

Labour Litigation

Code: 45038
ECTS Credits: 9

Degree	Type	Year	Semester
3500070 Legal Profession and Legal Representation	OB	1	2

Contact

Name: David Gutierrez Colominas

Email: david.gutierrez@uab.cat

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.

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.

Learning Outcomes

- CA02 (Competence) Respect professional secrecy and confidentiality in relation to the personal data of workers and/or business owners when entrusted with their labour and/or Social Security affairs.
- CA03 (Competence) Work professionally in matters relating to Labour Law and Social Security in specialised and interdisciplinary teams.
- CA04 (Competence) Interact appropriately with the general public, institutions and other professionals in relation or connection to Labour Law and Social Security.
- KA04 (Knowledge) Determine the competent labour court or High Court of Justice, or, where applicable, National Court, and the action to be taken out of the different options offered by the Act on Regulation of Labour Jurisdiction (LRJS) for the defence of clients' rights.

- KA05 (Knowledge) Determine the appropriate procedural action and its requirements within the framework of the Workers' Statute and the Act on Regulation of Labour Jurisdiction to represent interested parties before third parties, before public administrations and before jurisdictional bodies.
- SA13 (Skill) Properly and adequately apply specialised knowledge of Labour Law, Social Security and Procedural Law in the field of labour jurisdiction to professional practice before courts or public authorities, as well as in advisory functions with respect to the principles of equal opportunity and non-discrimination.
- SA14 (Skill) Use appropriate alternative methods to jurisdiction for the settlement of legal disputes, and particularly taking into account deadlines and exceptions to the presentation of mandatory preliminary settlement that is so typical of labour jurisdiction.
- SA15 (Skill) Recognise situations of conflict of interest that might arise in professional practice in relation to the client, particularly regarding both current and prior defence or representation of workers or business owners.

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

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			
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.

The evaluation system can be modified at any time for any reason or circumstance that requires it, and especially in the case of healthcare emergencies that prevent teaching from being carried out normally. In the face of this type of scenario, the module and Master's coordination will publish the new evaluation criteria and indications on how the evaluation activities and the final exam will be carried out on the Virtual Campus, indicating the conditions of execution (methodology, means, time per question, exam total time, sequentially character in the navigation of the exam, etc) with sufficient notice.

Single evaluation

Those who opt for the single evaluation system will be examined taking into account the following items:

- Test exam of 50 questions (50 % of the mark).
- Completion of a procedural document (appeal, lawsuit, complaint, denunciation, etc.) (25 % of the mark).
- Completion of a procedural brief other than the previous one (25% of the grade).

The second and third tests will have a duration of between 4 and 5 hours, and will be carried out in the timetable specifically established by the coordination of this module. For the realization of the second and third test legislation may be consulted, but computer resources may not be accessed.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Practical activities	50	20	0.8	CA02, CA03, CA04, KA04, KA05, SA13, SA14, SA15
Theoretical exam	50 %	2	0.08	CA02, CA03, CA04, KA04, KA05, SA13, SA14, SA15

Bibliography

1. For substantive Labour Law and Social Security issues:

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

2. For Labor Procedural Law issues:

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

3.- As a global reference material:

DÍAZ PITA, M.P., *Acceso a la abogacía - V- Laboral*, Tecnos, Madrid (last edition)

Software

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