

Degree programme	Type	Course
Law	OB	3

Contact lecturer

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Group languages

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

Prerequisites

There are no prerequisites.

TEACHING STAFF:

Grup 01: Montse Sole

Sem 11: Alba Rocosa

Sem 12: Montse Solé

Sem 13: Marta Garcia

Grup 02: Helena Ysàs

Sem 11: Jessica Romero

Sem 12: Helena Ysàs

Sem 13: Júlia Senra

Grup 51: David Gutiérrez

Sem 511: Jessica Romero

Sem 512: David Gutiérrez

Sem 513: Javier Sánchez

Grup 70: Helena Ysàs/ Jessica Romero

Sem 701: Helena Ysàs/ Jessica Romero

Sem 512: Ferran Rosell

The teaching of this course will consider the sustainable development goals.

Objectives

Labour Law I is a subject taught in the first term of the third year of studies. This is a subject that allows the student to acquire the structural elements of a subject that is continued in the second term in the course Labour Law II.

Labour Law I has the academic utility of establishing the basic conceptual bases of the sources of the labour legal system, delimiting its object and its individual and collective subjects.

From a training perspective, Labour Law I aims to achieve a number of objectives for the student, among which the following are particularly noteworthy:

- Identify the purpose, sources and principles of labour law.
- To differentiate between the various subjects who interact in the field of Labour Law.
- Identify collective labour rights, participation, negotiation and conflict, with special attention to freedom of association, its subjective scope and its content.

Learning outcomes

1. Use different information and communication technologies.
2. Students must be capable of making decisions.
3. Identifying and solving problems.
4. Students must be capable of learning autonomously and having an entrepreneurial spirit.
5. Students must be capable of communicating their points of view in a compelling way.
6. Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.
7. Students must be effective in a changing environment and when facing new tasks, responsibilities or people.
8. Interpreting and comprehending labour regulatory texts, sentences of the labour court and collective agreements.
9. Defining the main interpretation and implementation principles of the Labour Law.
10. Explaining and identifying the content and scope of that terminology to others.
11. Describing in a practical way the minimum and essential content of the legal-occupational documents: employment contracts, collective agreements, or communications between employer and employee, among others.
12. Drawing up said documents with an appropriate content and style.
13. Defining the content and utility of the regulatory and jurisprudential newsletters and databases used in the occupational framework.
14. Interpreting the employment standards in the light of the general rules of interpretation and the pro operario principle.

15. Applying the principle of inalienability of labour rights.
16. Applying in combination the principles of hierarchy and most favourable law.
17. Identifying the issues and aspects that should be reformed, and properly integrating them with the current part of the legal system or the jurisprudence and/or judicial doctrine.
18. Identifying the transitional or derogatory arrangements of the legal-occupational standards and applying them in a proper way, in combination with the principle of most beneficial condition.
19. Acting in a conflict situation posed as practical work.
20. Identifying the several individuals and social groups and their different interests on the scope of Labour Law: employers, entrepreneurs, trade unions, employers' associations, company representatives.
21. Describing the mechanisms and legal principles used to balance the relations produced in the scope of implementation of Labour Law.
22. Enumerating the means (collective bargaining, social concertation) used for individuals and groups to create the Labour Law.
23. Identifying the databases of commercial nature and knowing how to use them correctly.
24. Describing the databases of Spanish public administrations and European and international organizations, as well as knowing how to gain access to the news these institutions might provide.
25. Detecting the assumptions where the collective bargaining, unilateral pacts or unilateral decisions of the entrepreneur damage the equality between men and women in the workplace.
26. Detecting when an equality plan is significantly efficient to achieve equality in the work place.
27. Knowing the mechanisms that must be applied in every situation.
28. Knowing the foundations of the legal areas of industrial relations in the specific scenario of Francoism and the Spanish transition to democracy.
29. Analysing the situation by comparing several collective agreements and watching the historical evolution of these situations.
30. Present information in a way that is appropriate to the type of audience.
31. Knowing the foundations of the legal areas of industrial relations in the specific scenario of immigration and transnational mobility.
32. Knowing the foundations of the legal areas of industrial relations in the specific scenario of new technologies and freedom of speech and information.
33. Understanding the specific situations in a collective agreement.
34. Gathering good business related practices.

Contents

LESSON 1. PROCESS OF FORMATION, CONCEPT, FUNCTION AND CHARACTERISTICS OF LABOUR LAW

1. Historical-legal formation process of Labour Law

2. Concept of Labour Law

3. Characteristics and functions of Labour Law

LESSON 2. OBJECT OF LABOUR LAW

1. Delimitation of the object: voluntary work provided under a regime of subordination and dependence.

1.1. Characteristics of the service: voluntariness, subordination, working for someone else and wage remuneration.

1.2 Express exclusions

1.3. Inclusions: special employment relationships (reference to the DTSS II).

2. Related cases: provision of services and others.

3. Self-employment. Modalities. Legal regime.

LESSON 3. PARTIES TO THE EMPLOYMENT RELATIONSHIP

1. The worker

1.1 Concept

1.2 Typology

1.3. Capacity requirements.

1.3 Foreign workers.

2. The employer

2.1 Concept

2.2 Typology

3. The enterprise and the work center

3.1 The concept of the enterprise under labour law

3.2 The work center

3.3 Group of companies for employment purposes

4. Company interposition and related concepts

4.1. Temporary employment agency.

4.2. Outsourcing.

II. SOURCES OF LABOUR LAW AND THEIR APPLICATION

LESSON 4. INTERNATIONAL AND EUROPEAN UNION SOURCES

1. Internationalisation of labour law: international labour standards, typology and internal effectiveness.

2. The International Labour Organisation and its normative function: Conventions, Recommendations and Resolutions.

3. The European Union

3.1 The EU's standard-setting function: treaties, regulations and directives

3.2 EU social policy and the content of EU social law

4. Other international organisations and their normative action in labour matters.

LESSON 5. STATE SOURCES

1. Sources of Labour Law: regulatory powers and labour regulations

2. Spanish Constitution and Labour Law

2.1 Constitutionalisation of Labour Rights

2.2 Labour content of the 1978 Constitution: systematisation and guarantees

2.3 Personal dignity, equality and non-discrimination on the grounds of sex and effectiveness of fundamental rights in the employment relationship.

3. Law and regulations in labour law

4. Regulatory power of the Autonomous Communities

LESSON 6. PROFESSIONAL AND OTHER SOURCES

1. Collective autonomy: configuration, parties and manifestations.

2. Collective bargaining and collective agreements.

3. Labour custom

5. Value of case law

LESSON 7. APPLICATION OF LABOUR REGULATIONS

1. Hierarchy of labour standards and principles of interpretation and application.

2. Interpretation of labour standards and the pro-worker principle

3. Principles of application of labour standards

3.1 Concurrence of rules and the most favourable rule principle

3.2 Temporal succession of rules and effects on the employment relationship

3.3 Most favourable condition.

3.3 Non-waivability of the worker's rights.

4. Application of the rules in time and space

III. COLLECTIVE LABOUR LAW

LECTION 8 GENERAL CONFIGURATION AND REGULATION OF PARTICIPATION. UNITARY REPRESENTATION

1. Workers' participation: trade union representation and action

2. Constitutional regime and normative development

3. The unitary representation of workers in the company: personnel delegates and works councils

3.1 Areas of implementation

3.2 Organisational structure and electoral procedure

3.3 Functions and competences

3.4 Guarantees for the exercise of their duties

LESSON 9. FREEDOM OF ASSOCIATION: GENERAL ASPECTS AND INDIVIDUAL FREEDOM OF ASSOCIATION

1. Concept and legal regulation of freedom of association
2. Individual and collective freedom of association
3. Individual freedom of association
- 4.1 Subjective scope: inclusions, exclusions and limitations
- 4.2 Content: rights of positive and negative trade union membership and the right to trade union activity.

LESSON 10 COLLECTIVE FREEDOM OF ASSOCIATION: THE TRADE UNION. THE PROTECTION OF FREEDOM OF ASSOCIATION

1. The trade union
- 1.1 Concept and functions
- 1.2 Typology
- 1.3 Legal regime: constitution, statute, financing, functioning and responsibilities.
2. Trade union representativeness
- 2.1 Concept and foundations
- 2.2 Criteria for determining trade union representativeness: national, regional and sectoral levels

2.3 Trade union representativeness and trade union action

3. The protection of trade union freedom of association

LESSON 11 EMPLOYERS' ASSOCIATIONS

1. The right to constitute employers' associations: constitutional regime and its normative regulation.

2. Employers' associations

2.1 Concept, functions and typology

2.2 Legal regime: incorporation, organisation and functioning

3. Representativeness: concept, criteria for determination and recognised attributions.

LECTION 12 TRADE UNION REPRESENTATION IN THE COMPANY AND OTHER FORMS AND BODIES OF PARTICIPATION

1 Trade union section: concept, scope of establishment, functions and guarantees

2 Trade union representative

2.1 Organisational structure

2.2 Functions and powers

2.3 Guarantees for the exercise of their functions

3.5. Other representative bodies. Special consideration to health and safety matters: prevention delegates and health and safety committees.

4.. The right of assembly. Workers' assemblies

5. Institutional participation

LECTION 13 COLLECTIVE BARGAINING AND COLLECTIVE AGREEMENTS

1. Collective bargaining: concept and foundations

2. Constitutional recognition and regulatory development

3. Types of negotiable agreements: statutory collective agreements, extra-statutory collective agreements, and company agreements.

4. The statutory collective agreement

4.1 Concept, types and effectiveness

4.2 Bargaining units: scope, bargaining parties and their bargaining capacity and standing to negotiate

4.3 Content of the collective agreement. The role of gender equality plans.

4.4 Negotiation procedure: initiative, communications, constitution of the negotiating committee, deliberation, adoption of agreements, registration, deposit and publication.

4.5 Legality control

4.6 Application issues: validity, duration, interpretation and concurrence of agreements.

4.7 Accession and extension

5. Non-statutory collective agreements

6. Company agreements and pacts

7. Social concertation: negotiated legislation, social pacts and framework agreements

LESSON 14. CONFLICT RELATIONS: RIGHT TO STRIKE, LOCKOUT, DISPUTE SETTLEMENT PROCEDURES

1. Collective labour disputes: concept and types of disputes

2. Strike action

2.1 The concept of strike action

2.2 Constitutional recognition and regulatory framework

2.3 Entitlement, modalities, aims and limits

2.4 Procedure and exercise of the right to strike

2.5 Effects

3. The lockout

3.1 Concept

3.2 Constitutional recognition and normative regulation

3.3 Entitlement and causes

3.4 Procedure

3.5 Effects

4. Settlement procedures

Learning activities and methodology

Title	Hours	ECTS	Learning outcomes
Theoretical classes	22	0.88	1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 19, 23, 24, 25, 26
Tutorial	5	0.2	1, 3, 4, 6, 7, 8, 12, 13, 14, 19, 23, 24, 25, 26
Practical targeted activities	22	0.88	9, 10, 14, 15, 16, 17, 18, 20, 21, 22
preparation of the activities covered in the seminars	50	2	
Study	40	1.6	8, 9, 10, 14, 15, 16, 17, 18, 20, 21, 22

Methodology

The learning process of the students within the framework of this course will be organized based on the three types of training activities set out below:

1. Directed activities

Directed activities are all those that take place in the classroom under the supervision of the lecturer. As directed activities, two main types of activities are carried out:

Firstly, the theoretical classes. This is an activity where the main role lies with the teaching staff and they have an essentially theoretical nature. They will consist of the presentation of various aspects of the syllabus, taking as a basis the applicable regulations and the materials that may eventually be provided through the Virtual Campus, which will include outlines and other materials of interest for the analysis of each of the topics (extracts from judgments, fragments of collective agreements, etc.).

Secondly, the seminars, where the main role lies with the students. The seminars will be designed with diverse teaching methodologies that guarantee this leading role and will be based on the carrying out of activities of a markedly practical nature, such as the resolution of practical cases, the simulation of trials or other forms of dispute resolution, the drafting of legal documents, the analysis and discussion of doctrinal articles, administrative documentation and others.

The seminars will be structured in three major thematic blocks or macro-activities, which will include various practical activities and one evaluation activity on the set of issues dealt with within each thematic block. To these three thematic block evaluation activities a fourth assessable activity will be added: participation and follow-up of the seminars.

Attendance at seminars is compulsory and entails carrying out both the work assigned prior to each session and the work proposed in the classroom. In the part corresponding to the prior work, some or all of the practical activities may be carried out in small groups formed at the initiative of the students or the teaching staff, as determined by the teaching staff 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, as determined. The same is foreseen with regard to the evaluation activities, which may be carried out individually or in groups as determined by the teaching staff responsible for the group.

At the beginning of the semester, the calendar of directed activities will be made public through the Virtual

Campus, specifying the days on which the theoretical classes, seminars and thematic block evaluation activities will take place.

2. Supervised activities

Supervised activities are those tutorial activities that can be carried out outside the classroom, individually or collectively, to help students in carrying out their tasks and in understanding the subject matter.

3. Autonomous activities

Autonomous activities are all those in which students organize their time and effort autonomously, either individually or in groups, such as the search and study of bibliography, the preparation of outlines or summaries, etc. Within the framework of this course, the essential part of autonomous activities is linked to the follow-up of the theoretical classes and the preparation of the seminars and the final theoretical 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
PARTICIPATION IN THEORETICAL HOURS	10	1	0.04	14, 15, 16, 17, 18, 20, 21, 22, 25
continuous evaluation of seminars	30	4.5	0.18	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34
EVALUATION	40	1.5	0.06	8, 9, 10, 14, 15, 16, 17, 18, 20, 21, 22, 27
REEVALUATION	70/100	2.5	0.1	1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 19, 23, 24, 25, 26
PARTICIPATION IN SEMINAR HOURS	20	1.5	0.06	1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 14, 15, 16, 18, 19, 23, 24, 30

1. ORDINARY ASSESSMENT SYSTEM

This system combines the continuous assessment of the work carried out in the seminars, the completion of a theoretical exam and the assessment of participation in theory classes.

1.1 Continuous assessment of the work carried out in the seminars

The final mark corresponding to the continuous assessment of the work carried out in the seminars will be determined on the basis of the three thematic block evaluation activities and the evaluation activity on participation and follow-up, described above in the "Methodology" section. The thematic block evaluation activities will have a value, as a whole, of 30 percent of the mark, while participation and follow-up will have a value of 20 percent of the mark.

1.2 Ordinary final theoretical exam.

Only those who have participated in at least two of the thematic block evaluation activities carried out within the framework of the seminars may sit the exam, regardless of the final mark obtained in the continuous assessment.

The exam will consist of the resolution of between 5 and 10 questions, some of which may correspond to issues dealt with through the practical activities. Each of the questions in the exam will be graded from 0 to 10

points. The grade for the exam will be obtained from the average resulting from the total score obtained divided by the number of questions. The mark of the theoretical exam will have a value of 40 percent of the overall mark.

The assessment and reassessment exams must be taken on the dates scheduled by Academic Management and published at the beginning of the course. The assessment and reassessment exams will only be rescheduled when the conditions provided for in the academic regulations of the UAB are met.

1.3 Assessment of participation and follow-up in theory class.

The teaching staff of the course will carry out activities in theory class to assess participation and follow-up of this part of the course. The set of activities proposed will have a value of 10 percent of the final mark.

1.4 Grade of the course in the ordinary assessment system

The grade of the course in the ordinary assessment system will be obtained by calculating the arithmetic mean between two marks: the final mark of the continuous assessment of the work carried out in the seminars and the theory mark, composed of the mark of the ordinary theoretical exam and the mark for participation and follow-up in the theoretical part. In order to calculate the average between these two marks, the mark of the final theoretical exam must be at least 5 points out of 10. If this minimum is not reached, the grade will be "fail" and the numerical value will be that corresponding to the average of the exam and the continuous assessment with a maximum limit of 4 for the purposes of being able to access, where appropriate, compensatory assessment.

If the arithmetic mean reaches a minimum of 5 points out of 10, the course will be considered passed through ordinary assessment. In the opposite case, reassessment may be undertaken, in which students will be examined on the thematic block evaluation activities, the theoretical exam or both, when a minimum score of 5 points has not been obtained in the ordinary assessment of this or of these two specific activities. It will be understood that the practical or seminar part has been passed when a minimum mark of 5 has been obtained in the set of activities consisting of the thematic block assessments and participation and follow-up.

2. REASSESSMENT

Those who have taken part in the ordinary assessment by participating in at least activities that amount to 2/3 of the final mark may access it, which must include the ordinary final theoretical exam and at least two thematic block evaluation activities.

It will consist of two parts, one theoretical and another practical, respectively consisting of a theoretical exam and a practical exam. Only the part or parts in which a minimum score of 5 points has not been obtained in the ordinary assessment may be retaken, excluding for these purposes the marks obtained in seminar participation and in participation and follow-up of theory and taking into account only the average of the thematic block evaluation activity tests and the theoretical exam.

The reassessment theoretical exam will have the same format and characteristics as the ordinary final theoretical exam.

The practical exam will consist of the duly reasoned resolution in law of a practical case with thematic content corresponding to the subjects dealt with within the framework of the seminars, similar to those set out in the thematic block evaluation activities.

The grade of the course in the reassessment will be obtained as follows: the mark obtained in the reassessment theoretical exam (or where appropriate in the ordinary theoretical exam) will be worth 40%; the mark for participation and follow-up in theory classes obtained during the ordinary continuous assessment phase will be worth 10%; the mark for participation and follow-up in seminars obtained during the course will be worth 20% and the mark obtained in the reassessment practical exam (or where appropriate the mark of the thematic block evaluation activities) will be worth 30%. In order to calculate the average between the marks, the mark of the theoretical exam must be at least 5 points out of 10. If this minimum is not reached, the grade will be "fail" and the numerical value will be that corresponding to the applicable weighted average of the exam

and the continuous assessment or the practical exam with a maximum limit of 4 for the purposes of being able to access, where appropriate, compensatory assessment.

If the weighted average reaches a minimum of 5 points out of 10, the course will be considered passed through reassessment.

The student will be assessable provided that they have carried out a set of activities whose weight is equivalent to at least 2/3 of the total grade of the course, which must include the ordinary final theoretical exam and at least two thematic block evaluation activities, or the theoretical exam and the reassessment practical exam.

If the value of the activities carried out does not reach this threshold, the lecturer of the course may consider the student as not assessable.

3. Single evaluation

Persons who have requested and obtained the single evaluation must undergo, on the same day, the following evaluation activities:

3.1. A test questionnaire (20 % of the mark).

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

3.2. A practical exam (30 % of the grade).

It will have the same characteristics as the practical re-evaluation exam described above.

3.3. A theoretical exam (50 % of the mark)

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

3.4. Qualification of the course in the single evaluation system

The subject will be considered passed by single evaluation when the sum of the grades obtained in the three evaluation activities indicated, according to the weight that each case corresponds to, exceeds 5 points out of 10, provided that the grade corresponding to the theoretical exam indicated in point 3.3 is at least 5 points out of 10. If this minimum is not reached the grade will be "fail" and the numerical value corresponding to the theoretical exam expressed in the parameter 0-10.

Those who do not pass the subject by single evaluation will have the right to re-evaluation in the terms

specified in section 2.

The non eligibility for evaluation criterion will be the same as for continuous evaluation.

4. Fraudulent conduct

A person who copies or attempts to copy an evaluation activity will have a 0 in that activity. A person who submits a practical activity in which there is plagiarism will get a 0 and will receive a 0 in that activity.

5- Use of AI

Restricted use: For this course, the use of Artificial Intelligence technologies (AI) is allowed exclusively in support tasks, such as bibliographic or information search, proofreading or translations. The student will have to clearly identify which parts have been generated with this technology, specify the tools used and include a critical reflection on how these have influenced the process and the result of the activity. Non-transparency of the use of AI in the activities will be considered academic dishonesty and may result in a partial or total penalty in the grade of the activity, or higher penalties in serious cases.

Bibliography

Recommended bibliography (the compulsory one, if is required) will be specified by the teacher in charge of each group:

- Alonso Olea, Manuel, Casas Baamonde, María Emilia: Derecho del Trabajo, Ed. Civitas, latest edition.
- Camps Ruiz, Luis Miguel i Ramírez, Juan Manuel: Derecho del trabajo: Ed. Tirant lo Blanch, latest edition. Available at the UAB digital library.
- Cruz Villalón, Jesús: Compendio de Derecho del Trabajo, Ed. Tecnos, Madrid, latest edition.
- Fabregat Monfort, Gemma (Dir.) Bohigues Esparza, María Desamparados (Coord.): GPS Laboral, Tirant lo Blanch, latest edition. Available at the UAB digital library.
- Goertich Peset, José María: Derecho del trabajo, Ed. Tirant lo Blanch, 8º ed., 2020. Available at the UAB digital library.
- Martín Valverde, Antonio, Rodríguez-Sañudo, Fermín i García Murcia, Joaquín: Derecho del Trabajo, Ed. Tecnos, latest edition.
- Matorras Díaz-Caneja, Ana; Molero Manglano, Carlos; López Álvarez, María José; Sánchez-Cervera Valdés, José Manuel: Manual de Derecho del Trabajo, Tirant lo Blanch, latest edition. Available at the UAB digital library.
- Mercader Uguina, Jesús.: Lecciones de Derecho del Trabajo, Ed. Tirant lo Blanch, latest edition. Available at the UAB digital library.
- Montoya Melgar, Alfredo: Derecho del Trabajo, Ed. Tecnos, latest edition.
- Ramírez Martínez, Juan Manuel: Curso básico de Derecho del trabajo y de la seguridad social, Ed. Tirant lo Blanch, latest edition. Available at the UAB digital library.

Normativa:

Código Universitario de Derecho del Trabajo, Boletín Oficial del estado,
https://www.boe.es/biblioteca_juridica/codigos/codigo.php?id=289&modo=2¬a=0&tab=2

Legislación social básica. Ed. Civitas, latest edition

Legislación laboral y de Seguridad Social. Ed. Tecnos, latest edition

Legislación laboral y de Seguridad Social. Ed. Aranzadi, latest edition

Software

The course 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	first semester	morning-mixed
(TE) Theory	2	Catalan	first semester	morning-mixed
(SEM30) Seminaris (30 estudiants per grup)	11	Catalan	first semester	morning-mixed
(SEM30) Seminaris (30 estudiants per grup)	12	Catalan	first semester	morning-mixed
(SEM30) Seminaris (30 estudiants per grup)	13	Catalan	first semester	morning-mixed
(SEM30) Seminaris (30 estudiants per grup)	21	Spanish	first semester	morning-mixed
(SEM30) Seminaris (30 estudiants per grup)	22	Catalan	first semester	morning-mixed
(SEM30) Seminaris (30 estudiants per grup)	23	Catalan	first semester	morning-mixed
(TE) Theory	51	Spanish	first semester	afternoon
(TE) Theory	70	Catalan/Spanish	first semester	morning-mixed
(SEM30) Seminaris (30 estudiants per grup)	511	Spanish	first semester	afternoon
(SEM30) Seminaris (30 estudiants per grup)	512	Spanish	first semester	afternoon
(SEM30) Seminaris (30 estudiants per grup)	513	Spanish	first semester	afternoon

(SEM30) Seminaris (30 estudiants per grup)	701	Catalan/Spanish	first semester	morning-mixed
(SEM30) Seminaris (30 estudiants per grup)	702	Catalan	first semester	morning-mixed