

28526 - Procedural Labour Law

Syllabus Information

Academic year: 2023/24

Subject: 28526 - Procedural Labour Law

Faculty / School: 108 - Facultad de Ciencias Sociales y del Trabajo

Degree: 428 - Degree in Labour Relations and Human Resources

ECTS: 6.0

Year: 4

Semester: First semester

Subject type: Compulsory

Module:

1. General information

The subject and its expected results respond to the following approaches and objectives:

Provide students with the theoretical, conceptual and applied framework of the labour process, in terms of effective judicial protection, action and the jurisdictional function, and enable them to integrate the different legal elements that require or condition the decisions and the resolution of individual or collective labour disputes before the Social Jurisdiction or extra-procedurally through conciliation or arbitration.

The following Sustainable Development Goals (SDGs) are included to contribute to some extent to their achievement. Goal 4: Quality education. Goal 5: Gender Equality. Goal 8: Decent Work and Economic Growth Goal 10: Reduction of inequalities. Goal 16: Peace, justice and strong institutions

2. Learning results

In order to pass the objectives of the subject, students must accredit the following results

- Knows and understands the judicial plant of the social order, the representation, action and defense before the Jurisdiction Social.
- Knows how to identify labor and social security conflicts and is able to select the appropriate procedural modality appropriate.
- Identifies and understands writings and resolutions of the jurisdictional bodies of the Social Order.
- Knows how to handle and search for specific sources of information on procedural matters: web pages, databases, procedural forms, etc.
- Is capable of drafting, substantiating and presenting a lawsuit and knows how to distinguish the different phases of the ordinary lawsuit in the instance.

3. Syllabus

UNIT 1. The social jurisdiction

1. Organs of the Social Order. Social Jurisdiction: extension and limits.
2. Jurisdiction of the Social Jurisdictional Bodies.
3. Conflicts of Jurisdiction, conflicts of competence, questions of competence.

UNIT 2. The parties

1. Concept, capacity and legal standing.
2. Proceedings with plurality of parties.
3. Representation, assistance and technical defense.
4. Intervention of FOGASA.

UNIT 3. Labor proceedings and procedural actions. Process avoidance

1. The Labor Process. Concept and guiding principles. Procedural duties.
2. Procedural actions.
3. Procedural resolutions.
4. Process Avoidance.
5. Preparatory acts and preliminary proceedings.
6. Precautionary measures.

UNIT 4. The ordinary process and the payment order process. Procedural modalities

1. Demand: Concept and requirements.
2. Accumulation of actions and joinder of proceedings.
3. Presentation of the claim. Admission and correction of defects.
4. Conciliation.
5. Act and phases of the Trial: Allegations, evidence and conclusions.
6. Minutes of the trial.
7. Final proceedings.
8. Termination of the process.
9. The payment order process.
10. Procedural modalities.

UNIT 5. Means of challenge. Labor execution

1. Resource typology.
2. The executive title and its types.
3. Provisional and final execution. Assumptions.

4. Academic activities

The designed learning process is based on:

- The instructive didactic model with exposition of the concepts and theoretical knowledge and the use of bibliography on the programmed contents (Type 1 expository classes).
- The use of the case method in the practical classroom activities focused on the activity and participation of the students (Classroom practical classes Type 2).
- Supervised visit to Social Courts (Type 4 Field Practical Activity)
- The autonomous work of the students through the proposed activities (Type 7 Activities).

In order to guarantee the autonomous work of the students, the learning process is supported by the different resources contained in the e-learning platform of the Digital Teaching Ring of the University of Zaragoza made available to them

5. Assessment system

Assessment activities:

- A global test at the end of the semester that will assess the theoretical and practical knowledge of the subject.
- An assessment of the learning process of practical knowledge throughout the semester.

Overall assessment system

It will consist of a theoretical and a practical test.

The theoretical test will be written and will consist of an objective test, in which answers must be given to a questionnaire of 30 multiple choice questions with four items and the resolution of two open questions, which will evaluate the knowledge, identification and understanding that accredits the contents of the programme; the expository capacity, clarity and correction in the written expression and the command and precision in the legal language.

Test errors are penalized according to the following formula: number of correct questions minus the quotient of the number of wrong questions divided by the number of items minus 1.

The test represents 70% and the open questions 30% of the total value of the theoretical part and represent 60% of the total grade 10 points.

The practical exam will consist of solving in writing a case study or practical case on any of the subjects that make up the contents of the subject, a practical test for which a mark may be obtained with a weighted value of up to 40% of the final mark calculated out of 10.

During the semester, students may carry out an assessment of the learning process of practical knowledge by means of the written resolution of two practical cases, which will be used to assign students a grade with a weighted value of up to 40% of the final grade calculated out of 10. In order to be eligible for the evaluation of these internships, must compulsorily attend the Type 4 activities, consisting of a "field practice" in the Social Courts

the judges will be able to meet in Zaragoza on the dates indicated and make a report on the trials seen in the corresponding morning session.

Those who have not completed the practical cases during the semester or who have not completed the Type 4 activities must take the practical exam foreseen in the final global assessment test referred to in the previous section.

Criteria for the evaluation of the learning process of practical knowledge during the semester and the practical exam of the final test.

The following will be valued:

- The ability to search for, select and manage the appropriate regulations and documentation and, where appropriate, the use of ICT tools
- The solution given to the problems posed, taking into account the strategy or decision adopted, its consistency and rationale.
- The correct preparation and presentation of the results in written form. The use of the information and communication technologies in the search for jurisprudence applicable to the practical case will also be assessed.

Levels of demand:

Taking the grade obtained in the assessment of the practicals carried out during the semester and, where appropriate, in the practical test (total value up to 40%), as well as that resulting from the final test of theoretical knowledge (value up to 60%), the students will obtain the final grade calculated out of 10, since according to the regulations in force, the results obtained will be graded according to the numerical scale from 0 to 10, with the expression of one decimal place, to which the corresponding qualitative grade may be added. In order to pass the subject, a minimum of 50 percent of this numerical scale must be obtained between both tests.

Tests for non-attendance students or students who present themselves in other calls other than the first one.

Students who do not attend the first call will take the global test.

Students who have to sit the next sitting, because they have not passed the subject in the first sitting or because they have only passed the theory exam or the practical part, will only sit the exam or tests that they have not passed and are still pending.