

Academic Year: ( 2019 / 2020 )

Review date: 20-04-2020

Department assigned to the subject: Social and Private International Law Department

Coordinating teacher: ALAMEDA CASTILLO, MARIA TERESA

Type: Electives ECTS Credits : 3.0

Year : Semester :

**REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)**

- Individual and Trade Union Work Law
- Constitution and System of Sources
- Procedural Law

**OBJECTIVES**

Basic Competencies:

Students know how to apply their knowledge to their work or vocation in a professional way and possess the skills that are usually demonstrated through the elaboration and defence of arguments and the resolution of problems within their area of study.

Students have the ability to gather and interpret relevant data (usually within their area of study) in order to make judgments that include a reflection on relevant issues of a social, scientific, or ethical nature.

Students have developed the learning skills necessary to undertake further studies with a high degree of autonomy.

General Competencies:

Capacity for organization, analysis, and synthesis.

Capacity for oral and written expression on specific subjects.

Awareness of the importance of recognizing and defending fundamental rights.

Acquisition of a personal and collective commitment with respect for and protection of the principles of equality between men and women, equal opportunities, and universal accessibility for people with disabilities.

Cross-Curricular Competencies:

Be able to work in multidisciplinary and/or international teams as well as to organize and plan work taking the right decisions based on the available information, gathering and interpreting relevant data to make judgments, and critical thinking within the area of study.

Specific Competencies:

Resolution of complex legal problems.

Mastery of the concepts and fundamental principles of the different sectors of the legal system.

Competence in the handling of legal sources (legal, jurisprudential and doctrinal).

Drafting of documents and legal reports.

Legal knowledge adapted to the areas of business and commercial relations.

Familiarity with the phases, formalities, and specific procedural principles of the different jurisdictional orders.

**LEARNING RESULTS**

Acquisition of advanced knowledge and demonstration of an understanding of theoretical and practical aspects, as well as the methodology of work in the field of Law, up to the forefront of current knowledge.

Power to apply their knowledge through arguments or procedures developed and supported by them, the understanding of such arguments and their abilities to solve problems in complex or professional and specialized work environments that require the use of creative and innovative ideas.

Ability to collect and interpret data and information on which to base their conclusions, using the system of sources of law and its interpretation methodology and including, when necessary and appropriate, reflection on issues of a social, scientific or ethical nature within the scope of the area of study.

Ability to cope with complex situations or situations requiring the development of new solutions in the

academic, work or professional field within the area of study.

## DESCRIPTION OF CONTENTS: PROGRAMME

### PROGRAM

#### Labour Procedural Law

Topic 1. The protection of labour rights through social jurisdiction.

1. The fundamental right to effective judicial protection and a fair hearing.
2. Informative principles of the labour procedure.

Topic 2. The social jurisdiction: sources, organization, and competence.

1. Sources.
2. Spanish social jurisdiction.
3. Competence of the social order.
  - 3.1. Material competence. Inclusions and exclusions.
  - 3.2. Objective competence.
  - 3.3. Territorial competence.

Topic 3. The parties in labour proceedings: capacity, legitimacy, representation, and defence.

1. The litigant parties.
2. Legal standing in labour procedure.
3. Right of action in labour proceedings.
4. Representation in labour proceedings.
5. Defence: criteria and general conditions.

Topic 4. Proceedings.

1. Service of process.
2. Time and place of proceedings.
3. Judicial fees in labour proceedings.
4. Joinder in labour proceedings.
  - 4.1. Joinder of claims.
  - 4.2. Joinder of proceedings.

Topic 5. The ordinary labour proceedings.

1. The avoidance of proceedings.
2. The establishment of precautionary measures.
3. The ordinary or common proceedings.
  - 3.1. Start of the proceedings: the lawsuit.
  - 3.2. Judicial conciliation.
  - 3.3. Oral hearings.
  - 3.4. Evidence. Production of evidence, conclusions.
  - 3.5. The termination of the proceedings: the sentence.

Topic 6. Procedural modalities.

1. Basis of procedural modalities.
2. Small claims proceedings.
3. Special individual proceedings.
  - 3.1. Typology.
  - 3.2. The procedural modality of dismissal.
4. Special collective proceedings.
  - 4.1. Typology.
  - 4.2. The proceedings for protection of fundamental rights and public liberties.
- 4.3. The procedural modality of collective conflicts.

Topic 7. The means of contestation.

1. Means of contestation in the social jurisdiction.
2. Appeal for reconsideration.
3. Direct appeal for reconsideration.
4. Appeal to a higher court.
  - 4.1. Petition appeals.
    - 4.2. Ordinary appeals on points of law.
    - 4.3. Appeals on points of law to unify doctrine.
    - 4.4. Provisions common to petition appeals and appeals on points of law.
5. Writ of certiorari.
6. Contestation of res judicata.

Topic 8. The execution of sentences.

1. The execution of sentences.
2. The final execution of sentences and other executive decisions.
  - 2.1. The execution of fines.
  - 2.2. The execution of firm dismissal sentences.
3. The provisional execution of sentences

## LEARNING ACTIVITIES AND METHODOLOGY

### TRAINING ACTIVITIES:

**THEORETICAL-PRACTICAL CLASSES.** These will present the knowledge that students should acquire. Students will receive class notes and will have basic reference texts to facilitate the follow-up of the classes and the development of the subsequent work. Students will solve exercises and practical problems, and workshops will be held to acquire necessary skills.

**TUTORING.** Individual assistance (individual tutorials) or group assistance (collective tutorials) given to students by the teacher.

**INDIVIDUAL OR GROUP STUDENT WORK.**

### TEACHING METHODOLOGY:

**THEORY CLASSES.** Presentations in the teacher's class with support of computer and audio-visual media, in which the main concepts of the subject are developed, and materials and bibliography are provided to complement the students' learning.

**PRACTICE.** Individual or group resolution of practical cases, problems, etc. raised by the teacher.

**TUTORING.** Individual assistance (individual tutorials) or group assistance (collective tutorials) given to students by the teacher.

## ASSESSMENT SYSTEM

### CONTINUOUS EVALUATION

This will assess the work, presentations, performance in debates, expositions in class, exercises, practices and participation in workshops throughout the course.

This evaluation forms 100% of the final mark.

<b>% end-of-term-examination:</b>	0
<b>% of continuous assessment (assignments, laboratory, practicals...):</b>	100

## BASIC BIBLIOGRAPHY

- ALBIOL ORTUÑO, M., ALFONSO MELLADO, C., BLASCO PELLICER, A., GOERLICH PESET, J.M., Derecho Procesal Laboral, , Tirant lo Blanch, Valencia,, última edición.
- MERCADER UGUINA, J. R., Lecciones de Derecho del Trabajo, , Tirant lo Blanch, Valencia,, última edición.
- MONTERO AROCA, J., Introducción al proceso laboral, , Marcial Pons, Barcelona,, última edición.
- MONTOYA MELGAR, A. (et alii), Curso de Procedimiento Laboral,, Tecnos, Madrid,, última edición.

## ADDITIONAL BIBLIOGRAPHY

- ALONSO OLEA, M., MIÑAMBRES PUIG, C. y ALONSO GARCÍA, R. M., Derecho Procesal del Trabajo,, Civitas, Madrid, última edición.
- BAYLOS, A., CRUZ VILLALÓN, J., y FERNÁNDEZ LÓPEZ, M.F., Instituciones de Derecho Procesal,, Trotta, Madrid,, 1995 (2ª edición).
- MONEREO PÉREZ, J.L. (et alii), Manual de Derecho procesal laboral. Teoría y Práctica, , Tecnos, Madrid,, última edición.