of four and a maximum of six evaluation activities will be carried out, which together will have a value of 45 per cent of the mark.

Attendance is also evaluated, always keeping in mind that it will be necessary to attend no less than 80 percent of the sessions of each module. Within this range a slight penalty is foreseen in the final grade, which will depend on the student's absences. In this sense, it is understood that the master's teaching nature, the limited number of students and the teaching dynamics contribute to the importance of the most complete attendance to the programmed sessions. Class attendance will be a maximum of 15 percent of the grade.

The final exam will result in a score of 40 per cent of the grade.

## Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Attendance and participation	15%	2.5	0.1	1, 3, 7, 12, 8, 9, 11, 13
Continuous assessment activities	45%	0	0	1, 2, 3, 7, 12, 8, 9, 5, 6, 10, 4, 11, 13
Final exam	40%	0	0	1, 2, 4, 13

## Bibliography

### 1. Bibliography

Some books that may be of interest, without prejudice to others that may be recommended in the sessions, are:

- CRUZ VILLALÓN, JESÚS, "Procedimientos de resolución de conflictos y negociación colectiva en la reforma de 2012", en La regulación del Mercado Laboral. Un análisis de la Ley 3/2012 y de los aspectos laborales del Real Decreto-ley 20/2012, AA.VV. (Dir. GARCÍA-PERROTE ESCARTÍN, I. y MERCADER UGUINA, J.R), Ed. Lex Nova, Valladolid 2012.

- CRUZ VILLALÓN, JESÚS: "Estructura y concurrencia entre convenios colectivos", Revista del Ministerio de Trabajo y Asuntos Sociales núm. 68/2007, Madrid. 2007.

- GARCÍA-PERROTE ESCARTÍN, IGNACIO; MERCADER UGUINA, JESÚS RAMÓN: La reforma de la negociación colectiva. Real decreto-ley 7/2011, de 10 de junio, Editorial Lex Nova, Valladolid, 2011.

- MERCADER UGUINA, JESÚS RAMÓN, "La empresa como nuevo centro de gravedad de la estructura de la negociación colectiva: la reforma de la Ley 3/2012", en La regulación del Mercado Laboral. Un análisis de la Ley 3/2012 y de los aspectos laborales del Real Decreto-ley 20/2012, AA.VV. (Dir. GARCÍA-PERROTE ESCARTÍN, I. y MERCADER UGUINA, J.R), Ed. Lex Nova, Valladolid 2012.

- PÉREZ DE LOS COBOS Y ORIHUEL, FRANCISCO: «La reforma de la negociación colectiva en España», Aranzadi Social núm. 11/2012 (Estudio), Ed. Aranzadi, Pamplona, 2012

- RODRÍGUEZ-SAÑUDO, FRANCISCO, "Reformas en el régimen jurídico de la negociación colectiva", Revista del Ministerio de Empleo y Seguridad Social, nº100, 2012

- SEMPERE NAVARRO, ANTONIO VICENTE: «Reforma de la negociación colectiva en el Real Decreto-Ley 3/2012», Aranzadi Social núm. 1/2012

- VALDÉS DAL-RÉ, FERNANDO (dir.): Manual jurídico de negociación colectiva, Editorial La Ley, Madrid, 2010.

- VALDÉS DAL-RÉ, FERNANDO: «Negociación colectiva y sistemas de relaciones laborales: modelos teóricos y objetos y métodos de investigación», Relaciones Laborales, núm. 21, 2000

## 2. Rule Compilations

- Legislación laboral y de Seguridad Social, Aranzadi (última edición).

## 3. Web Links

The main web pages that can be used in the framework of this subject correspond to the "Westlaw", "Tirant on line" and "La Ley" databases, which are free of charge for students of this University, provided that they are accessed through the "Trobador" application which can be accessed through the UAB Library Service website (section "Databases", located in the "Resources" tab).

Other links of interest:

<http://www.empleo.gob.es> Ministeri de Treball i Immigració.

<http://treballiaferssocials.gencat.cat/ca/inici/index.html>. Departament de Treball, Afers Socials i Famílies

[www.ilo.org](http://www.ilo.org). Organització internacional del treball.