

**COURSE DATA****DATA SUBJECT****Code:** 42679**Name:** Labour mediation and arbitration**Cycle:** Master's Degree**ECTS Credits:** 3**Academic year:** 2025-26**STUDY (S)**

Degree	Center	Acad. year	Period
2122 - Master's Degree in Mediation, Arbitration and Conflict Management in Privat	Facultat de Dret	1	Annual

SUBJECT-MATTER

Degree	Subject-matter	Character
2122 - Master's Degree in Mediation, Arbitration and Conflict Management in Privat	Labour mediation and arbitration	COMPULSORY

COORDINATION

RAMOS MORAGUES FRANCISCO

SUMMARY

This course examines the set of procedures for the extrajudicial resolution of labor disputes. To this end, based on the concept of labor disputes and the different forms of extrajudicial resolution existing in our domestic legal system aimed at resolving them, already established in Modules 2 and 11, the course analyzes, from an interdisciplinary perspective, the nature of labor disputes, their nature, their various forms of externalization and preventive management mechanisms, as well as the various peaceful means of resolution—conciliation, mediation, and arbitration—both self-constitutive and hetero-constitutive, and their sources of organization.

PREVIOUS KNOWLEDGE**RELATIONSHIP TO OTHER SUBJECTS OF THE SAME DEGREE**

There are no specified enrollment restrictions with other subjects of the curriculum.

OTHER REQUIREMENTS



There are no prerequisites

COMPETENCES / LEARNING OUTCOMES

2122 - Master's Degree in Mediation, Arbitration and Conflict Management in Privat

Adquirir los instrumentos para poder planificar, ordenar y encauzar actividades de manera que se eviten en lo posible los imprevistos, se prevean y minimicen los eventuales problemas y se anticipen sus soluciones.

Analizar y delimitar el ámbito de derecho dispositivo específico de la materia en cada supuesto de la resolución alternativa de controversias.

Aplicar las diferentes técnicas y conocimientos jurídicos a la resolución práctica de los proceso de mediación y arbitraje de materias específicas.

Conocer y usar con fluidez las categorías, prescripciones y procedimientos relevantes para cada caso y sus antecedentes y soluciones más significativas.

Contemplar en conjunto y tener en cuenta los distintos aspectos y las implicaciones en los distintos aspectos de las decisiones y opciones adoptadas, sabiendo elegir o aconsejar las más convenientes dentro de la ética, la legalidad y los valores de la convivencia social.

Elaborar y manejar los escritos, informes y procedimientos de actuación más idóneos para los problemas suscitados.

Proyectar sobre problemas concretos sus conocimientos y saber resumir y extraer los argumentos y las conclusiones más relevantes para su resolución.

Students should be able to integrate knowledge and address the complexity of making informed judgments based on incomplete or limited information, including reflections on the social and ethical responsibilities associated with the application of their knowledge and judgments.

Students should communicate conclusions and underlying knowledge clearly and unambiguously to both specialized and non-specialized audiences.

Students should demonstrate self-directed learning skills for continued academic growth.

Use different presentation formats (oral, written, slide presentations, boards, etc.) to communicate knowledge, proposals and positions.

DESCRIPTION OF CONTENTS

1. The labour conflict: concept and types



1. The labour conflict
 2. Classification of the labour conflicts
-
2. The means of solution of the labour conflict
 1. The different roads of solution of the labour conflicts
 - 2.
 3. The administrative procedures of solution of the labour conflict
 4. The planned procedures in the collective negotiation
-
3. The means of solution of the labour conflict
 1. The different roads of solution of the labour conflicts
 2. The relation among the distinct procedures of solution and types of conflict
-
4. The solution of the labour conflict through the collective negotiation
 1. The collective negotiation like system of solution extrajudicial of conflicts
 2. The commissions paritarias: competitions, operation and efficiency of his resolutions
 3. The procedures extrajudiciales of solution of conflicts regulated in the agreements intersectoriales: studio compared
-
5. Procedures of solution extrajudicial of the labour conflict: the conciliation and the mediation
 1. The different types of arbitrage in relation with the labour conflicts: voluntary arbitrage and compulsory arbitrage
 2. The referee's decision: efficiency and impugnation compulsory arbitrage
-
6. Procedures of solution extrajudicial of the labour conflict: the arbitrage
 1. The different types of arbitrage in relation with the labour conflicts: voluntary arbitrage and compulsory arbitrage
 2. The referee's decision: efficiency and impugnation compulsory arbitrage

WORKLOAD

PRESENCIAL ACTIVITIES



Activity	Hours
Tutorials	12,00
Theoretical and practical classes	18,00
Total hours	30,00

NON PRESENCIAL ACTIVITIES

Activity	Hours
Attendance at other activities	0,00
Individual or group project	0,00
Independent study and work	0,00
Preparation of lessons	0,00
Preparation for assessment activities	0,00
Resolution of case studies	0,00
Total hours	0,00

TEACHING METHODOLOGY

The class is structured around three axes: lectures, preparation for lectures, and individual tutoring.

1. Lectures and oral presentations. There will be two types of lectures: first, sessions to provide students with the opportunity to discuss all aspects related to a specific topic. Second, classes in which students must present their completed work on the specific topic. In either case, the professor will provide the most appropriate resources for further in-depth discussion of the topic.
2. Study and preparation of assignments for the class. It is understood that student preparation for the class is fundamentally for the learning of the subject. Considering the philosophy underlying this process, knowledge, skills, and abilities must be acquired through an interactive approach and collaborative collaboration between professor and student.
3. Individual tutoring is aimed at answering questions, providing further preparation, and providing specific and additional information.

EVALUATION

The final assessment fits the quantitative criteria that are present in the quadre següent:

Previous preparation of the classes presenting the resolution of the proposed questions: it will assess the effect of the document, the content and the formal aspects (writing, spelling)
45%

Attitude of the student: assistance, participation 5 %

Final Prova: questionari tipus test, on the development of the continguts; report proposal on some practical topic. 50 %

Passing the course will require, in all cases, to obtain a sufficient qualification (5) in the final prova.



The evaluation system will be the same in the first and second calls.

REFERENCES

- SALA FRANCO, T. Y ALFONSO MELLADO, C., "Los procedimientos extrajudiciales de solución de los conflictos laborales establecidos en la negociación colectiva", Tirant Lo Blanch, Valencia, 1996. LANTARÓN BARQUÍN, D., Ordenación de la solución extrajudicial de los conflictos laborales, Lex Nova, Valladolid, 2003. RODRÍGUEZ FERNÁNDEZ, M.L., Negociación colectiva y solución de conflictos laborales, Bomarzo, Albacete, 2004. VV.AA., Los sistemas de solución extrajudicial de conflictos laborales, (Coord. Valdés Dal-Ré, F.), Fundación SIMA, Madrid, 2006. GRANADOS ROMERA, M.I., La solución de conflictos laborales: especial referencia a los sistemas autónomos, Tirant Lo Blanch, Valencia, 2009. DEL REY GUANTER, S., Los medios extrajudiciales de solución de conflictos de trabajo en la función pública, 1991.
- ALFONSO MELLADO, C., "Proceso de Conflicto Colectivos. Sistemas alternativos de solución y autonomía colectiva". Tirant Lo Blanch, Valencia, 1993. La mediación en el Derecho positivo español". Tribuna Social, agosto-1991. "Las funciones de la Comisión Paritaria en la interpretación del convenio colectivo". Tribuna Social, abril-1993. SALA FRANCO, T. Y ALFONSO MELLADO, C., Los Acuerdos estatal y autonómicos sobre solución extrajudicial de conflictos laborales. Análisis comparativo Consejo Económico y Social (CES), marzo de 2001