

**Labour Litigation**

Code: 42472  
ECTS Credits: 9

Degree	Type	Year	Semester
4313312 Legal Profession	OB	1	2

**Contact**

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**Use of Languages**

Principal working language: spanish (spa)

**Teachers**

Jaume González Calvet

Marc Antras Puchal

Enrique Garcia

Manuel Luis Martin

**Prerequisites**

There are no prerequisites to take this course.

**Objectives and Contextualisation**

The aim of the module is to help the Master's students acquire a solid knowledge of everything related to the social jurisdictional order from a practical perspective. To this end, the elaboration of documents, debate and discussion with labour law professionals are basic pieces of the learning process of this module.

The content includes an explanation of the ordinary labour process, of various special processes depending on their importance (especially dismissal) and of the appeals that can be lodged against the decisions of the instance.

**Competences**

- Choose the correct strategy for defending clients' rights, while keeping in mind the particular demands of each area within professional practice.
- Communicate and justify conclusions clearly and unambiguously to both specialist and non-specialist audiences.
- Integrate knowledge and use it to make judgements in complex situations, with incomplete information, while keeping in mind social and ethical responsibilities.
- Know the techniques for ascertaining the facts in different types of procedure, especially the production of documents, examination and expert evidence.
- Present facts and their corresponding legal implications orally and in writing, in a way that is appropriate to the context and the addressees and, where necessary, to the established procedures.

- Put into practice the specialist academic knowledge acquired on the degree programme in order to avoid damage, risk or conflict with respect to clients' interests or regarding professional practice before the courts and other authorities and when offering consultancy services.

## Learning Outcomes

1. Apply this strategy through written and oral briefs throughout the process.
2. Communicate and justify conclusions clearly and unambiguously to both specialist and non-specialist audiences.
3. Conduct negotiations aimed at avoiding proceedings.
4. Conduct negotiations aimed at finalising the proceedings that are underway.
5. Draft conciliation statements and initial claims.
6. Integrate knowledge and use it to make judgements in complex situations, with incomplete information, while keeping in mind social and ethical responsibilities.
7. Master the techniques for seeking and stating evidence.
8. Master the techniques of trial examination.
9. Plan and conduct the appropriate strategy for defending the client's legal interests.
10. Present facts and their corresponding legal implications orally and in writing, in a way that is appropriate to the context and the addressees and, where necessary, to the established procedures.

## Content

1. Jurisdiction of the social order.
2. The guiding principles of the employment process, the parties and procedural acts.
3. The ordinary procedure (I): preparatory acts and preliminary diligences, anticipation and securing of evidence and precautionary measures.
4. Ordinary proceedings (II): the claim.
5. The ordinary process (III): the trial, the evidence and the judgment.
6. The processes relating to the individual work relationship: sanctions, vacations, professional classification, geographical mobility, substantial modification of working conditions and rights of conciliation.
7. The processes of dismissal and other causes of termination of the employment relationship: disciplinary dismissal, objective dismissal, collective dismissal for business reasons or force majeure and claim to the State processing wages.
8. The processes of collective dimension: collective conflict, challenge of agreements, challenges in electoral matters and challenge of union statutes and business associations.
9. The process of protection of fundamental rights.
10. Social Security processes.
11. The ex officio process.
12. Challenging measures in the social jurisdiction.
13. Enforcement of judgements in the social jurisdiction.

## Methodology

The teaching methodology is articulated from the theoretical exposition of contents on the part of the teaching staff taking as reference the positive norm, reason why it is essential that all the students have a compilation of work norms properly updated, in paper or electronic format.

Additional supporting documentation will be provided through the Moodle classroom of the subject and practical activities will be carried out (analysis of sentences, writing of papers, resolution of questionnaires, etc.), some of which will be subject to evaluation

## Activities

Title	Hours	ECTS	Learning Outcomes
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Type: Directed

Consultation of jurisprudence and legal documentation	65	2.6
Solving caselaw and questionnaires in the classroom	20	0.8
Study of the subject matter	78	3.12
Theoretical classes	40	1.6

## Assessment

The evaluation is based on two elements:

### 1. Continuous evaluation activities (50 % of the final mark)

Active attendance and student participation are especially valued. As a consequence, one of the essential pieces of the assessment system are the continuous assessment activities that are carried out in the classroom. Approximately 50 % of the teaching sessions will be carried out some activity of this type. The format of the continuous assessment activities will be diverse but will have a markedly practical character (writing, solving real problems, etc.). The specific number and value of the activities carried out will be explained on the first day of class and formalised in a document published in the Moodle classroom of the subject.

Students who are not in the classroom at the time the continuous assessment activities are carried out and, therefore, cannot carry them out, will not be able to recover these activities on other dates or through alternative activities. This rule applies irrespective of whether the absences are justified or unjustified, and it is therefore irrelevant that the student provides documentation that accredits the reason for their absence. In the cases where a final re-evaluation examination is carried out (see the following point), the mark obtained through the continuous evaluation activities will be kept without any type of variation or option for improvement.

### 2. Final examination (50 % of the final mark)

The final exam will take place on the date established by the Master's Coordination and will consist of a multiple-choice test of 25 questions, with four answer options. The correct questions add up to 1 point, the incorrect ones penalize 0.33 points and the unanswered ones 0 points. A score of at least 3 out of 10 in the final exam must be obtained in order to be able to add the corresponding grade to the continuous assessment activities and pass the subject. The subject will be considered passed if the sum of the grade obtained in the continuous assessment activities and the one obtained in the final exam equals or exceeds 5 points out of 10.

Students who do not pass the subject through the ordinary final exam but have obtained at least 3 points out of 10 in this exam, will be entitled to a final reevaluation exam, which will have the same characteristics as the ordinary and will be held on the date of determining the Coordination of the degree. Students who have passed the subject through the ordinary final exam and wish to improve their grade may also take the final reevaluation exam. In this hypothesis, the grade assigned will be the last one obtained, that is, the one corresponding to the final reevaluation exam.

## Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Practical activities	50	20	0.8	8, 7, 3, 4, 9, 1, 2, 5
Theoretical exam	50 %	2	0.08	6, 10

## Bibliography

1. For substantive Labour Law and Social Security issues:

MARTÍN VALVERDE, A. y otros: *Derecho del Trabajo*, Tecnos, Madrid (última edición).

2. For Labor Procedural Law issues:

MONTOYA MELGAR, A. y otros: *Curso de Procedimiento Laboral*, Tecnos, Madrid (última edición).