

**COURSE DATA****Data Subject**

|                      |                  |
|----------------------|------------------|
| <b>Code</b>          | 33550            |
| <b>Name</b>          | Labour union law |
| <b>Cycle</b>         | Grade            |
| <b>ECTS Credits</b>  | 6.0              |
| <b>Academic year</b> | 2019 - 2020      |

**Study (s)**

| <b>Degree</b>   | <b>Center</b>              | <b>Acad. year</b> | <b>Period</b> |
|---|----------------------------|-------------------|---------------|
| 1309 - Degree in Labour Relations and Human Resources | Faculty of Social Sciences | 1                 | Second term   |

**Subject-matter**

| <b>Degree</b>   | <b>Subject-matter</b> | <b>Character</b> |
|---|-----------------------|------------------|
| 1309 - Degree in Labour Relations and Human Resources | 1 - Law               | Basic Training   |

**Coordination**

| <b>Name</b>              | <b>Department</b>                   |
|--------------------------|-------------------------------------|
| LOPEZ BALAGUER, MERCEDES | 76 - Labour and Social Security Law |

**SUMMARY**

The subject "Trade Union Law", with basic character and 6 ECTS credits, is taught in the second semester of the first course of the Degree in Industrial Relations and Human Resources.

The subject "Trade Union Law" is settled into the block of subjects designed to make it known to the student the basic regulation of relationships (individual, collective, social protection or procedural) that arise around dependent and for other persons' work, and is studied simultaneously with the subject "Labour Law I", through which the student is introduced to the study of individual employment relationship.

Thus, "Trade Union Law" seeks to provide students with a broad and detailed perspective of collective labor relations in the company by defining and studying: the collective subjects who act in this area (unions, business associations, professional organizations, workers 'representatives), focusing on historical development and its current policy and processes for their formation or election; the rights of trade union action: collective bargaining (process and products resulting of this process), industrial disputes (concept, types and settlement procedures); major collective measures of action, considered as



rights set by the Spanish Constitution of 1978: strikes and lockouts (regulation, legal problems arising from their exercise, etc ...)

## PREVIOUS KNOWLEDGE

### Relationship to other subjects of the same degree

There are no specified enrollment restrictions with other subjects of the curriculum.

### Other requirements

The student undertakes the study of this subject having obtained with "Tools and Techniques of Information, Study and Documentation," the methodological skills to assimilate and develop the theoretical and practical teachings of the Grade, and with the subject "Basic legal elements for industrial relations" the knowledge to learning the subjects in the area of knowledge "Labour Law and Social Security" It's therefore recommended to have completed both courses and have acquired the necessary knowledge.

## COMPETENCES (RD 1393/2007) // LEARNING OUTCOMES (RD 822/2021)

### 1309 - Degree in Labour Relations and Human Resources

- Students must have acquired knowledge and understanding in a specific field of study, on the basis of general secondary education and at a level that includes mainly knowledge drawn from advanced textbooks, but also some cutting-edge knowledge in their field of study.
- Students must be able to apply their knowledge to their work or vocation in a professional manner and have acquired the competences required for the preparation and defence of arguments and for problem solving in their field of study.
- Students must have the ability to gather and interpret relevant data (usually in their field of study) to make judgements that take relevant social, scientific or ethical issues into consideration.
- Students must be able to communicate information, ideas, problems and solutions to both expert and lay audiences.
- Students must have developed the learning skills needed to undertake further study with a high degree of autonomy.
- Be able to learn independently and develop initiative and entrepreneurship.
- Be able to organise and plan.
- Be able to manage information and to write and formalise reports and documents.
- Be able to analyse, synthesise and reason critically.
- Be able to solve problems, apply knowledge to practice and develop motivation for quality.



- Be able to communicate orally and in writing.
- Be able to use new information and communication technologies.
- Be able to work in a team.
- Respect and promote the principles of fundamental rights, gender equality, equal opportunities and non-discrimination, democratic values and sustainability.
- Know and apply the principles of the professional code of ethics.
- Know and apply the regulatory framework of labour relations.
- Know and be able to analyse the principles, spheres and procedures of action of social and labour-related political institutions.
- Know and be able to analyse the structure and dynamics of national and community industrial relations systems.
- Be able to interrelate the knowledge from the different academic disciplines that analyse the work environment.
- Analyse and evaluate the factors that determine inequalities in the world of work.
- Analyse and evaluate the decisions of the agents that participate in labour relations.
- Be able to select and manage social and labour information and documentation.
- Be able to advise on and deal with employment and hiring matters.
- Be able to carry out advisory, representation and negotiation functions in the different areas of the labour relations at individual, trade union and company level.
- Know and apply the basic regulatory framework of private contracting and company law to the business field.

## **LEARNING OUTCOMES (RD 1393/2007) // NO CONTENT (RD 822/2021)**

At the end of the studies in this field, and assuming that the student has passed it, he/she must be able to:

- 1 -. Drive with a certain ease labor laws and instruments of interpretation of the rules: the ability to identify the sources through which collective labor relations are regulated, and ability to read and understand at a basic level court decisions and legal texts.
- 2 -. Recognize the rights that belong to the employee within the scope of collective labor relations, and its object.
- 3 -. Identify the different subjects acting on behalf of and defending the interests of workers in the company and beyond, as well as organizations that, in collective labor relations, act as a counterpart of these subjects: the ability to know the trade unionism, its historical evolution and current status; ability to manage the creation and / or selection of such subjects.
- 4 -. Know the functions of collective autonomy in the regulation of working conditions and in their implementation: the ability to describe and interpret a collective agreement, without going into the analysis of the particular conditions of work regulated by it, proper of the subject "Labour Law II" - and



solve interpretive problems that might arise from negotiation (subject entitled, composition of the negotiating commission, processing ....)

5 -. Perform a legal analysis of conflict situations drawn from reality: ability to identify in each case the stakes in the field of collective labor relations and the legal rules applicable to the composition of such interests.

6 -. At a basic level, argue with legal-rational criteria to resolve industrial disputes, using the precise terminology and concepts internalized by the student during the course.

## DESCRIPTION OF CONTENTS

### 1. FREEDOM OF ASSOCIATION AND RIGHT TO ORGANISE

- I. Introduction: the conquest of freedom of association
- II. Legal framework
- III. Individual freedom of association: a) Freedom of Setting-up; b) Freedom of Union Membership (right to join a Union); c) Negative Freedom of Association; d) Rights of Union Members.
- IV. Collective Freedom of Association
- V. Legal status of Association: Process for setting-up a Union and effects
- VI. Unity vs. plurality: types of Most Representative Trade Unions (LOLS) and its prerogatives

### 2. COLLECTIVE REPRESENTATION

- I. General overview
- II. Workplace (unitary) Representation: a) Organs/Bodies: Employee Delegates and Works Committees; b) Election procedure; c) Length of mandate; d) Functioning criteria; e) Powers/Competences; f) Guarantees; g) Facilities
- III. Trade Union Representation: a) Union Sections; b) Shop Stewards
- IV. Right to free assembly
- V. Other sorts of collective representation at the workplace: European Works Councils

### 3. COLLECTIVE BARGAINING

### 4. INDUSTRIAL DISPUTES

- I. Concept and types of industrial disputes: a) Individual or collective; b) Legal disputes or disputes of interest
- II. Procedures for solving industrial disputes: a) Judicial remedies; b) Non-judicial remedies (negotiation, mediation, conciliation, arbitration)
- III. Direct use of industrial action: measures of conflict

**5. THE STRIKE**

- I. Concept and legal framework
- II. Right holders
- III. Procedure: a) Strike call; b) Setting-up a Strike Committee; c) Security and Maintenance Services; d) Pickets; f) Strikebreaking or scabbing
- IV. Legal consideration of the strike: a) Illegal strikes; b) Unfair or abusive strikes
- V. Strikes in essential services for the Community: a) Concept; b) Setting-up the minimum services; c) Breach of the minimum services
- VI. End of the strike
- VII. Effects of the strike: a) For strikers; b) For non-strikers

**6. LOCK-OUT**

- I. Constitutional Basis
- II. Legal framework: a) Causes; b) Procedure; c) End of the Lock-out; Effects.

**WORKLOAD**

| ACTIVITY                                     | Hours         | % To be attended |
|--|---------------|------------------|
| Theoretical and practical classes            | 60,00         | 100              |
| Attendance at events and external activities | 4,00          | 0                |
| Development of group work                    | 5,00          | 0                |
| Development of individual work               | 5,00          | 0                |
| Study and independent work                   | 30,00         | 0                |
| Readings supplementary material              | 10,00         | 0                |
| Preparation of evaluation activities         | 12,00         | 0                |
| Preparing lectures                           | 12,00         | 0                |
| Preparation of practical classes and problem | 12,00         | 0                |
| Resolution of case studies                   | 0,00          | 0                |
| Resolution of online questionnaires          | 0,00          | 0                |
| <b>TOTAL</b>                                 | <b>150,00</b> |                  |

**TEACHING METHODOLOGY**

It will combine theoretical training activities, practices, tutoring, and those that include the study, evaluation and overall work both individually and in team of students.

Distribution by types of activities in ECTS credits, which may be modified up to 20% by type of activity according to specific needs, is as follows:

- Activities of exposition (theoretical presentations, seminars, presentation of papers):
  - theoretical presentations by the teacher will present the general configuration of the main legal





institutions and the interests behind it. They also will deal with more general policy and interpretation criteria of their discipline.

- The workshops will allow the discussion of partial aspects of this discipline with the idea that the participants, prior to the implementation of reflection and personal work or in small group, may discover the political and legal problems in the various legal institutions.

- Work proposed by the teacher responsible for allowing their individual authors or in small groups to be trained in the legal treatment of information (collection and processing) and put it at the service of problem-solving. By written and/ or oral presentation skills are acquired in the exhibition area, essential for a lawyer.

- Practical activities (resolution of cases, classroom practices, software, workshops, practical training outside the classroom) and individual tutoring or in small groups:

- By resolution of real or hypothetical scenarios, participants face the actual functioning of legal methodology (argumentative criteria) as well as specific aspects of problem management (preparation of documentation related to it). The analysis is integrated, where appropriate, with the use of tools related to data collection and / or document management.

- For individual tutoring or in a small group the teacher proposes a subject on which participants find and expose its problematic aspects.

- Activities of team work, study, individual work and assessment:

- Teamwork and individual work are instrumental to techniques that have been outlined above. Is expressed in the development of the proposed work, prior preparation of case-studies and tutorials scheduled.

The time of study includes a part prior to the remaining part of training activities and a subsequent one. In the former, the students personally approach problems and content that will be the object of classroom activities, theoretical or practical. In the later, once they are developed, students strengthen related knowledge.

## EVALUATION

To pass the course, students must demonstrate the degree of knowledge acquired through their individual work and teamwork throughout the course.

The specific learning assessment will be based on the following criteria:

- Test / s writing / s and / or oral, consisting of one or more tests, which may be objective type tests, may include theory and practice questions and / or problems. It constitutes 70% of the final mark. In any case, it is prerequisite to account for the remaining 30% of the note passing the final exam. These tests have as general evaluation criteria:

- Appropriate response to what is being asked: specificity and precision

- Writing and spelling

- Accuracy and technical terminology

- Consistency and internal logic of the foundation of the responses

- Assessment of practical activities, individual and / or group, from the development, delivery of papers, memos/reports and / or oral presentations, student attendance at seminars and visits to institutions and regular attendance and active participation in classroom activities, level of involvement in the process of teaching and learning and skills and attitudes displayed during the development of activities. It constitutes 30% of final grade.



## REFERENCES

### Basic

- RAMIREZ MARTÍNEZ y CAMPS RUIZ (Ed.), Derecho del Trabajo, Ed. Tirant lo Blanch edición más reciente-
- Normas Laborales básicas (BLASCO PELLICER Y GOERLICH PESET), Ed. Tirant Lo Blanch, Valencia, última edición.
- Estatuto de los Trabajadores (ANGEL BLASCO PELLICER). Ed. Tirant Lo Blanch, Valencia,

### Additional

- GARCÍA NINET: Manual de Derecho Sindical, Ed. Atelier, Barcelona.
- PALOMEQUE LÓPEZ: Derecho sindical español, Ed. Tecnos, Madrid
- Legislación laboral y de la Seguridad Social (GALIANA MORENO Y SEMPERE NAVARRO). Ed. Aranzadi.
- <http://noticias.juridicas.com/>
- <http://www.boe.es>
- <http://www.uv.es/bibsoc/GM/guia/2.html>

## ADDENDUM COVID-19

**This addendum will only be activated if the health situation requires so and with the prior agreement of the Governing Council**

### 1. Contenidos

Se mantienen los contenidos inicialmente recogidos en la guía docente.

### 2. Volumen de trabajo y planificación de la docencia

Se mantienen las distintas actividades, con las horas de dedicación en créditos ECTS marcadas en la guía docente original.

En función de los criterios de la metodología docente, las sesiones programadas para su desarrollo podrán desarrollarse en las mismas fechas y horas con la misma duración o dejando libertad al estudiante para realizarlas de acuerdo con su programación. En todo caso, la puesta en común de las actividades aplicadas se desarrollará manteniendo horarios de las sesiones presenciales.

### 3. Metodología docente



En función de las características de la materia, las disponibilidades informáticas de los componentes de cada grupo y el efectivo funcionamiento de las herramientas informáticas, las lecciones magistrales podrán ser sustituidas por subida de materiales al AV, videoconferencias BBC, o transparencias locutadas.

Para las actividades aplicadas, que se subirán a través del AV, se garantizará la interacción entre profesores y estudiantes, mediante videoconferencias BBC o el uso de foros o chats del AV.

A parte la atención personalizada a través de la herramienta AV o del correo electrónico, se establecerá un sistema de tutorías colectivo, a través de sesiones videopresenciales BBC o chats o foros del AV.

#### **4. Evaluación**

La propuesta de adaptación para la evaluación del estudiantado en esta asignatura es la siguiente:

Se elimina la necesidad de superar la evaluación continua o la prueba final para poder totalizar las calificaciones de ambas partes.

**EVALUACIÓN CONTINUA -30%:** En relación con la evaluación continua, se valorará la entrega de prácticas y, en su caso, la realización de un trabajo específico.

**EVALUACIÓN FINAL -70%-:** EXAMEN test teórico práctico a través de cuestionario de AV en la fecha del examen con las

siguientes características:

- 20 preguntas
- 4 alternativas –solo una correcta (sin descuento de incorrectas)-
- 50 minutos

Si una persona no dispone de los medios para establecer esta conexión y acceder al aula virtual, deberá contactar con el profesorado por correo electrónico en el momento de publicación de este anexo a la guía docente. El profesor/a responsable de la asignatura le propondrá una alternativa factible para la realización del examen final.

#### **5. Bibliografía**

Habida cuenta de que varias editoriales han suscrito con las Bibliotecas UV acuerdos temporales que posibilitan el acceso directo por los estudiantes a varios de los textos incluidos, entre ellos el que actúa como manual de referencia, no se introducen cambios en la Guía Docente.