

SUBJECT TEACHING GUIDE

G1195 - Social Procedural Law

Degree in Labour Relations

Academic year 2019-2020

1. IDENTIFYING DATA

Degree	Degree in Labour Relations			Type and Year	Compulsory. Year 4
Faculty	Faculty of Law				
Discipline	Subject Area: Normative Framework of Labour Relations and Social Security Module: Disciplinary Training				
Course unit title and code	G1195 - Social Procedural Law				
Number of ECTS credits allocated	6	Term	Semester based (1)		
Web					
Language of instruction	Spanish	English Friendly	No	Mode of delivery	Face-to-face

Department	DPTO. DERECHO PUBLICO
Name of lecturer	MARIA AMPARO RENEDO ARENAL
E-mail	mariaamparo.renedo@unican.es
Office	Edificio de las Facultades de Derecho y Ciencias Económicas y Empresariales. Planta: + 1. DESPACHO (D158)
Other lecturers	RUBEN LOPEZ-TAMES IGLESIAS

3.1 LEARNING OUTCOMES

- Acquisition of knowledge of the rules and legal procedures and procedural program.
- Identification of problem areas and complexes Labor Procedural Law in relation to practical application.

4. OBJECTIVES

Know and understand the theoretical knowledge on the different legal procedures concerning the labor process.

Propose and select appropriate solutions proposed by the system, analyzing the procedural consequences associated with each one of them in practice.

6. COURSE ORGANIZATION

CONTENTS

1	<p>Ordinary Procedure:</p> <p>I.- preliminaries</p> <p>1. Conciliation and mediation documentation. 2. Exhaustion of prior administrative proceedings. 3. Preliminary proceedings. 4. Interim protection: Concepts and foundations of precautionary measures. Budgets. Precautionary measures in the labor process.</p> <p>II.- Demand:</p> <p>1-Concept, 2-structure, 3-Documents to accompany the application, 4-Presenting demand 5- Effects of demand: a). process, b). materials, 6-Admission demand</p> <p>III.- Appearance:</p> <p>1. Marking and citation. 2. The Appearance. A-concept and content, B-Conciliation intraprocesal, C- Trial: Audience, D- attitude plaintiff (ratify, withdraw, extend, modify), E-Respondent. Positions against the action: a). admission of facts, b). denial of the facts, c) .negación of the legal basis, d). counterclaim: their limits and effects. F-Exceptions, G-The default.</p> <p>IV.- The test</p> <p>1. Concept and legal nature of the test. 2. Principles governing the presentation of evidence. 3. The burden of proof. 4. Object of the test. 5. Classes test. 6. The problem of illegal evidence. 7. Evidence. Tests in particular: A. Questioning of parties, Exhibit B., C. witness evidence, expert evidence D., E. Judicial recognition, F. Intervention agencies. 8. probative Procedure: A. admission and relevance, B. Practice Test.</p> <p>V. Conclusions, judgment and abnormal termination of the process</p> <p>1. Conclusions: A-The conclusion, B-Information Further, C-Diligencias Finals. 2. The Judgment. A-Concept and classes, B-Training Internal of the judgment, C-structure internal, D-effects of the judgment: a). res judicata, b). Clarifying statements.</p>
2	Order for payment procedure.
3	The remedies I.-: concept and classes. II. Resources are not returnable: replenishment. III. Appeals against decisions of the Judicial Secretary: Replacement and direct appeal for review. IV. Supplication resource: 1. Decisions subject to appeal, 2. Grounds, 3 Procedure and decision. V. Appeal: 1. Decisions subject to appeal, 2. Grounds, 3. Difference appeal for unification of doctrine. VI . Complaint appeal. VII. Review of sentences. VIII. Hearing the rebel.
4	Execution of Sentences I. definitive statement execution: 1. General Provisions 2. Execution of monetary conviction, 3. Execution of final judgments of dismissal, 4. Running against public bodies. Special reference to the implementation of Social Security. II Provisional enforcement of judgments.
5	Procedural rules. Characterization.
6	Processes on dismissals and sanctions: I. Disciplinary dismissal: 1. Purpose, 2. Parties 3. Demand and ratification, 4. Claims, evidence and conclusions, 5. Judgment, 6. Resources. II. Contesting sanctions. III. Claim to the state for processing wages on trial for dismissal. IV. Termination of the contract for objective reasons. V. collective for economic, organizational, technical or production or derived Layoffs force majeure .
7	Modalities on Social Security benefits; Ex officio procedure and challenging administrative acts works and material benefits and services no Social Security.
8	Processes of collective disputes and challenge conventions: I. Collective Disputes Process. II Challenges to collective agreements. III Contesting the statutes of the Union and its modification.
9	Process protection of fundamental rights and public freedoms.
10	Other special processes: I. holidays. Procedures II in electoral matters. III Professional classification. IV Geographical mobility and substantial changes in working conditions. V. Reconciliation of personal, family and work life.

7. ASSESSMENT METHODS AND CRITERIA

Description	Type	Final Eval.	Reassessn	%
Description Evaluation of theoretical knowledge of blocks 1 to 4.	Written exam	No	Yes	50,00
Description Evaluation of theoretical knowledge of blocks 5 to 10.	Written exam	No	Yes	50,00
TOTAL				100,00

Observations

Throughout the course two tests, written and liberatory be conducted to evaluate the acquisition of knowledge imparted. The first test, corresponding to the contents of the blocks 1 to 4, will take place in Week 8 of the academic calendar, the specific date to be indicated at the beginning of the course; and the second test, corresponding to blocks 5 to 10, will take place in week 17, on the specific date which be indicated at the beginning of the course.

Both tests consist of a series of brief questions or issues that the student will have to answer or resolve in the space reserved for that purpose.

These tests shall be deemed superseded when obtained in each of them, at least, a note five; and only when both tests are exceeded shall be deemed superseded the subject, whose final grade is the average of the marks obtained in those tests, provided, of course, that they are both overcome with a note of at least five.

The mark obtained in the tests exceeded shall be kept until the time of recovery of failed.

The recovery of failed tests will be conducted on an exam to be held on the date set for that purpose by the center, in the period January-February exams.

Students who in that period fail the course will have a new opportunity to regain the parties did not pass the test that, to this end will take place in the period of recovery expected in September.

Observations for part-time students

In the case of students under a part-time position, and given that the subject there are no groups modalities of blended teaching or other alternatives that allow the student part-time regular participation in classroom teaching, the student may undergo a single assessment process, by performing a single test on the content of the program, which will be held in February exam period.

In such cases of a single assessment, the grade obtained in that one test will be the final grade of the student.

Not pass the subject the recovery thereof will be held on schedule in September exam period.

8. BIBLIOGRAPHY AND TEACHING MATERIALS

BASIC

LOZANO-HIGUERO PINTO, M., Introducción al Derecho Procesal, Ministerio de Justicia, Última edición

MONTERO AROCA, J., Introducción al proceso laboral, Marcial Pons, Madrid, última edición.

ALONSO OLEA, M., MIÑAMBRES PUIG, C., Derecho Procesal del Trabajo, Civitas, Madrid, última edición.

ALBIOL ORTUÑO, M., ALFONSO MELLADO, C.L., BLASCO PELLICER, A., GOERLICH PESET, J.M., Derecho Procesal Laboral, Tirant lo Blanch, Valencia, última edición.

GARBERÍ LLOBREGAT, J., El nuevo proceso laboral. Comentarios a la Ley 36/2011, de 10 de octubre, reguladora de la Jurisdicción Social, Civitas-Thomson Reuters, Navarra, 2011.

FOLGUERA CRESPO, J.A., SALINAS MOLINA, F., SEGOVIANO ASTABURUAGA, M.L., Comentarios a la Ley reguladora de la Jurisdicción Social, Lex Nova, Valladolid, 2012.

MONEREO PÉREZ, J.L. (Director), Manual de derecho procesal laboral. Tecnos, Madrid, Última edición.

