

Degree programme	Type	Course
Labour Relations	OB	3

Contact lecturer

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Teaching staff

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Group languages

You can consult this information at the [end](#) of the document.

Prerequisites

To carry out a correct follow-up of this course it is necessary to have previously passed the subjects "Labor Law I", "Labor Law II", "Labor Law III" and "Trade Union Law", since all of them offer basic training in relation to the legal framework of labor relations and without them the issues that are dealt with in "Judicial and extrajudicial management of Labor conflicts" can not be understood nor analysed properly.

This field will be taught fully from the ODS perspective.

Group 1: Noemí Hernández Jiménez, Júlia Senra Petit

Group 51: Miryam Olivera Oliva, Júlia Senra Petit

Objectives

The main objective of this course is to acquire the knowledge and understanding of the different means for resolving the labor conflict, both in its jurisdictional and out of court.

Learning outcomes

1. Describing regular processes and special processes.

2. Understanding the opportunity in the means of appeal and enforcement of judicial resolutions of labour courts.
3. Assessing the benefits of the extrajudicial systems of conflict solution in the procedural practice.
4. Knowing the techniques of the procedural methods to the different jurisdictions.
5. Understanding the meaning and proceedings of every formality and the means of challenge of every assumption.
6. Clearly expressing ideas or facts in a compelling way.
7. Students must be capable of persuading others to agree with their point of view.
8. Verbally communicating and defending a project.
9. Drawing up and formalising reports and documents.
10. Applying the information and communication technologies to the different areas of action.
11. Working effectively in teams.

Contents

FIRST PART: INTRODUCTION TO PROCESSAL LAW

UNIT 1. LAW AND PROCESS. THE PROCESS AS A MECHANISM FOR RESOLVING CONFLICTS

1. *Autotutela*

2. Self-contained means of conflict-resolution

3. Heterocompositive systems for conflict-resolution

UNIT 2. ACTION

1. The action as an expression of the procedural activity of the parties

2. The procedural discipline of the party

a) The ability to be a part

b) The procedural capacity

c) The legitimization

d) Technical participation in the process

UNIT 3. THE JURISDICTION

1. Jurisdiction as an expression of the judge's procedural activity
2. The independence of the Judiciary Power
3. Exclusivity of the exercise of the jurisdictional function
4. The unit of jurisdiction
5. Organisational criteria for the Courts of Justice

UNIT 4. THE PROCESS

1. The *processus iudicii*
 - a) The time factor in the process
 - b) General structure of the process
2. The procedure
3. The jurisdictional trial. *Res judicata*

UNIT 5. THE CONSTITUTIONAL GUARANTEES OF THE PROCESS

1. The formulation of the constitutional guarantees of the process
2. The functioning of the constitutional guarantees of the process

SECOND PART: LABOR PROCEDURAL LAW AND EXTRAJUDICIAL CONFLICT SOLUTION MEANS

UNIT 6. JURISDICTIONAL SOCIAL ORDER: GENERAL ASPECTS

1. The material scope of the social jurisdictional order
2. The organs of the social jurisdiction and its functional and territorial scope
3. The work process
 - a) Informative principles
 - b) Parts
 - c) Procedural acts

UNIT 7. THE ORDINARY LABOR PROCESS

1. The extrajudicial means of solution of work conflicts.
2. The pre-trial phase: administrative conciliation and prior administrative claim
3. Start, development and conclusion of the ordinary process

UNIT 8. PROCESSAL MODALITIES

1. Processes related to the individual work relationship: sanctions, vacations, professional classification, geographical mobility and substantial modification of working conditions
2. Disposal processes and other causes of termination of the employment relationship: disciplinary dismissal, dismissal of the objective and dismissal of the group and force majeure
3. Collective dimension processes: collective conflict, objection of collective agreements and electoral matters

4. Processes in union matters: guardianship of freedom of association and impugnations regarding union statutes

5. Exit process

UNIT 9. MEDIA OF IMPUGNATION AND EXECUTION OF SENTENCES

1. The means of challenging in the social jurisdiction: types of resources

2. The execution of sentences in the social jurisdiction

Learning activities and methodology

Title	Hours	ECTS	Learning outcomes
Practical classes	22	0.88	
Preparation of summaries	19	0.76	
master class	22	0.88	
Study	42	1.68	
Resolution of practical cases	15	0.6	
Research and analysis of judicial documentation	15	0.6	
Preparation of judicial documents	8	0.32	

The learning process of the students in the framework of this subject will be divided into three types of training activities:

1. DIRECTED ACTIVITIES: The directed activities are all those that are developed in classroom, in the schedules foreseen for the subject and under the direction of the teacher. They can be theoretical or practical.

1.1. Theoretical lessons consist of the presentation by the teacher of various aspects of the syllabus, based on the applicable regulations. For the correct monitoring of the theoretical classes it is essential that all students have a compilation of procedural and labour law properly updated.

Within the framework of the theoretical classes, small-format activities will also be carried out periodically (reading and analysis of documents, elaboration of brief diagrams, resolution of test questionnaires, etc.), which in some cases could be carried out individually and others in groups. The objective of these activities will be the deepening of questions previously raised by the teacher.

1.2. Practical classes are dedicated to the execution of practical activities. In some cases, the objective of the practical activities will be to deep into aspects analysed in the framework of the theoretical classes and in others to deal with new questions.

2. SUPERVISED ACTIVITIES: The supervised activities are those carried out outside the classroom, based on the instructions given by the teacher, and are subsequently subject to some process of supervision or monitoring by the teacher.

The previous work involved in the practical activities generates a series of tasks of different format that must be carried out outside the classroom and subsequently could be supervised and verified through the classroom work proposed within the framework of the same activity. Through the theoretical classes, other supervised activities may be proposed, as a complement to the small-format activities referred to above.

3. AUTONOMOUS ACTIVITIES: The autonomous activities are those in which students organise their time and effort autonomously, either individually or in a group, such as research and bibliography study, the elaboration of schemes or summaries, etc. Within the framework of this subject, the essential part of the autonomous activities is linked to the follow-up of the theoretical classes and to the preparation of the 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.

Assessment

Continuous assessment activities

Title	Weight	Hours	ECTS	Learning outcomes
Final exam	50%	3	0.12	1, 2, 3, 4, 5, 6
Activities of evaluation realised during de practical activities	50%	4	0.16	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11

The subject presents two differentiated parts (the first covers topics 1 to 5 and the second topics 6 to 9), each of which will be evaluated independently. Each part has a value of 50% of the grade for the course.

CONTINUOUS ASSESSMENT:

A) Continuous assessment of each part of the course:

-Three types of evaluable activities will be carried out.

-At the beginning of the teaching of each group, each teacher will indicate the calendar of these evaluable activities.

-The three types of evaluation activities in each of the parts of the subject will consist of the following and will have the value indicated in the final grade:

1. Practical activity: 20%

2. Participation: 5%

3. Theoretical exam: 25%

-Only students who have passed the practical part (practical activity and participation) can take the theoretical exam.

-The grade for each part of the subject is the result of adding the grade for the practical part and the grade for the theoretical exam.

-To be able to add the practical part and the mark of the theoretical exam it is necessary to have obtained a minimum of 4 out of 10 in the exam.

B) Final grade of the subject:

-The final grade is the result of adding the grades obtained in the two parts of the subject.

-To be able to add the marks of the two parts of the subject, it is necessary to have obtained a minimum of 4 out of 10 in each of them.

-The subject will only be considered approved if the sum of the marks of the two parts exceeds 5 out of 10.

-Students will be assessed as long as they have completed a set of activities whose weight is equivalent to a minimum of 2/3 of the total mark. If the Value of the activities carried out does not reach this limit, the lecturer may consider the student as not evaluable.

REVALUATION

-Students who may sit a reassessment exam are as follows:

- students who have not passed the practical part of continuous assessment. The reassessment will consist of

a theoretical and practical exam.

- Students who have not passed the theoretical exam. The reassessment will consist of a theory exam.

SINGLE ASSESSMENT:

A) Unique evaluation of each part of the course:

Students who follow this single assessment method must take a final test of each part of the subject in which they must demonstrate the acquisition of all the subject's competencies.

The final test will consist of three different activities with a different value:

1. Test exam of 25 questions: 15%
2. Development questions (5 to 8): 15%
3. Practical case: 20%

-The grade for each part of the subject is the result of adding the grades of the three activities mentioned.

B) Final grade of the subject:

-The final grade is the result of adding the grades obtained in the two parts of the subject.

-To be able to add the marks of the two parts of the subject, it is necessary to have obtained a minimum of 4 out of 10 in each of them.

-The subject will only be considered approved if the sum of the marks of the two parts exceeds 5 out of 10.

- If the students do not pass any of the three activities, they will have the right to reassess the suspended activity.

-The same rule of not available will be applied as for continuous assessment.

US OF ARTIFICIAL INTELLIGENCE

During classroom practices the use of Artificial Intelligence (AI) technologies is permitted exclusively for support tasks (such as information research, language tools or translations). The student must clearly identify the parts that have been generated with such technology, specify the tools used and include a critical reflection on how these tools have influenced the process and the final result of the activity. . Non-transparency in the use of AI in the assessable activities of the subject will be considered a lack of academic honesty and may lead to a partial or total penalty in the grade of the activity, or to more serious penalties in certain cases.

Bibliography

1.Manuals:

-RAMOS MÉNDEZ, Francisco, *El sistema procesal español*, ed. Atelier, Barcelona, last edition.

-CACHÓN CADENAS, Manuel, *Introducción al enjuiciamiento civil*, ed. Atelier, Barcelona, last edition.

-MONEREO PÉREZ, José Luís, *Manual de Derecho Procesal Laboral: teoría y práctica*, ed. Tecnos, last edition.

2.Normative Compilations:

-Ley Orgánica del Poder Judicial

-Ley de Enjuiciamiento Civil

-Ley Reguladora de la Jurisdicción Social

3.Links web:

The main links to useful webs for this subject correspond to the databases \"Westlaw\", \"Tirant online\" and \"La ley\". They are of free consultation by all the students of this University whenever one accesses from the web page of the Service of Libraries of the UAB (section \"Bases de dades\", situated inside the \"Recursos\").

Software

The subject does not require any specific software.

Course groups and languages

The information provided is provisional until November 30. After this date, you will be able to consult the language of each group through this [link](#). To access the information, you will need to enter the course CODE

Type of teaching	Group	Language	Semester	Shift
(TE) Theory	1	Catalan	second semester	morning-mixed
(PAUL) Classroom practices	1	Catalan	second semester	morning-mixed
(TE) Theory	51	Catalan	second semester	afternoon
(PAUL) Classroom practices	51	Catalan	second semester	afternoon