

## SUBJECT TEACHING GUIDE

### G1211 - Trade Union Law I

#### Double Degree in Business Administration and Management and Labour Relations Degree in Labour Relations

Academic year 2023-2024

1. IDENTIFYING DATA					
Degree	Double Degree in Business Administration and Management and Labour Relations			Type and Year	Compulsory. Year 2 Compulsory. Year 2
Faculty	Faculty of Law				
Discipline	Subject Area: Normative Framework of Labour Relations and Social Security, Labour Relations Theory and System Module: Disciplinary Training				
Course unit title and code	G1211 - Trade Union Law I				
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 PRIVADO				
Name of lecturer	ANA MARIA BADIOLA SANCHEZ				
E-mail	ana.badiola@unican.es				
Office	Edificio de las Facultades de Derecho y Ciencias Económicas y Empresariales. Planta: + 1. DESPACHO (D142)				
Other lecturers	CASTO DE CASTRO DIAZ				

### 3.1 LEARNING OUTCOMES

- The student will be enhanced their knowledge about our labour relations system and its operation in practice, strengthened their organizational skills, effective planning and information management, critical and creative thinking, their ability for abstraction, analysis, synthesis and problem solving, and their capacity of individual self-learning and teamwork will be reinforced.

#### 4. OBJECTIVES

To acquire a wide knowledge concerning the history and trade union law sources , the unitary and trade union representation systems foreseen in our legal regime, the union freedom concepts from the individual perspective in its individual as well as from its collective angle, and of the possible applicable measurements for the protection and tutelage of the union freedom.

The student must be able to put theory into practice, as well as to solve and give examples of real-life situations.

## 6. COURSE ORGANIZATION

### CONTENTS

1	<p>LESSON 1. INTRODUCTION.</p> <ul style="list-style-type: none"> <li>I. Structure of the trade union law: Concept and content.</li> <li>II. Failure of the current instrumental character of the trade union law.</li> <li>III. Extension of the trade union law objectives.</li> </ul> <p>LESSON 2. HISTORY OF THE SPANISH TRADE UNION LAW.</p> <ul style="list-style-type: none"> <li>I. Building process and historical evolution until 1923.</li> <li>II. From 1923 until the Second Republic.</li> <li>III. Republican period.</li> <li>IV. The National Socialism and the Spanish trade union organization in the Franco's regime period.</li> <li>V. The political transition. 1. Characterization. 2. Trade union law regulations in the political transition . 3. Evolution of the trade union law and labour legal system.</li> <li>VI. Constitutional monarchy. Spanish Constitution of 1978 and the post constitutional trade union law regulations. The trade union law at present.</li> </ul> <p>LESSON 3. SOURCES OF THE TRADE UNION LAW.</p> <ul style="list-style-type: none"> <li>I. International and Community sources.</li> <li>II. National sources. The Constitution, laws and rules with the status of a law, regulations, autonomic sources, collective agreements, statutory rules, the case law of the courts and other sources of the legal system. Demonstrations on the trade union framework.</li> <li>III. Policy coordination between the different regulatory sources of the trade union law . General principles and principles applied to the trade union law.</li> </ul>
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2	<p>LESSON 4. ORGANIZATION AND COLLECTIVE ACTION OF THE WORKPEOPLE IN THE COMPANY.</p> <ul style="list-style-type: none"> <li>I. General approach.</li> <li>II. Models: dual-channel systems of worker representation.</li> <li>III. Unitary representation bodies in the company. Personnel delegates and work councils: Configuration.</li> <li>IV. The European works councils.</li> <li>V. Officials' representation in the public administrations. Delegates and staff meetings.</li> <li>VI. Specialized representation on occupational risk-prevention. Prevention delegates.</li> <li>VII. Trade union representative bodies in the company. Sections of the company's trade union and union representatives.</li> <li>VIII. Right of assembly. 1. Legal regulation. 2. Limits: convocation, partial meetings, meeting room supplied by the employer.</li> </ul> <p>LESSON 5. UNITARY REPRESENTATION (I). THE ELECTORAL PROCESS.</p> <ul style="list-style-type: none"> <li>I. Basic principles.</li> <li>II. Promotion.</li> <li>III. Electors and individuals eligible.</li> <li>IV. Elections.</li> <li>V. Claims in electoral matter: the arbitration.</li> <li>VI. Representative mandate.</li> </ul> <p>LESSON 6. UNITARY REPRESENTATION (II). COMPETENCIES AND GUARANTEES.</p> <ul style="list-style-type: none"> <li>I. Competencies of unitary representatives. 1. Rights of passive information. 2. Rights of active information. 3. Others competencies.</li> <li>II. Guarantees of the unitary representatives.</li> <li>III. Competitions and guarantees of the officials' representatives in the public administrations.</li> </ul> <p>LESSON 7. THE TRADE UNION REPRESENTATION IN THE COMPANY.</p> <ul style="list-style-type: none"> <li>I. Trade union sections: constitution and rights.</li> <li>II. Trade union delegates: requirements, number of trade union delegates, designation, competencies and guarantees.</li> </ul>
3	<p>LESSON 8. THE TRADE UNION AND THE UNION FREEDOM (I).</p> <ul style="list-style-type: none"> <li>I. The trade union in the Constitution: union freedom and institutional function of the trade union.</li> <li>II. The union freedom: the entitlement of the law.</li> <li>III. The content of the union freedom. 1. Individual aspect, the positive and negative union freedom. 2. Collective aspect, freedom of organization and power to act.</li> <li>IV. Trade union legal regime. The trade union responsibility.</li> </ul> <p>LESSON 9. THE TRADE UNION AND THE UNION FREEDOM (II).</p> <ul style="list-style-type: none"> <li>I. The trade union representativeness. 1. General approach. 2. The most and sufficient representativeness, requirements and attributions.</li> <li>II. The union freedom protection. Anti union behaviour.</li> <li>III. The employers' association. 1. Constitutional function of the employers' association. 2. Most representativeness of trade associations.</li> </ul>

## 7. ASSESSMENT METHODS AND CRITERIA

Description	Type	Final Eval.	Reassessn	%
Evaluation of theoretical knowledge. Lessons 1 to 4.	Written exam	Yes	Yes	45,00
Evaluation of theoretical knowledge and practical application of them. Lessons 5 to 9.	Written exam	Yes	Yes	45,00
Complementary Activities Plan	Others	No	No	10,00
<b>TOTAL</b>				<b>100,00</b>

### Observations

Throughout the course there will be two tests, written and liberatory, to evaluate the acquisition of the knowledge taught.

- The first, corresponding to the contents of lessons 1 to 4, will be held on October 25, Wednesday, during class time.
- The second, corresponding to the theoretical-practical contents taught in lessons 5 to 9, will be held on the date established by the Faculty Board in the period reserved for exams from December-January.

Both tests will consist of a series of questions or brief questions that the student will have to answer or solve in the space reserved for this purpose. These tests will be understood as passed when at least a grade of 5 out of a maximum grade of 10. has been obtained in each of them. The grade obtained in the passed test corresponding to lessons 1 to 4 will be kept until the moment of taking the exam for the December-January session.

The recovery of the failed test corresponding to lessons 1 to 4 will take place in the exam that will be held in the December-January exam period, on the date established in the exam calendar approved by the Faculty Board.

The final grade obtained in this part of the evaluation will be the average obtained in the aforementioned tests, provided that they have been passed, and will account for 90% of the student's individual final grade in the subject.

If the subject is not passed in the December-January session, the recovery will take place on the date set in the February exam period.

In the event that for public health reasons it is necessary to resort to the 'distance' evaluation system, the same evaluation methods will be maintained, with multiple choice exams, which will be carried out through the Virtual Classroom of the subject.

### Observations for part-time students

In the case of part-time students, the student may undergo a single evaluation process, by taking a single exam, on all the contents of the subject program, which will be carried out in the period December-January exams, on the date established in the exam calendar approved by the Faculty Board.

In these cases of single assessment, the grade obtained in that single exam will be the student's final grade.

If the subject is not passed, its recovery will take place on the date set in the February exam period.

In the event that for public health reasons it is necessary to resort to the 'distance' evaluation system, the same evaluation methods will be maintained, with multiple choice exams, which will be carried out through the Virtual Classroom of the subject.

## 8. BIBLIOGRAPHY AND TEACHING MATERIALS

### BASIC

- AA.VV. Comentarios al Estatuto de los Trabajadores, Dir. J. CRUZ VILLALÓN, I. GARCÍA-PERROTE ESCARTÍN, J.M. GOERLICH PESET y J.R. MERCADER UGUINA, Valladolid, Lex Nova, última edición.
- BORRAJO DACRUZ, E., Introducción al Derecho del Trabajo, Madrid, Editorial Tecnos, última edición.
- OJEDA AVILÉS, A., Compendio de Derecho Sindical, Madrid, Editorial Tecnos, última edición.
- SALA FRANCO, T., Derecho Sindical, Valencia, Editorial Tirant lo Blanch, última edición.

