

## SUBJECT TEACHING GUIDE

G1201 - Procedural Law

Degree in Labour Relations

Academic year 2019-2020

1. IDENTIFYING DATA					
Degree	Degree in Labour Relations			Type and Year	Compulsory. Year 3
Faculty	Faculty of Law				
Discipline	Subject Area: Basic Elements of Law Module: Disciplinary Training				
Course unit title and code	G1201 - Procedural Law				
Number of ECTS credits allocated	6	Term	Semester based (2)		
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				
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Other lecturers	MARIA PILAR GOMEZ FERNANDEZ				

### 3.1 LEARNING OUTCOMES

- Acquire knowledge of procedural laws and institutions

- Identify complex problematic aspects of procedural law, in particular those related to social jurisdiction and its practical application

#### 4. OBJECTIVES

To Know and to understand the theoretical knowledge on process and its institutions , analyzing them in relation to labour procedure.

To propose and select appropriate solutions contained in jurisdiction and procedural rules , analyzing the procedural consequences associated with each one of them in court practice.

## 6. COURSE ORGANIZATION

### CONTENTS

1	<p><b>JURISDICTION:</b></p> <ol style="list-style-type: none"> <li>1. Introduction to Jurisdiction;</li> <li>2. Historical Perspective of Jurisdiction;</li> <li>3. Jurisdiction: a concept;</li> <li>4. Jurisdiction and Constitution;</li> <li>5. Essential characteristics and guarantees of jurisdiction;</li> <li>6. Delimitation of Jurisdiction:             <ol style="list-style-type: none"> <li>a). The judiciary and other branches of government,</li> <li>b). Limits to Jurisdiction;</li> </ol> </li> <li>7. Jurisdictional Organization:             <ol style="list-style-type: none"> <li>a). Jurisdictional orders,</li> <li>b). The social court order,</li> <li>c). Notes and self-governance.</li> </ol> </li> </ol>
2	<p><b>ACTION:</b></p> <ol style="list-style-type: none"> <li>1. Action and Jurisdiction;</li> <li>2. The right to an effective remedy:             <ol style="list-style-type: none"> <li>a). Concept,</li> <li>b). Content;</li> </ol> </li> <li>3. Action and claim.</li> </ol>
3	<p><b>PROCESS:</b></p> <ol style="list-style-type: none"> <li>1. Conflict: origin of the process,</li> <li>2. Process and procedure: concepts,</li> <li>3. Nature of process,</li> <li>4. Process: content:             <ol style="list-style-type: none"> <li>a). Due process of law,</li> <li>b). Procedural obligations,</li> <li>c). Expectations and burdens.</li> </ol> </li> </ol>
4	<p><b>PROCESS AND PROCEDURE PRINCIPLES:</b></p> <ol style="list-style-type: none"> <li>1. Principles of the process:             <ol style="list-style-type: none"> <li>a). Related to the structure of the process: audiatur altera pars, equality parts;</li> <li>b). Rel to the claim and the subjective right materials: device, officialdom;</li> <li>c). Relating to the formation of factual material: filler, research;</li> <li>d). Relating to the assessment of evidence: free assessment of evidence, legal proof;</li> </ol> </li> <li>2. Principles of the procedure:             <ol style="list-style-type: none"> <li>a). Form of procedural acts: orality, writing;</li> <li>b). Relationship between the court and the factual material: mediation, immediacy;</li> <li>c). Other principles: concentration, estoppel, public access;</li> </ol> </li> <li>3. Principles of the labour process and procedural labour law.</li> </ol>
5	<p><b>PROCEDURAL LAW:</b></p> <ol style="list-style-type: none"> <li>1. Concept of Procedural Law;</li> <li>2. Relations Procedural Law with the rest of the legal system;</li> <li>3. Content of Procedural Law;</li> <li>4. Sources of Procedural Law: Main procedural laws;</li> <li>5. Application of Procedural Law in time and space.</li> </ol>

6	<p>PROCEDURAL ACTS:</p> <ol style="list-style-type: none"> <li>1. Concept of procedural act;</li> <li>2. General requirements of procedural acts:             <ol style="list-style-type: none"> <li>a). place,</li> <li>b). time,</li> <li>c). form;</li> </ol> </li> <li>3. Ineffective and correction of procedural acts;</li> <li>4. Classes of acts:             <ol style="list-style-type: none"> <li>a). acts of the Judge,</li> <li>b). acts of the Registrar,</li> <li>c). acts of the parties;</li> </ol> </li> <li>5. Acts of communication.</li> </ol>
7	<p>RULES OF JURISDICTION:</p> <ol style="list-style-type: none"> <li>1. Introduction;</li> <li>2. Criteria for determination of jurisdiction:             <ol style="list-style-type: none"> <li>a). objective criterium</li> <li>b). functional criterium</li> <li>c). territorial criterium</li> </ol> </li> <li>3. Conflicts and competition issues:             <ol style="list-style-type: none"> <li>a). Conflicts of Jurisdiction,</li> <li>b). Conflicts of jurisdiction,</li> <li>c). Competition issues;</li> </ol> </li> </ol>
8	<p>THE PARTS:</p> <ol style="list-style-type: none"> <li>1. Concept of party;</li> <li>2. Ability to be part;</li> <li>3. Judicial Capacity:             <ol style="list-style-type: none"> <li>a). Individuals,</li> <li>b). Legal persons,</li> <li>c). Special cases;</li> </ol> </li> <li>4. Legitimacy. Concept and classes;</li> <li>5. Wage Guarantee Fund;</li> <li>6. Application and legal representation.</li> <li>7. Plurality of parties:             <ol style="list-style-type: none"> <li>a). joinder,</li> <li>b). judicial intervention,</li> <li>c). Succession proceedings.</li> </ol> </li> </ol>
9	<p>OBJECT OF THE PROCESS:</p> <ol style="list-style-type: none"> <li>1. The purpose of the declaration process:             <ol style="list-style-type: none"> <li>a). the petition,</li> <li>b). the cause of action;</li> </ol> </li> <li>2. Plurality of objects. The accumulation and its effects:             <ol style="list-style-type: none"> <li>a). Joinder,</li> <li>b). Accumulation process,</li> <li>c). Accumulation of remedies,</li> <li>d). Accumulation of executions.</li> </ol> </li> </ol>
10	<p>THE LABOUR PROCESS:</p> <ol style="list-style-type: none"> <li>1. Evolution of labour process;</li> <li>2. Regular Process;</li> <li>3. Special processes and procedural rules;</li> <li>4. The execution process.</li> </ol>

### 7. ASSESSMENT METHODS AND CRITERIA

Description	Type	Final Eval.	Reassessn	%
Evaluation of the theoretical knowledge acquired	Written exam	No	Yes	70,00
Evaluation of the practical application of acquired knowledge	Written exam	Yes	Yes	30,00
<b>TOTAL</b>				<b>100,00</b>
<b>Observations</b>				
.				
<b>Observations for part-time students</b>				
<p>For part-time dedication students, as there are no groups with semi-teaching modalities, nor other alternatives that allow the part-time student to participate regularly in classroom teaching activities, the student may undergo a single evaluation process, in which the student must answer to a series of theoretical questions and solve a practical situation in relation to the program contained in this guide.</p> <p>In those cases, the final mark would be the mark obtained in that single process</p>				

### 8. BIBLIOGRAPHY AND TEACHING MATERIALS

#### BASIC

LOZANO-HIGUERO PINTO, M., Introducción al Derecho Procesal, Ministerio de Justicia, Madrid, 1990.

PEREZ-CRUZ MARTÍN, A., Constitución y Poder Judicial, Ed. Atelier, Barcelona, 2ª edición, 2015.

ORTELLS RAMOS, M., (Dirección y coord.), Introducción al Derecho Procesal, Ed. Aranzadi, Cizur Menor, última edición disponible (8ª ed., 2018).

MONTERO AROCA, J / GOMEZ COLOMER, J.L. / BARONA VILAR, S., Derecho Jurisdiccional I. Parte General, Tirant Lo Blanch, Valencia, última edición disponible (26ª ed. 2018).

RAMOS MENDEZ, F., El sistema procesal español. Ed. Atelier, Barcelona, última edición disponible (10ª ed., 2016)

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, última edición disponible.

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