

Academic Year: ( 2023 / 2024 )

Review date: 19-04-2023

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**

Acquisition by students of essential knowledge of the social process.  
Critical analysis of legal texts and legislative policies.

**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. They 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 ASSESSMENT

This will assess the work, presentations, performance in debates, exercises, practices and participation in workshops during the classes.

This evaluation forms 100% of the final mark.

Final exam if the continuous assessment is not passed.

The extraordinary call will consist on theoretical and practical exam.

<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.

#### BASIC ELECTRONIC RESOURCES

- Área de Derecho del Trabajo y Seguridad Social Universidad Carlos III de Madrid (y otros autores) . Foro de Labos. Toda la actividad laboral y social : <https://forodelabos.blogspot.com/>