



## Information about the subject

**Degree:** Official Master's Degree in Law and procure

**Faculty:** Faculty of Legal, Economic and Social Sciences

**Code:** 1810006 **Name:** Labour Process and Special Materials

**Credits:** 6,00 **ECTS Year:** 1 **Semester:** 2

**Module:** Labour law and social procedures practice

**Subject Matter:** Labour process and special subjects **Type:** Compulsory

**Field of knowledge:** Social and Legal Sciences

**Department:**

**Type of learning:** Classroom-based learning

**Languages in which it is taught:** Spanish

### Lecturer/-s:

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## Module organization

### Labour law and social procedures practice

Subject Matter	ECTS	Subject	ECTS	Year/semester
Labour process and special subjects	6,00	Labour Process and Special Materials	6,00	1/2

## Recommended knowledge

Basic knowledge of substantive labor law and general labour process.



## Learning outcomes

At the end of the course, the student must be able to prove that he/she has acquired the following learning outcomes:

- R1 Students master the relations of the company with its workers.
- R2 Know the types of labour contracts and similar situations.
- R3 Students carry out the most appropriate labour contract for the efficiency of the company.
- R4 Understand the different contractual modifications and variations.
- R5 Perfectly know both the position of the worker and the employer in the face of different types of dismissals.
- R6 Manage to perfection both the position of the worker and the employer in situations of business crisis.
- R7 Master the redundancy procedures (ERE).
- R8 Know the employers' and workers' trade unions.
- R9 Know about collective bargaining and being able to sit at a negotiating table.
- R10 Know the social security systems and mutual societies.
- R11 Students can defend the company before the labour inspection.
- R12 Master the law of social procedure and the proceedings prior to the filing of the lawsuit.
- R13 Know how to properly draft a labor lawsuit.
- R14 Know the different means of social procedural evidence and how to use them in the social hearing.
- R15 Possess the capacity to execute social judgments.



- R16 Know the appeals and second instance social and unification of social doctrine.
- R17 Students become familiar with the legal-labour problems that arise on a daily basis in the development of the activity of a labour lawyer.



## Competencies

Depending on the learning outcomes, the competencies to which the subject contributes are (please score from 1 to 4, being 4 the highest score):

BASIC		Weighting			
		1	2	3	4
B6	Students have abilities to understand knowledge that provides a basis or opportunity to be original in the development and/or application of ideas, often in a research context.			X	
B7	Students can apply their acquired knowledge and problem-solving skills in new or unfamiliar environments within broader (or multidisciplinary) contexts related to their area of study.				X
B8	Students integrate knowledge and deal with the complexity of making judgements based on incomplete or limited information, including reflections on the social and ethical responsibilities linked to the application of their knowledge and judgements.				X
B9	Students communicate their findings and the ultimate knowledge and reasons behind them to specialist and non-specialist audiences in a clear and unambiguous manner.			X	
B10	Students develop the learning skills that will enable them to continue studying in a largely self-directed or autonomous manner.			X	
GENERAL		Weighting			
		1	2	3	4
G1	Students can find and select information and relevant sources for problem solving, development of action strategies and advice to clients.				X
G2	Prepare and handle the writings, reports and procedures of action most suitable for the problems raised.			X	
G3	Relate the instruments to be able to plan, order and channel activities in such a way that unforeseen events are avoided as much as possible, possible problems are foreseen and minimized, and their solutions are anticipated.		X		



G4	Apply a set and take into account the different aspects and implications in the different aspects of the decisions and options adopted, knowing how to choose or advise the most convenient within the ethics, legality and values of social convenience .				X	
G5	Demonstrate working in professional and multi-professional teams with efficacy and efficiency reproducing real contexts and contributing and coordinating one's own knowledge with that of other branches and participants.					X
G6	Provide individual decisions and actively contribute to collective decision making.				X	
G7	Project and incorporate new technologies to the professional practice.		X			
G8	Control contradictory information and provide a critical judgment on it.					X
G9	Relate and relate cases, problems or situations and provide and defend possible solutions through different techniques of presentation - oral, written, presentations, etc.				X	
G10	Students assume the legal profession as a social and solidarity function, beyond the strict free justice.					X

SPECIFIC		Weighting			
		1	2	3	4
E1	Possess skills that allow applying the specialized knowledge acquired in the bachelor's degree or degree to the exercise before courts or public authorities, as well as in advisory functions.				X
E2	Know the techniques aimed at establishing the facts in the different types of proceedings, especially the production of documents, interrogations and expert evidence. x			X	
E3	Know and integrate the defence of clients' rights within the framework of national and international jurisdictional protection systems.				X
E4	Students know the different techniques of composition of interests and to be able to find solutions to problems by means of alternative methods to the jurisdictional route.			X	



E5	Know the procedural techniques and be able to execute as many acts as are entrusted to them or for which they are authorized to carry out in the different jurisdictional orders, with special attention to deadlines, acts of communication, execution and means of enforcement.			X
E7	Know and know how to apply professional deontological rights and duties in the relations of the person exercising the law or the procurement with clients, other parties, courts or public authorities and among other persons practicing law or the procurement, as well as with other professionals.	X		
E8	Know and evaluate the different responsibilities linked to the exercise of professional activity, including the basic operation of free legal aid and the promotion of the social responsibility of the person exercising legal attorney or procurator.		X	
E9	Know and apply the techniques aimed at the identification and liquidation of customs duties, tax obligations, of constitution of judicial deposits and of attention of all the expenses and costs that are necessary to guarantee the effective guardianship court of the rights of those they represent.	X		
E10	Know how to identify conflicts of interest and know the techniques for their resolution, establish the scope of professional secrecy and confidentiality, and preserve the independence of criteria.			X
E11	Know how to identify the delivery and organizational requirements that are decisive for legal advice and procedural representation.		X	
E12	Know and know how to apply in practice the organizational, management and commercial environment of the legal profession, as well as its associative, tax, labor and personal data protection legal framework.	X		
E13	Develop skills and abilities to choose the correct strategy to defend the rights of clients taking into account the demands of the different fields of professional practice.	X		
E14	Develop the ability to choose the most appropriate means offered by the legal system for the performance of a quality technical representation.		X	
E15	Develop the skills and abilities necessary for the use of procedures, protocols, systems, and judicial applications, which require the acts of communication and cooperation with the Administration of Justice with special attention to those of an electronic, computer and telematics nature.			X



E19 Know how to present facts orally and in writing, and extract legal consequences from arguments, in attention to the context and the recipient to whom they are addressed, in accordance with the modalities of each procedural area.

x

E20 Know how to develop professional work in specific and interdisciplinary teams.

x

E21 Know how to develop interpersonal skills and abilities, which facilitate professional practice in their relations with the citizens, with other professionals and with institutions.

x





## Assessment system for the acquisition of competencies and grading system

Assessed learning outcomes	Granted percentage	Assessment method
	40,00%	Objective tests and final examination in person.
	40,00%	Theoretical and practical activities.
	20,00%	Attendance and participation in class.

### Observations

The calculation of the results obtained in both the Practical Block (40%) and the Assistance Block (20%) will be conditional on the student passing the final written test, both in the first and second call.

The format of the final written test will be carried out in multiple choice format (both in the first and second call).

The teacher, in order to assess and set the percentage indicated in the Attendance Block (20%), will take as a reference both the student's attendance in class (from a quantitative perspective) and the level of student participation during the development of the teaching sessions. (from a qualitative prism).

The student, once the grades of the practical case object of study and evaluation by the teacher have been entered in the Virtual Classroom, will have a period of 2 business days to communicate to the teacher their intention when setting up a tutorial and proceeding with the review of the grade obtained in the practical case.

IT WILL BE NECESSARY TO OBTAIN A 5 IN THE THEORETICAL EXAM WITH MICROCASOS SO THAT THE PERCENTAGES OBTAINED FROM THE PRACTICE GRADE CAN BE APPLIED, AS WELL AS THE GRADE OBTAINED BY ATTENDANCE AND PARTICIPATION IN CLASS AND THUS OBTAIN THE FINAL GRADE IN THE SUBJECT.

IF A GRADE LESS THAN 5 IS OBTAINED IN THE EXAM WITH 1st CALL MICRO-CASES IN THE 2nd CALL EXAM, THE GRADE FOR THE MICRO-CASES EXAM WILL BE THE FINAL GRADE FOR THE SUBJECT WITHOUT TAKING INTO ACCOUNT THE ATTENDANCE GRADE AND PARTICIPATION OR THE PRACTICE NOTE.



## MENTION OF DISTINCTION:

According to Article 22 of the Regulations governing the Evaluation and Qualification of UCV Courses, the mention of "Distinction of Honor" may be awarded by the professor responsible for the course to students who have obtained, at least, the qualification of 9 over 10 ("Sobresaliente"). The number of "Distinction of Honor" mentions that may be awarded may not exceed five percent of the number of students included in the same official record, unless this number is lower than 20, in which case only one "Distinction of Honor" may be awarded.

## Learning activities

The following methodologies will be used so that the students can achieve the learning outcomes of the subject:

- M1 Exposition of contents by the teacher, analysis of competencies, explanation and demonstration of capacities, skills and knowledge in the classroom. Specific instructions about group and individual work on each topic.
- M2 Group work sessions in groups supervised by the teacher. Study of legal cases, both true and fictitious, diagnostic analysis, problems, field study, computer room, visits, data search, libraries, network, Internet, etc. Significant construction of knowledge through student interaction and activity.
- M3 Application of interdisciplinary knowledge.
- M4 Personalized attention and in small groups. Period of instruction and/or orientation carried out by a tutor with the objective of reviewing and discussing the materials and topics presented in the classes, seminars, readings, completion of assignments, etc.
- M5 Set of oral and/or written tests used in the initial, formative or summative evaluation of the student.
- M6 Group preparation of readings, assumptions and problem solving to present, discuss or deliver in the classes or tutorial.
- M7 Student's study: Individual reading preparation, study of practical cases, jurisprudence. Writing of writings and papers to present or deliver in classes or tutorials.



## IN-CLASS LEARNING

### IN-CLASS LEARNING ACTIVITIES

	LEARNING OUTCOMES	HOURS	ECTS
Face-to-face lessons. M1, M2, M3, M4, M5, M6, M7	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16, R17	20,00	0,80
Practice class. M1, M2, M3, M4, M5, M6, M7	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16, R17	40,00	1,60
Seminar. M1, M2, M3, M4, M5, M6, M7	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16, R17	2,00	0,08
Presentations of group work. M1, M2, M3, M4, M5, M6, M7	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16, R17	6,00	0,24
Tutorial. M4, M7	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16, R17	5,00	0,20
Evaluation. M1, M2, M3, M4, M5, M6, M7	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16, R17	2,00	0,08
<b>TOTAL</b>		<b>75,00</b>	<b>3,00</b>

### LEARNING ACTIVITIES OF AUTONOMOUS WORK

	LEARNING OUTCOMES	HOURS	ECTS
Group work. M1, M2, M3, M4, M5, M6, M7	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16, R17	25,00	1,00
Individual work. M1, M2, M3, M4, M5, M6, M7	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16, R17	50,00	2,00
<b>TOTAL</b>		<b>75,00</b>	<b>3,00</b>



## Description of the contents

Description of the necessary contents to acquire the learning outcomes.

### Theoretical contents:

Content block	Contents
UNIT ONE. OF THE EXTRAJUDICIAL AND JUDICIAL PROCEDURE / ORDINARY PROCESS.	<p>TOPIC 1: Introduction: scope of the Social Order, positive and negative delimitation. Competence or Jurisdiction of the Social Order. The organs of the Social Order. Principles of the Labor Process: Immediacy, orality, concentration, speed, gratuity and equality. The parties in the social process: ability to be a part. Legitimation, representation and defense of the parties. Regime of procedural actions: time and place.</p> <p>ITEM 2: the conciliation ballot, the conciliation act, the prior administrative claim, the interruption of the action, the expiration of the action, the prescription of the action.</p> <p>SUBJECT 3: of the preparatory acts and preliminary proceedings, of the anticipation and assurance of the test and of the precautionary measures. Preparatory acts and preliminary proceedings. Anticipation and assurance of the test. Precautionary measures.</p> <p>SUBJECT 4: of the ordinary process: Demand. Conciliation and trial. From the accumulation of shares. Of the tests. Judgment. Subjective, objective and procedural exceptions and material exceptions. Of the order for payment process.</p>



## UNIT TWO. OF THE PROCEDURAL MODALITIES.

### TOPIC 5:

a) Action derived from contesting sanctions and offenses .  
Informative File / Sanctioning File / Contradictory File.

b) Individual dismissal and termination actions. Disciplinary dismissal. Dismissal for objective reasons. Quantum indemnification. Employment contract and gray areas. Temporary contracts (Community Doctrine). Fraudulent temporary contractual chain. Deadlines. Expiration. Qualifications and cases of nullity. Processing salaries.

c) Action for dismissal and terminations of a collective nature. Collective Dismissal Procedure (Community Doctrine). Deadlines. Expiration. Qualifications and cases of nullity.

### TOPIC 6:

1. Action for contractual termination. Termination of the contract at the will of the employee. Accumulation of shares. Deadlines.

1. Action for claim of quantity. Overtime / salary / prescription.

### TOPIC 7:

1. Action for rights to reconcile personal life / work life. Reductions in working hours. Specification of the day. Shift fixation. Term. Expiration.

2. Action for dismissal and declarative action of rights derived from situations of leave of absence.

3. Action for Substantial Modification of Working Conditions, Geographic Mobility and Functional Mobility.

### TOPIC 8:

1. Action for claiming rights: vacations (community doctrine), electoral matters, professional classification, etc.

2. Action of suspension of the employment contract and reduction of working hours for economic, technical,



organizational or production reasons or derived from force majeure.

TOPIC 9: Protection of fundamental rights and public freedoms. Legitimation. No accumulation with actions of another nature. Processing. Precautionary measures. Conciliation and trial. Judgment. Indemnification. Demands for the necessary exercise through the corresponding procedural modality.

SUBJECT 10: Of the benefits of the Social Security. Processing. Challenge of medical discharges. Legitimation of the managing entities and the General Treasury of the Social Security. Documentation in processes for work accidents or occupational diseases. Remission of the administrative file. Effects of the failure to send the administrative file. Disciplinary responsibility for failure to submit the administrative file. Review of declarative acts of rights. Challenge of unemployment benefits

SUBJECT 11: Of the ex officio procedure and of the challenge of administrative acts in labor and non-benefit Social Security matters. Of the ex officio procedure. Of the procedure for challenging administrative acts in labor and Social Security matters, excluding benefits. Main offenses and sanctions in the social order. The surcharge of benefits.

UNIT 12: Of the process of collective conflicts. Area of application. Active legitimation. Intervention of unions, business associations and representative bodies. Attempt at conciliation or mediation. Content of the claim. Initiation by the labor authority. Urgency and preference of the process. Celebration of the trial and sentence. Non-contestability of the processing resolutions. File of performances.

TOPIC 13: Contesting collective agreements. Initiation. Requirements for ex officio communication. Legitimation. Celebration of the trial and sentence.

TOPIC 14: Challenges relating to the statutes of trade unions and business associations or their modification. Challenge of the administrative resolution that denies the deposit.



Challenge to the union statutes. Statutes of business associations.

## UNIT THREE. OF THE MEANS OF CHALLENGE

### TOPIC 15:

1. Appeals against Rulings, Orders, Ordination Proceedings and Decrees.
2. Appeal for Replacement.
3. Appeal of Complaint.

### UNIT 16:

1. Appeal of Supplication.

### 2. UNIT 17:

3. Appeal.

4. Appeal for the unification of doctrine

### 5. UNIT 18:

6. Provisions common to appeal and cassation resources.
7. Appeal for Review.
8. Judicial Error Process

## UNIT FOUR. OF THE EXECUTION OF JUDGMENTS.

### TOPIC 19: General provisions:

1. General rules.
2. Rules on collective executions.

### TOPIC 20: Execution procedures

1. Procedure of monetary execution.
2. Procedure for the execution of final dismissal sentences.
3. Procedure for the execution of sentences before public entities.

### ITEM 21 Provisional execution procedures.

1. Processes of execution of the sentences condemning the payment of amounts.
2. Execution process of convictions in Social Security matters.
3. Process of execution of the dismissal sentences.
4. Process of execution of the convictions relapsed in other processes.

Common rules for provisional execution.



## Temporary organization of learning:

Block of content	Number of sessions	Hours
UNIT ONE. OF THE EXTRAJUDICIAL AND JUDICIAL PROCEDURE / ORDINARY PROCESS.	10,00	20,00
UNIT TWO. OF THE PROCEDURAL MODALITIES.	15,00	30,00
UNIT THREE. OF THE MEANS OF CHALLENGE	9,50	19,00
UNIT FOUR. OF THE EXECUTION OF JUDGMENTS.	3,00	6,00

## References

ALBIOL ORTUÑO, M., ALFONSO MELLADO, C.L., BLASCO PELLICER, A., and GOERLICH PESET, J.M. : Procedural Labor Law, Tirant lo Blanch, Valencia, latest edition.

SALA FRANCO, T. and others, Labor Relations, Tirant lo Blanch, Valencia, latest edition.

AA.VV. (BLASCO PELLICER, A. and GOERLICH PESET, J Ma Dirs.), The reform of the labor process, Tirant lo Blanch, Valencia, latest edition.

MANEIRO VÁZQUEZ, Y., and DANS ÁLVAREZ DE SOTOMAYOR, L. : Practical Labor Procedural Law, Tirant lo Blanch, Valencia, 2019.

GONZÁLEZ CALVET, J. : Provisional Execution of Sentences in the Social Jurisdiction, Tirant lo Blanch, Valencia, 2016.