

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

Other comments on languages

the course in principle will be in catalan

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 Recongnition 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

The learning process of the students in the framework of this subject will be organized from the three types of training activities that are explained below.

1. DIRECTED ACTIVITIES

The directed activities are all those that take place in the classroom with the main role of the teacher.

They will have an essentially theoretical character and will consist of the exposition by the teacher of various aspects of the temary, based on the applicable regulations and the dossiers that are eventually provided through the Teaching Space of the subject within the Virtual Campus, which will include schemes and other materials of interest for the analysis of each of the topics (excerpts from sentences, fragments of collective agreements, etc.). For the correct follow-up of the theoretical classes, it is essential that all the students have at their disposal the dossier corresponding to the topic discussed and a duly updated compilation of labor regulations.

2. SUPERVISED ACTIVITIES

The supervised activities are those that are carried out in the classroom with a shared role of teacher and students.

The supervised activities will be markedly practical. They will consist of the execution of twelve practical activities, each of which will involve previous work outside the classroom and face-to-face work in the classroom. Both one and the other will involve carrying out a series of tasks of different formats: identification and study of the regulatory framework of a given institution, reading and understanding of jurisprudence, search for collective agreements, resolution of practical cases, etc.

The practical activities will be structured in three main thematic blocks: 1) the representation of workers in the company; 2) collective bargaining; and 3) the means of collective conflict. Each thematic block will include four practical activities and an individual assessment activity on the set of issues dealt with in the framework of each block. In order to carry out the evaluation activity, the prior delivery of the documents requested in each case in relation to the activities of each block will be essential. The dates of the three evaluation activities will be made public at the beginning of the semester through the Teaching Space of the Virtual Campus.

In the part corresponding to the previous work, some or all of the practical activities may be carried out in groups of 3 or 4 people, who will conform to the initiative of the students at the beginning of the semester. In the part corresponding to the work in the classroom, the practical activities will be carried out in groups or individually, depending on the case. The evaluation activities will be in any case of an individual nature.

3. AUTONOMOUS ACTIVITIES

Autonomous activities are all those in which the students organize their time and effort autonomously, either individually or in groups, such as research and the study of bibliography, the elaboration of diagrams or summaries, etc. In the framework of this subject, the essential part of the autonomous activities is linked to the monitoring of the theoretical classes and the preparation of the theoretical final exam.

Annotation: Within the schedule set by the centre or degree programme, 15 minutes of one class will be reserved for students to evaluate their lecturers and their courses or modules through questionnaires.

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

1. ORDINARY EVALUATION SYSTEM

This system combines assessment combines continuous assessment of practical activities and the resolution of a theoretical final exam

1.1 Continuous evaluation of practical activities.

The grade corresponding to the continuous evaluation of the practical activities will be the arithmetic average of the marks obtained in the three practical evaluation activities that will be carried out during the semester

1.2 Ordinary theoretical final exam.

All students can be presented to it, regardless of whether or not they have participated in the practical activities of continuous evaluation. It will consist of the resolution of between 4 and 10 short questions, some of which may correspond to questions dealt with through practical activities. Each of the exam questions will be scored from 0 to 10 points. The exam grade will be obtained from the average resulting from the total score obtained divided by eight

1.3 Qualification of the subject with the ordinary evaluation system.

The score obtained through the continuous evaluation of practical activities will be worth 50% of the course grade. The final theoretical exam score will be worth 50% of the course grade. In order to add the score corresponding to the continuous evaluation of the practical activities, it is essential that the final exam score is at least 4 points out of 10. If this minimum is not reached, the grade will be "suspended" and the numerical value corresponding to the theoretical test expressed in parameter 0-10.

2. REEVALUATION

It consists of a theoretical exam and, for some people, also a practical exam. It will be accessible to the students who directly choose this assessment system and also those who have not passed the subject through the ordinary assessment

2.1 Theoretical exam

It will consist of the resolution of between 4 and 10 short questions, some of which may correspond to questions dealt with through practical activities. Each question will be scored from 0 to 10 points and the grade will be obtained from the corresponding average. This part of the exam will be worth 60% of the grade. It will be obtained from the corresponding average. This part of the exam will be worth 50% of the grade.

2.2 Practical exam

It will consist of a resolution suitably based on law, of a practical assumption with the thematic content corresponding to the subject under examination, similar to those that have been resolved during the practical activities subject to continuous evaluation. This part of the exam will be worth 50% of the grade.

Only people who have obtained a grade lower than 5 points out of 10 should take the practical exam through the Practical Activities of continuous evaluation. People who have obtained a grade equal to or greater than 5 points will keep that grade as a practical part grade.

2.3 The final grade of the exam will be obtained by making the weighted average of the score obtained in the two parts. The course will be approved when this average is equal to or greater than 5, provided that the grade for the theoretical part is equal to or greater than 4. If the grade for the theoretical part does not achieve this minimum, the grade will be suspended and the numerical value that corresponding to the theoretical exam expressed in parameter 0-10.

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

1. Manuals

It will be published through the Virtual Campus when classes start based on the materials published in updated form.

2. Regulatory compilations

Basic social legislation, Civitas (latest edition)

Labor and Social Security Legislation, Aranzadi (last edition)

3. Bibliography for practical classes

- PÉREZ AMORÓS, F. and SOLÀ MONELLS, X. (Directors): Materials for the learning of Labor Law (adapted to the EHEA), collection "Materials" number 193, UAB Publications Service.

4. Web links

The main web links that will have to be used in the framework of this subject correspond to the databases "Westlaw", "Tirant on line" and "La Ley", which are freely available to all the students of this University provided that accessed from the UAB Library Service website ("Databases" section, located within the "Resources" tab). Other links that will be indicated by the responsible teacher will also have to be consulted on time, such as: www.mtas.es Ministerio de Trabajo e Inmigración.

Software

No required.