

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

<b>Code</b>	33567
<b>Name</b>	Labour procedural Law
<b>Cycle</b>	Grade
<b>ECTS Credits</b>	6.0
<b>Academic year</b>	2021 - 2022

**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	3	Second term

**Subject-matter**

<b>Degree</b>	<b>Subject-matter</b>	<b>Character</b>
1309 - Degree in Labour Relations and Human Resources	12 - Guarantees of labour standards	Obligatory

**Coordination**

<b>Name</b>	<b>Department</b>
ESTEVE SEGARRA, AMPARO	76 - Labour and Social Security Law

**SUMMARY**

The course Labor Litigation is underway in the second quarter of the third year of the Degree in Industrial Relations and Human Resources as required. 6 ECTS credits are assigned. Materials is one of the members of the module "Legal framework for labor relations." It aims to make known to the student, fundamentally, the basic regulation of relationships (individual, collective, social protection or procedural) that arise in the dependent employment and paid employment. The course is underway in the second half of the third degree course in Industrial Relations and Human Resources. Therefore, we undertook the study after obtaining the necessary methodological knowledge to assimilate and develop the theoretical and practical lessons appropriate to the grade, thanks to the course "Tools and Techniques, Information and documentation" -, and the knowledge needed for learning subjects in the area of knowledge, "Labour and Social Security," because the subject "basic legal elements for industrial relations" -.



Likewise, the student comes to this subject with some prior knowledge necessary, the modules provided by the Trade Union Law, Labour Law (I and II), Social Security Law (I and II), Administrative Intervention in Industrial Relations and Marco management policy and risk prevention. The student should be aware that legal disciplines are not watertight compartments, completely autonomous and independent from each other. This is evident in all matters referred to above, attached to the subject area of the same department (Labour and Social Security). In addition to all prior knowledge can serve the understanding of new concepts are introduced, the knowledge acquired in the subjects studied and legal cut will be especially useful in introducing new concepts inherent to the subject of law Labour Process. As for the actual content of the material must be noted that this refers to:

- a) General questions about labor process: competition, parties, accumulations, procedural acts, etc. Avoidance of the process.
- b) Detailed analysis of the regular process in its different phases.
- c) A detailed analysis of some procedural rules (dismissal, social security and protection of fundamental rights) and reference to other procedural rules.
- d) remedies, with special attention to the resources of supplication and appeal for the unification of doctrine.
- e) Implementation of final and provisional

## PREVIOUS KNOWLEDGE

### Relationship to other subjects of the same degree

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

### Other requirements

Relationship with other subjects of the same degree

No enrolment restrictions have been specified.

Other types of prerequisites

Methodological knowledge of the subject Information Tools and Techniques, Study and Documentation and those of the subjects of the area of knowledge such as Trade Union Law, Labour Law, Social Security Law (I and II), Management Intervention in Labour Relations and Legal Framework and Management of Labour Risks Prevention are necessary.

## OUTCOMES

### 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 apply the regulatory framework of social security and complementary social protection.
- Know and be able to analyse the principles, spheres and procedures of action of social and labour-related political institutions.
- Be able to interrelate the knowledge from the different academic disciplines that analyse the work environment.
- Be able to select and manage social and labour information and documentation.
- 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.
- Have capacity for representation in the administrative and procedural fields and for defence before the courts in labour matters.

## LEARNING OUTCOMES

Upon successful completion of the subjects, students must be able to:



1. Know the competence of the social order of jurisdiction.
2. Know the different courts of the social order and their matters.
3. Know who can or must be part of the labour process, with special attention to trade unions and wage guarantee fund, or in the assumption of multiple parties.
4. Know the deadlines within which legal action must be performed, with particular attention to limitation periods regarding dismissal and prescription related to amount claim.
5. Understand the specific content of procedural powers, especially sentences.
6. Know the legal proceedings of a case from the avoidance of process and filing of the application to the passing of the verdict and possible appeals.
7. Know how to draft basic procedural legal documents such as settlement filing or demand.
8. Discern which legal remedy can be formulated against the various procedural resolutions.
9. Know how to request provisional or final execution of the various enforceable.
10. Know how to represent and defend the working procedures before the courts.

## WORKLOAD

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	60,00	100
Attendance at events and external activities	6,00	0
Development of group work	3,00	0
Development of individual work	3,00	0
Study and independent work	25,00	0
Readings supplementary material	3,00	0
Preparation of evaluation activities	15,00	0
Preparing lectures	8,00	0
Preparation of practical classes and problem	15,00	0
Resolution of case studies	10,00	0
Resolution of online questionnaires	2,00	0
<b>TOTAL</b>	<b>150,00</b>	



## TEACHING METHODOLOGY

The course work is based on personal, individual and group of students, combining theoretical training activities, practices, tutoring, and those that include the study and evaluation. The types of things to do would be as follows: - Activities expository (theoretical presentations by the method of participatory lectures, seminars, presentation of works).

o theoretical presentations by the teacher will present the general configuration of the main legal institutions and the interests behind it. Address, also regulatory and interpretative criteria broader discipline. or seminars and 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 small group, can find the legal, political and legal institutions in the various .

o work proposed by the teacher responsible for allowing their individual authors, or in small groups, trained in the legal treatment of information (collection and processing) and put at the service of problem-solving. By written submission and / or oral 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 small groups. o By PBL judicial taken from reality, students face the actual functioning of legal methodology (criteria argumentative) 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. o For individual tutoring or small group, the teacher will propose a topic on which participants find and expose its problematic aspects.

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

o teamwork and individual is instrumental techniques that have been outlined above. Is expressed in the development of the proposed work, prior preparation of the lectures, the practical cases and scheduled tutorials. The study includes a time prior to the remaining part of training activities and a subsequent one. In the first, the students approach problems personally and content that will be classroom activities, theoretical or practical. In the second, once developed they, strengthen related knowledge. In terms of computer resources that serve teachers and students in the learning process should also refer to the use of Virtual Classroom as a communication tool and potentiation of the subject.

## EVALUATION

The course is based on the personal, individual and group work of students, combining theoretical training activities, practices, tutoring, and those including study and evaluation. The following activities will be carried out:

- Expository activities (presentations on theory through participatory lectures, seminars, presentation of assignments).

- Presentations on theory by the teacher will introduce the general configuration of the main legal institutions and the interests behind it. They will also approach the basic regulatory and interpretative criteria.



- Seminars and workshops will lead to the discussion of partial aspects of this discipline in order that participants can discover the legal and political problems within the different institutions, after having reflected and carried out an individual or group assignment.
- Assignments (individual or in small groups) proposed by the teacher enable students to train themselves in the processing of legal information (gathering and elaboration) and use it for problem-solving. Written and oral presentations will improve their expository skills.
- Practical activities (case solving, classroom practices, IT applications, workshops, practical training outside the classroom) and individual tutoring or small groups.
- Through learning based on real judiciary problems, students will 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 completed, where appropriate, with the use of tools related to data gathering and / or document management.
- For individual tutoring or small group, the teacher will propose a topic for students to discuss about, especially problematic aspects.
- Group assignments, study, individual work and assessment.
- Group and individual work will put into practice the techniques mentioned above. It consists in the development of the proposed work, preparation of the lectures, practical cases and scheduled tutorials.

Study time will take place both before and after the lessons in order to take a personal approach to the contents and consolidate the knowledge acquired.

One of the basic IT resources used by the teachers and students will be Aula Virtual, used as communication tool.

## REFERENCES

### Basic

- - GOERLICH PESET, J. M<sup>a</sup>; NORES TORRES, L. E.; ESTEVE SEGARRA, A., Curso de Derecho procesal laboral, Valencia, (Tirant lo Blanch), última edición
- - BLASCO PELLICER, A.; GOERLICH PESET, J. M<sup>a</sup>, Ley de la jurisdicción social, Valencia (Tirant lo Blanch), última edición.



### **Additional**

- Albiol Montesinos, M.; Alfonso Mellado, C. L.; Blasco Pellicer, A.; Goerlich Peset, J. M<sup>a</sup>., Derecho Procesal Laboral, Valencia, Tirant lo Blanch.
- Alonso Olea, M.; Alonso García, R. M<sup>a</sup>., Derecho Procesal del Trabajo, Madrid, Civitas.
- Blasco Pellicer, A. Dir.- (2013), El proceso laboral. Tomos I y II, Valencia, Tirant lo Blanch.
- Blasco Pellicer, A.; Goerlich Peset, J. M<sup>a</sup> Dirs.- (2012), La reforma del proceso laboral. La nueva Ley reguladora de la Jurisdicción Social, Valencia, Tirant lo Blanch.
- Folguera Crespo, J. A.; Salinas Molina, F.; Segoviano Astaburuaga, M<sup>a</sup>. L. Dirs.- (2012), Comentarios a la Ley Reguladora de la Jurisdicción Social, 2<sup>a</sup> edición. Valladolid, Lex Nova.
- Garberí Llobregat, J. (2011), El nuevo proceso laboral. Comentarios a la Ley 36/2011, de 10 de octubre, reguladora de la Jurisdicción Social, Madrid, Civitas.
- Lousada Arochena, J. F. et altri, Sistema de Derecho Procesal Laboral, Murcia, Ediciones Laborum.
- Maneiro Vázquez, Y. Dir.- (2018), Derecho Procesal laboral práctico, Valencia, Tirant lo Blanch.
- Monereo Pérez, J. L. et altri, Manual de Derecho Procesal Laboral: teoría y práctica, Madrid, Tecnos.
- Montero Aroca, J. (2000), Introducción al proceso laboral, 5<sup>a</sup> edición, Madrid: Marcial Pons.
- Montoya Melgar, A. et altri (2016), Curso de Procedimiento Laboral, 11<sup>a</sup> edición, Madrid, Tecnos.
- Nogueira Guastavino, M.; García Becedas, G. Coords.- (2016), Lecciones de Jurisdicción Social, 2<sup>o</sup> edición, Valencia, Tirant lo Blanch.

### **ADDENDUM COVID-19**

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

### **English version is not available**

#### **1. Contenidos**

Se mantienen los contenidos de la asignatura, si bien, en función de su naturaleza, se procederá a su distribución entre los diferentes tipos de sesiones en que se organice la docencia híbrida o a distancia.

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

Se mantienen las distintas actividades, con las horas de dedicación en créditos ECTS marcadas en la guía docente original. En caso de que sea necesario recurrir a la docencia híbrida o a distancia en función de imperativos sanitarios, las sesiones y actividades programadas se desarrollarán, como regla general, en las fechas y horas establecidas por la autoridad académica competente.

#### **3. Metodología docente**

Si es posible en atención a los criterios establecidos por las autoridades sanitarias y académicas, la docencia se desarrollará de forma presencial en su totalidad conforme a las previsiones de la Guía.



En caso de que haya que recurrir a formas de docencia híbrida, las lecciones magistrales podrán desarrollarse a distancia, preferentemente por medio de videoconferencias síncronas. Si las herramientas informáticas lo permiten, las sesiones correspondientes podrán realizarse en presencia de una parte de los estudiantes y con acceso en streaming para el resto.

Los tiempos de presencia física de los estudiantes, de acuerdo con los criterios establecidos por la autoridad académica, se dedicarán a actividades aplicadas y tutorías colectivas. En función de las disponibilidades, se permitirá igualmente el acceso en streaming para el resto de estudiantes.

Si a lo largo del curso la situación sanitaria impusiera que la totalidad de la docencia sea on line, 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 deberán realizar preferentemente mediante videoconferencias BBC síncronas. Si esto no fuera posible, podrán ser sustituidas por subida de materiales en el AV, 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.

En todo caso, aparte la atención personalizada a través de la herramienta AV o del correo electrónico, se establecerá un sistema de tutorías colectivo, a través de sesiones de BBC o chats o foros de la AV.

#### 4. Evaluación

Se mantienen íntegramente los criterios fijados en la guía docente, tanto respecto a la ponderación entre evaluación continua y prueba final como a los requisitos mínimos de puntuación de una y otra. Queda garantizada la posibilidad de conseguir la nota de la totalidad de la evaluación continua en el caso de que el estudiante no pueda concurrir presencialmente por imperativos sanitarios.

La prueba final se desarrollará de forma presencial de acuerdo con las previsiones de la guía docente. Para el caso de que, en algún momento, por imperativos sanitarios, la evaluación presencial no fuera posible, se realizará a distancia una prueba objetiva de preguntas teórico-prácticas de respuesta múltiple con descuento de errores, un examen de preguntas de desarrollo o un examen oral, a través de las herramientas informáticas disponibles.

#### 5. Bibliografía

Se mantiene la bibliografía existente en la guía docente. Si la situación sanitaria implicara el cierre de las bibliotecas, se facilitará material de apoyo a través del aula virtual.