

Academic Year: (2019 / 2020)

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Department assigned to the subject:

Coordinating teacher: CORREA CARRASCO, MANUEL

Type: Compulsory ECTS Credits : 4.0

Year : 1 Semester : 2

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

- Collective Labour Law
- Trade Union Law

OBJECTIVES

COMPETENCES

Having knowledge and understanding which provide a basis or opportunity for originality in developing and / or applying ideas, often within a research context .

Students being able to apply their knowledge and ability to solve problems in new or unfamiliar environments within broader (or multidisciplinary) contexts related to their field of study .

Students should be able to integrate knowledge and handle complexity of formulating judgments based on information that being incomplete or limited, includes reflexions on social and ethical responsibilities linked to the application of their knowledge and judgment.

Students need to be capable of communicating their conclusions as well as the knowledge and rationale underpinning to specialists and non- specialists in a clear and unambiguous way.

Students need to have the learning skills which will allow them continue studying in the future.

Being capable of recognizing the growing importance of teamwork in the workplace and demonstrate adaptability and integration into different groups , sometimes with competing interests, maintaining relationships and fluid communications, respecting ideas and solutions provided by others with an attitude of cooperation and tolerance , sharing responsibilities and giving and receiving instructions.

Accepting the need for constant self-learning and lifelong learning as tools that facilitate the continuous updating in the field of labor relations derived from the need of adapting to changes in the labor market and the dizzying legislative modifications and variations of jurisprudential approach.

Ability to apply knowledge acquired in the tasks of the advisory and consultancy work in order to solve problems of a particular complexity which are current within the field of Labour Law and Social Security.

Express a high sense of personal responsibility and right to intervene in the processes related to professional practice and typical lawyers activities , social collegiate graduates , consultants and business advisors.

Ability to prepare reports with text and terminological precision in order to avoid unnecessary litigation and foster effective communication.

Capacity for individual and collective bargaining between private and public administrations.

Identify, interpret, relate and apply all relevant rules and case law in any case that may arise in the area of labor and social security , including the most complex and most difficult cases.

Propose and provide solutions to real present-day problems referring to legal or contractual obligations in labor and social security matters in all types of organizations, or nonprofit , both public and private .

Identify, assess and weigh potential liability risks arising from the total or partial breach of obligations on labor and social security matters .

Designing strategies and plans to prevent future problems related to legal or contractual obligations in labor and social security matters in all types of organizations, or nonprofit , both public and private .

Being capable of composing documents of any level of complexity (contracts, plans , programs, policies , letters , notifications, etc. .) In any field of labor relations and social security .

Knowing all administrative, legal and other systems with competence in the enforcement of labor legislation and social security or the resolution of disputes arising in this area; and its operating and procedures .

Take an active part at any level of complexity in administrative , judicial or extrajudicial system of any competition in the enforcement of labor legislation and social security or the resolution of disputes arising in this area

Searching for evidence, master of each one of them for fact-finding techniques, and assess all in the various judicial , judicial and administrative procedures to take into account the specificities of labor procedures.

Being able of advising all types of businesses , organizations, workers , soc

DESCRIPTION OF CONTENTS: PROGRAMME

LAW REPRESENTATION OF EMPLOYEES, COLLECTIVE BARGAINING AND COLLECTIVE CONFLICTS

- Freedom of association and the legal system.
- Analysis of international and national law.
- Policy instruments for the management of industrial action.

- Freedom of association and rules of business associations .
- Study of the associations of self-employed workers.

- Representation of employees in the company.
- Study of the problems in the establishment and operation of representative bodies .
- Analysis of the jurisprudential conflicts arising in the exercise of powers , facilities or privileges by the company and infringement on the guarantees of representatives.

- Social dialogue and collective bargaining: state of affairs .

- Collective agreements .
- Study of conventions and legal issues that arise on its content.
- Scope of the real problems arising in the field after the successive labor reforms .

- Collective conflicts .
- Analysis of labor unrest in our industrial relations system ; in particular, outbreaks of unrest longer.

- Right to strike .
- Study of real cases.
- Analysis of the questions that most problems originate practical level :
 - Unfair strikes
 - Designation and disregard of services and their consequences
 - Business response to the exercise of the right to strike (replace strikers , responsibilities of employers, "defensive" lockouts .)

LEARNING ACTIVITIES AND METHODOLOGY

LEARNING ACTIVITIES

Lectures

Practical classes
Tutorship
Work in groups
Individual student work

TEACHING METHODOLOGIES

Presentations in class with technical and audiovisual supporting facilities, in which the main concepts of the subject are developed and the bibliography is provided to supplement students learning.

Critical reading recommended by the subject teacher texts:

Newspaper articles, reports, manuals, and academic articles, which are good items for subsequent class discussion, either to expand or consolidate the knowledge of the subject.

Solving practical cases, issues and questions raised by the teacher either individually or in groups.

Presentation and discussion on issues related to the content of the material, as well as case studies in class under the teacher's moderation.

Preparation of papers and reports individually or in groups.

ASSESSMENT SYSTEM

% end-of-term-examination/test: 20

% of continuous assessment (assignments, laboratory, practicals...): 80

- Continuous Assessment: Evaluation of the activities developed by students individually or in groups.
- Final exam will consist of a test, either oral or written on the content of the course.
- In the extraordinary examination, the value of the final exam will be 100%.

BASIC BIBLIOGRAPHY

- AA.VV. Los convenios de empresa de nueva creación tras la reforma laboral de 2012, Lefebvre-El Derecho, 2016
- CORREA CARRASCO Convenios y Acuerdos Colectivos de Trabajo, Aranzadi, 1997
- CORREA CARRASCO Acuerdos de Empresa, Francis Lefebvre, 2012
- ESTEVE SEGARRA Las Asociaciones Empresariales: Régimen jurídico y Representatividad, Aranzadi, 2003
- GARCÍA PIÑEIRO Las asociaciones empresariales en el Derecho español, CES, 2005
- MERCADER UGUINA Estructura de la negociación colectiva y relaciones entre convenios, Civitas, 1994
- MUÑOZ RUIZ Problemas prácticos del convenio colectivo de empresa, Lex Nova, 2014
- NAVARRO NIETO La representatividad sindical, MTSS, 1993
- RUIZ CASTILLO El cierre patronal, MTSS, 1990
- VIVERO SERRANO La huelga en los servicios esenciales, Lex Nova, 2002

ADDITIONAL BIBLIOGRAPHY

- AA.VV. Collective bargaining in Europe , CCNCC/MTAS, 2005
- AA.VV. The Regulation of industrial conflict in Europe : strikes and lock-outs in 15 countries, Eclipse Publications, 1989

- PÉREZ DE LOS COBOS (Coord.) Real Decreto-Ley 17/1977, de 4 de marzo, sobre relaciones de trabajo: Régimen legal y jurisprudencial de la huelga el cierre patronal y el conflicto colectivo, La Ley, 2014

- SERRANO/XHAFA/FICHTER Trade unions and the global crisis : labour's visions, strategies and responses, OIT, 2011

BASIC ELECTRONIC RESOURCES

- SERVICIO INTERCONFEDERAL DE MEDIACIÓN Y ARBITRAJE . SIMA: <http://fsima.es/>