

**Trade Union Law**

Code: 100496  
ECTS Credits: 6

Degree	Type	Year	Semester
2500258 Labour Relations	OB	3	1

## Contact

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## Teaching groups languages

You can check it through this [link](#). To consult the language you will need to enter the CODE of the subject. Please note that this information is provisional until 30 November 2023.

## Teachers

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## 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 Committee

### 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

## Methodology

The students' learning process in this subject will be organised on the basis of the three types of training activities described below.

### 1. DIRECTED ACTIVITIES

Directed activities are all those that take place in the classroom with the main role played by the teacher. They will be essentially theoretical in nature and will consist of the lecturer's presentation of various aspects of the syllabus, based on the applicable regulations and the dossiers that may be provided through the subject's Teaching Space on the Virtual Campus, which will include diagrams and other materials of interest for the analysis of each of the subjects (extracts from judgements, extracts from collective agreements, etc.). In order to correctly follow the theory classes, it is essential that all students have the dossier corresponding to the subject dealt with and a collection of duly updated labour regulations available to them during the classes.

### 2. SUPERVISED ACTIVITIES

Supervised activities are those carried out in the classroom with a shared role of teachers and students. Supervised activities will have a markedly practical character. They will consist of the execution of between ten and twelve practical activities, each of which will involve prior work outside the classroom and work in the classroom. Both will involve a series of tasks in different formats: identification and study of the regulatory framework of a given institution, reading and understanding of case law, research of collective agreements, resolution of practical cases, etc. In the part corresponding to the preliminary work, the practical activities should normally be carried out in groups of 3 or 4 people, which will be formed at the initiative of the students at the beginning of the semester. In the part corresponding to classroomwork, practical activities shall be carried out in groups or individually, depending on the case.

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 two or three ordinary practical activities and an individual practical assessment activity on all the issues dealt with in each block. In order to be able to carry out the practical assessment activity, it is essential that the documents requested in each case for the ordinary practical activities of the corresponding block are submitted beforehand. The dates of the three assessment activities will be made public at the beginning of the semester through the Virtual Campus Teaching Space.

In addition to the three practical assessment activities corresponding to the different thematic blocks, a fourth practical assessment activity will be carried out in which students' participation and follow-up during the sessions corresponding to the ordinary practical activities will be assessed by means of oral presentations, questionnaire resolutions and/or resolution of short practical cases.

### 3. AUTONOMOUS ACTIVITIES

Autonomous activities are all those in which students organise their time and effort autonomously, either individually or in groups, such as research and study of bibliography, preparation of diagrams or summaries, etc. Within the framework of this subject, the essential part of the autonomous activities is linked to following the theory classes and preparing for the final theory 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
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Type: Directed

-	22.5	0.9	10, 4, 6, 8, 9
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Type: Supervised

-	22.5	0.9	1, 2, 3, 10, 4, 6, 8, 5, 9, 7, 11, 12
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Type: Autonomous

-	100	4	4, 6, 8, 9
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## Assessment

### 1. ORDINARY ASSESSMENT SYSTEM

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

#### 1.1 Continuous assessment of practical activities (50 % of the mark)

The mark corresponding to the continuous assessment of the practical activities will be the arithmetic mean of the marks obtained in the four practical assessment activities to be carried out during the semester.

#### 1.2 Ordinary final theory exam (50 % of the mark)

All students may sit this exam, regardless of whether or not they have taken part in the practical activities of continuous assessment and of the mark obtained in them. It will consist of the resolution of 7 or 8 short questions, some of which may correspond to issues addressed through the practical activities. Each of the exam questions will be graded from 0 to 10 points. The grade for the exam will be obtained from the arithmetic mean of the marks obtained for each question.

#### 1.3 Grading of the subject in the ordinary evaluation system.

The grade for the subject will be obtained by calculating the weighted average of the marks obtained in the continuous assessment of the practical activities and in the final theory exam. The subject will be passed if this average is equal to or higher than 5 points out of 10, provided that the mark in the theory exam is equal to or higher than 4 points out of 10. If the mark in the theory part does not reach this minimum, the subject will be "failed" and the numerical value will be that corresponding to the theory exam expressed in the parameter 0-10.

Those who do not pass the subject through the ordinary assessment will have the right to re-evaluation in the terms specified in section 3.

### 2. SINGLE ASSESSMENT

Those who have requested and obtained the single assessment must carry out the following assessment activities on the same day:

#### 2.1. A multiple-choice test (25 % of the mark).

Consisting of 20 questions with four possible answers and only one correct answer.

#### 2.2. A practical examination (25 % of the mark).

This shall have the same characteristics as the re-evaluation practical examination described in point 3.2 below.

#### 2.3. A theoretical examination (50 % of the mark)

It shall have the same characteristics as the ordinary final theoretical examination described in section 1.2 above.

#### 2.4. Grading of the subject in the single assessment system

The subject will be considered passed by single assessment when the sum of the marks obtained in the three assessment activities indicated, according to the weighting that corresponds to them in each case, exceeds 5 points out of 10, provided that the mark corresponding to the theory exam indicated in point 2.3 is at least 4 points out of 10. If the mark for the theory exam does not reach this minimum, the grade will be "fail" and the numerical value will be that corresponding to the theory exam expressed in the parameter 0-10.

Those who do not pass the subject through the single assessment will have the right to re-evaluation in the terms specified in section 3.

### 3. RE-EVALUATION

It consists of a theoretical part (theoretical exam) and, for some people, also of a practical part (practical exam). It is open to all students who have not passed the subject through the ordinary assessment or the single assessment.

### 2.1 Theoretical exam (50 % of the mark)

It will consist of the resolution of 7 or 8 short questions, some of which may correspond to issues addressed through the practical activities. Each question will be marked from 0 to 10 points and the mark will be obtained from the corresponding average.

### 2.2 Practical examination (50 % of the mark)

This will consist of the resolution of a practical case with the thematic content corresponding to the subject matter of the examination, similar to those resolved during the practical activities subject to continuous assessment.

Those who have taken the practical activities subject to continuous assessment and have obtained a mark of more than 5 out of 10 points in them will be exempt from taking this practical exam and the mark obtained will be maintained as a mark for the practical part of the re-evaluation.

### 2.3 The grade of the subject in the re-evaluation

The final grade of the re-evaluation exam will be the weighted average of the marks obtained in the theoretical part and the practical part. The subject will be passed when this average is equal to or higher than 5 points out of 10, provided that the mark for the theoretical part is equal to or higher than 4 points out of 10. If the mark for the theoretical part does not reach this minimum, the grade will be "fail" and the numerical value will be that corresponding to the theoretical exam expressed in the 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

- SALA FRANCO, Tomás: *Derecho Sindical*, 4ª ed., Tirant lo Blanch, València, 2022. Accessible in electronic format through the website of the Servei de Biblioteques de la UAB.

- MERCADER UGUINA, Jesús R.: *Lecciones de Derecho del Trabajo*, 15ª ed., Tirant lo Blanch, 2022. Accessible in electronic format through the website of the Servei de Biblioteques de la UAB.

### 2. Legislation

*Código Laboral y de Seguridad Social*. Accessible in electronic format through the website of the Boletín Oficial del Estado (BOE) ([https://www.boe.es/biblioteca\\_juridica/codigos](https://www.boe.es/biblioteca_juridica/codigos))

## Software

No required.