

Academic Year: (2022 / 2023)

Review date: 18/05/2022 20:33:09

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

Coordinating teacher: HERRAIZ MARTIN, MARIA SOL

Type: Compulsory ECTS Credits : 5.0

Year : 1 Semester : 1

OBJECTIVES

COMPETENCIAS ABILITIES

Possess knowledge that offers a base or an opportunity to be original in the development and/or the application of ideas, often in a context of research.

To know to apply adquired knowledge in topics related to its study area. Saber aplicar los conocimientos adquiridos en asuntos relacionados con su área de estudio.

To know how to communicate conclusions in a clear way and without any ambiguities.

To recognize the growing importance of teamwork in working life and show capacity of adaptation and integration in different collectives, in some ocasiones with opposite interests.

To accept the need of constant selflearning and continuous training as tools that give you a permanent updating in the area of working relations originated from the need to adapt yourself to the changes on the job market and to vertiginous legislative modifications and variations of the jurisprudence.

Capacity to apply adquired knowledge on specific tasks of labor law services, with the goal to resolve problems of a special difficulty and actuality within the area of Labour Law and Social Security.

To show a high sense of personal responsibility and a correct deontological behaviour during the intervention in trials related to your job and to specific consulting activities of a lawyer, an employee relation specialist, a consultant and labor law services.

Capacity to produce texts and reports with accuracy of terms in order to avoid innecessary law suits or benefit an efficient communication.

Capacity for individual and collective negotiation between privates and public administrations.

To identify, interpret, relate and apply all the relevant rules and jurisprudence to any case that raises in the working area and the social security, including more complicated cases or with higher difficulty.

To propose and give solutions to real (present) problems related to legal or conventional obligations in working matters and social security in any kind of organization, for profit or non-profit, as much in the public sector as in the private sector.

To identify, evaluate and weigh risks for possible responsibilities derived from a complete or partial unfulfilment of obligations in laboral matters and social security.

To design strategies or plans that avoid future problems related to legal or conventional obligations in labor matters and social security in any kind of organization, for profit or non-profit, as much in the public sector as in the private sector.

To write documents of any kind of complexe level (contracts, plans, programmes, policies, letters, notifications, etc.) in any kind of area of working relations and social security.

To know all the administrative systems, judicial and extrajudicial with competence in the surveillance to fulfill labour regulations and social security.

DESCRIPTION OF CONTENTS: PROGRAMME

- Social jurisdiction: its working in practice. Specific problems about setting out the competences between the civil and social orders, as well as administrative and social orders after the Law 36/2011, of the 10th of October, regulatory of the Social Jurisprudence.
- Critical points about the parts in the labour trial, the procedural acts. Study-cases.
- The stage of proceedings. Ordinary and specials. Writing of a lawsuit and intervention in trial (set of rules to claim, evidence and conclusions and procedural skills)

- Singularities of the ways of contestation in the social order. Preparing to filing of a lawsuit by the students.
- Precautionary custody and provisional and definitive executive custody. Advanced points.
- Autonomous and heteronomous extrajudicial solution of industrial disputes. Conventional and institutional systems (SIMA and regional equivalents). Problems of obligatory arbitration and analysis of real cases.
- Special assumptions. Infringement of fundamental rights, triple custody: anulatory, repository and resarcitory. Collective conflicts. Problems of active legitimation. Study of real cases. Supuestos especiales. Vulneración de derechos fundamentales, triple tutela:

LEARNING ACTIVITIES AND METHODOLOGY

PART I: Jurisdiction, competence and parts.
Sessions 1-2.

PARTY II: Lawsuit and previous acts. Accumulations. Avoidance of a trial. Precautionary measures. Appeals in the stage of proceeding. Procedural interventions, previous to the view of the complainant and the defendant.
Sessions 3-7.

PART III: The acto of the trial. Allegations and evidences. Finalizing the stage of proceeding.
Sessions 8-13.

PART IV: Singularities of the most relevant special trials.
Sessions 14-16.

PART V: Petitions and appeals.
Sessions 17-19.

PART VI: Procesos ejecutivos.
Sessions 20-21.

ASSESSMENT SYSTEM

% end-of-term-examination/test:	20
% of continuous assessment (assignments, laboratory, practicals...):	80

FINAL EXAM. In which the knowledge, skills, and abilities acquired throughout the course will be assessed globally. Sitting the exam is mandatory in all cases. 50%

CONTINUOUS EVALUATION. This will assess the work, presentations, performance in debates, expositions in class, exercises, practices and participation in workshops throughout the course. 50%

BASIC BIBLIOGRAPHY

- Dueñas Herrero, L.J "Guía práctica de mediación sociolaboral, Lex Nova, 2013
- Mercader Uguina, J.R Lecciones de Derecho del Trabajo, Tirant lo Blanch, 2022
- Monereo Pérez, J.L y otros Manual de Derecho Procesal Laboral: Teoría y práctica, Tecnos, Última edición