



CONSEJO GENERAL DEL PODER JUDICIAL
ESCUELA JUDICIAL



Red Europea de Formación Judicial
European Judicial Training Network (EJTN)
Réseau Européen de Formation Judiciaire (REFJ)

COURSE GUIDE

ONLINE COURSE
EUROPEAN JUDICIAL AREA
LABOUR
2nd EDITION - 2011/12

DIRECTOR

Mr Luis Lacambra Morera

Senior Judge of the Labour Division
of the Madrid High Court

ACADEMIC DIRECTOR

Ms María Dolores Valdueza Blanco

Professor at the Carlos III University of
Madrid

TECHNICAL DIRECTOR

Mr Carlos Uribe Ubago

Senior Judge
Director of the Judicial School
Ongoing Training Department

PRESENTATION OF THE COURSE

The CGPJ decided to organise this online course –whose first edition was carried out in 2011- in the context of the European Judicial Area, with the idea that in performing our duties in the Labour Jurisdiction we are making it possible, to the extent that our daily labours make it possible, to acquire greater knowledge of community law in order to be able to apply it in our decisions. It is a question of having the broadest perspective possible of the community legal system whose rules, while independent from and different to those of our internal law, form part of the individual legal systems of each Member State of the European Union, something that the Court of Justice in Luxembourg recognised long ago.

It is clear that this regulatory panorama is a vital tool for hearing cases, whose connections with community law are increasingly significant, something that makes the fact that we are dedicating this course to deal in greater depth with those matters considered appropriate due to their direct connection with the multiple and varied *acquis* of cases submitted to the Labour Jurisdiction of particular interest. Moreover, if the new Law Governing the Labour Jurisdiction is finally passed, it will also encompass new competences that are currently attributed to the Contentious-Administrative Jurisdiction.

The method and application of the course takes advantage of all the benefits of the e-learning system or online training, as it allows everyone to participate, with no restrictions of time or space, entering into constant and real time contact with their tutors online, who are a fundamental part of this useful platform via which, in a decided and enthusiastic manner, we are attempting to deal with this Jurisdiction for the first time and provide an interesting perspective on the applications of community law.

The subject matter has been organised into four modules, with a view to covering those areas which have been considered of particular interest for our day-to-day work and are an obligatory point of reference if we intend to

consolidate a bedrock of knowledge and a pragmatic vision that will enable us to go into greater depth in our decisions in the best way possible in all those cases in which community rules and case law are at hand to help us examine and resolve cases.

In order to ensure the effective viability of this course, it receives a subsidy from the European Union and the participants come from all over said territory, which is why the units are available in Spanish, French and English.

PRESENTATION OF THE ACADEMIC TEAM

The components of the academic team of the Course are drawn from both the Judiciary and the University, with Career Judiciary Labour Jurisdiction experts and specialist professors and researchers in Labour and Social Security Law, representing five Universities.

What follows is a brief introduction of the main collaborators of the course.

DIRECTOR



Mr Luis Lacambra Morera
Senior Judge of the Labour Division of
the Madrid High Court

CV:

Senior Judge of the Labour Division

M.A. from the Spanish Royal Institute of European Studies on *European Communities and the European Union*

He has participated as a speaker in several courses on Community Law organised by the General Council of the Spanish Judiciary

ACADEMIC DIRECTOR & MODULE III TUTOR



Ms María Dolores Valdueza Blanco
Professor at the Private International
Social and International Department
of the University Carlos III of Madrid.

TECHNICAL DIRECTOR



Mr Carlos Uribe Ubago
Senior Judge
Director of the Judicial School
Ongoing Training Service

CV:

Senior Judge of the Labour Division, performing his judicial duties in Barcelona and Alicante

He is currently the Director of the ongoing training department

He formerly worked as a lawyer, specialising in Labour, Family and European Law

M.A. in European Law

He has done several postgraduate courses on Family Law, Mercantile Law, Tax Law, Legal French, etc.

He has lectured at the Universitat Pompeu Fabra as Associate Professor of Labour Law

He has participated in several international projects: EU Twinning Projects, *Aula Iberoamericana*, etc.

TUTOR FOR MODULE I



Mr José Manuel Gómez Muñoz
Jean Monnet Professor of European
Law, at the Universidad de Sevilla

CV:


Jean Monnet Professor of European Union Law

Professor of Labour and Social Security Law at the Universidad de Sevilla


He has been awarded several prizes, including: *Premio Extraordinario de Doctorado* (Universidad de Sevilla, 2005), *Premio de Investigación del Consejo Económico y Social* (2001), *Premio Andalucía de Migraciones* (2004), etc.

He is the author of several publications and has spoken at more than 150 Conferences and Symposiums both in Spain and abroad.

TUTOR FOR MODULE II

	<p>Mr Francisco Javier Calvo Gallego Professor at the Department of Labour Law at the Universidad de Seville</p>
<p>CV:</p> <p>Director of the Department of Labour and Social Security Law at the Universidad de Huelva and subsequently Secretary of the same; he was also the assistant director of the Labour Relations School at the Universidad de Huelva</p> <p>Director of the Social Responsibility and Labour Relations Portal of the Department of Employment of the Regional Government of Andalusia and head of the Labour Law Portal Project of the Andalusian Council for Labour Relations</p> <p>He has performed several studies for the International Labour Organisation, the European Commission and the European Parliament, the Ministry of Employment and the State and Andalusian Public Employment Services.</p> <p>For further information, please see his blog:</p> <p>http://personal.us.es/javiercalvo/</p>	

TUTOR FOR MODULE IV

	<p>Ms. Rosa María González de Patto Professor of Labour and Social Security Law at the University of Granada</p>
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CONTENT

MODULE 1: THE REGULATORY FRAMEWORK OF EUROPEAN LABOUR LAW

Tutor: **Prof. Dr. José Manuel Gómez Muñoz**

Unit 1 COMPETENCES, PRINCIPLES AND COMMUNITY LABOUR RULES

José Manuel Gómez Muñoz, Jean Monnet Professor of European Law, Universidad de Sevilla.

Unit 2.- EFFECTIVENESS OF THE EUROPEAN COMMUNITY LAW

Antonio Pérez Van Kappel. Advocate-general in the Court of Justice of the European Union

UNIT 3.- APPEAL PROCEEDINGS IN THE COURT OF JUSTICE OF THE EUROPEAN UNION. PRELIMINARY RULING QUESTIONS

Joaquín Huelin Martínez de Velasco. Senior judge at the Administrative Division of the Spanish Supreme Court

MODULE 2: NO-DISCRIMINATION AND CITIZENSHIP IN THE EUROPEAN UNION

Tutor: **Prof. Dr. Francisco Javier Calvo Gallego**

UNIT 4.- THE PRINCIPLE OF EQUAL TREATMENT (I)

María Fernanda Fernández López, Professor of Labour Law. Law Faculty, Universidad de Sevilla, and **Francisco Javier Calvo Gallego**, Professor at the Labour Law Department, Universidad de Sevilla

UNIT 5.- THE PRINCIPLE OF EQUAL TREATMENT (II)

María Fernanda Fernández López, Professor of Labour Law. Law Faculty, Universidad de Sevilla, and **Francisco Javier Calvo Gallego**, Professor at the Labour Law Department, Universidad de Sevilla

UNIT 6.- THE EUROPEAN UNION CITIZENSHIP

Dimitry Teodoro Berberoff Ayuda. Senior judge at the Administrative Division of the High Court of Justice of Catalonia

UNIT 7.-FREE SETTLEMENT AND RIGHTS OF MIGRANT WORKERS IN THE EU.

María Luisa Segoviano Astaburugaga. Senior judge at the Social Division of the Spanish Supreme Court

MODULE III: SOCIAL SECURITY

UNIT 8.- THE COORDINATIVE SOCIAL SECURITY: GENERAL ASPECTS OF THE COORDINATION COUNCIL REGULATIONS

Claude Dedoyard. First Public Labour Prosecutor Deputy of Brussels

UNIT 9.- THE COORDINATIVE SOCIAL SECURITY: THE BENEFITS (I)

Carlos García de Cortázar Nebreda. Former Counsellor -Coordinator for Labour Matters at the Office of the Spanish Permanent Representation to the European Union (REPER)

UNIT 10.- THE COORDINATIVE SOCIAL SECURITY: THE BENEFITS (II)

Dolores Valdueza Blanco. Professor at the Labour and Social Security Law Department of the Carlos III University.

UNIT 11.- THE COORDINATIVE SOCIAL SECURITY: THE BENEFITS (III)

Fernando Lousada Arochena. Senior Judge at the Social Division of the High Court of Justice of Galicia

MODULE IV: COLLECTIVE AND INDIVIDUAL DIMENSION OF THE EUROPEAN UNION SOCIAL LAW

Tutor: Rosa María González de Patto

UNIT 12.- PROTECTION OF THE RIGHTS DERIVED FROM THE CONTRACT OF EMPLOYMENT (I)

Ignasi Camós Victoria. Counsellor for Labour Matters at the Office of the Spanish Permanent Representation to the European Union (REPER)

UNIT 13.- PROTECTION OF THE RIGHTS DERIVED FROM THE CONTRACT OF EMPLOYMENT (II)

Rosa María González de Patto. Professor of Labour and Social Security Law at the University of Granada

UNIT 14.- VICISSITUDES OF THE EMPLOYMENT RELATIONSHIP (I)

Miguel Carlos Rodríguez-Piñero Royo, Professor of Labour Law. Universidad de Huelva

Giorgio Verrechia, Professor of Labour Law, Cassino University (Italy)

María Emilia Castellano Burguillo, Anton Menger Department (Labour and Social Security Law). Universidad de Huelva

UNIT 15.- VICISSITUDES OF THE EMPLOYMENT RELATIONSHIP (II)

Jesús Cruz Villalón. Professor of Labour Law. Law Faculty. Universidad de Sevilla

Patrocinio Rodríguez Ramos. Professor of Labour and Social Security Law. Universidad de Sevilla

UNIT 16.- THE COLLECTIVE RIGHTS OF WORKERS: SOCIAL DIALOGUE, COLLECTIVE BARGAINING, INFORMATION AND CONSULTATION

Philippe Pochet. Director of the European Trade Union Institute (ETUI)

ACTIVITY AIMS

The judicial application of community law, whose complex system of sources we judges must be familiar with in order to do our basic job of applying and interpreting the rules and the case law, is combined with the internal legal systems of each state. This dual reality, which exists when dealing with the resolution of disputes under the aegis of two legal systems, that of each country and the European one, can help us make contact with judges in our own area in order to debate and reflect on aspects and matters of common interest to our jurisdictional function, because if the rules and case-law doctrine are common in relation to this law, there can also be a kind of judicial cooperation, to use a term belonging to other jurisdictional spheres, in the sense of exchanging impressions (debate and reflection) on the various matters regulated by community rules and that arise on a daily basis in the resolution of cases.

The online course upon which we are embarking constitutes a remarkable opportunity to establish this relationship with colleagues who resolve labour disputes and who also participate in this European judicial area, which we will try to make as dynamic as possible, in all respects. As such, it is of interest not

just because of the advantages provided by the contribution of theoretical and practical knowledge of a law that is applied on a preferential basis, but also because it shares opinions, points of view or approaches to the matters dealt with in the units comprising the modules into which the course is divided in a real and effective manner.

We thus set out these two guidelines or trends, both interactive, one of which forms part of the constant relationship with the tutors of the course and the other aimed at this “cooperation” that transcends our framework to meet those who, like us, perform the same jurisdictional work in other countries of the European Union.

RESOURCES FOR STUDYING THE CONTENT

The participants will have the following study materials:

- ✓ 16 units in *pdf* format drafted by the academic team, that can be consulted and downloaded from the virtual campus.
- ✓ A self-assessment questionnaire for each study unit, that can be filled in on the virtual campus. The aim of these questionnaires is to enable the participants to check if they have correctly grasped the essential aspects of the content of the course.
- ✓ A case study for each of the units in the three modules of the course. As set out in the section on the activities to be performed during the course, each participant only has to do one case study for Module I and two in Modules II and III, chosen at their discretion.
- ✓ One introduction for each module of the course, prepared by the tutors.

- ✓ One outline for each course unit, provided in flash format to be consulted online and also as a *pdf* that the participants can download.
- ✓ A video recording in which the tutor presents each module. The audio for these videos will be in the three working languages and will be made available in *mp3* format so that it can be downloaded and listened to offline.
- ✓ Presentation of the course in video format by the Directors of the course.
- ✓ A video recording of the lectures given at the physical attendance stage.
- ✓ Other material considered of interest, both in electronic format and in hard copy.

This material will be available on the platform of the online course in Spanish, French and English. The units will be translated by specialists in legal translation in order to ensure the texts are drafted using the appropriate terminology.

PHYSICAL ATTENDANCE STAGE

At the end of the course there will be a physical attendance stage at the Ongoing Training Department in Madrid, lasting a day and a half, on **October 2012**.

Attendance is voluntary and participation is not obligatory in order to obtain a participation certificate for the course. **The physical attendance session is reserved for those participants who have followed the course on a regular basis, completing the case studies and receiving positive assessments from the tutors.**

Among the objectives of this stage are the pooling of the knowledge acquired, the exchange of the experiences and opinions of the participants and the lecturers, as well as an assessment of the different aspects of the course.

The methodology of the physical attendance stage will be the usual one for seminars and workshops. In this regard, we will work in small groups coordinated by tutors in order to analyse real life cases encountered in courts. Moreover, lectures will be given by renowned specialists in the field on areas of current interest in the sphere of Judicial Cooperation in Labour Matters:

CALENDAR

The course will consist of two stages:

- A. **The e-learning stage:** Running from 12 March to 29 July 2012.
- B. **The physical attendance stage**, which will take place at the end of the course in Madrid on October 2012.

A. The e-learning stage

While the course will progress in a flexible manner, in order to adapt as far as possible to the personal characteristics of each student, we have established the following basic calendar setting out when the course topics will be made available to the participants.

Sending the passwords and course documentation	5 March / 9 March
Module zero on how to use the tools on the IT platform (Voluntary module)	12 March / 18 March
Module I (Units 1 - 3)	19 March / 15 April
Module II (Units 4 - 7)	16 April / 13 May

Module III (Units 8 - 11)	14 May / 10 June
Module IV (Units 12 - 16)	11 June / 8 July
Deadline for sending case studies and finalising the debate topics	9 July / 29 July

B. The physical attendance stage

This will take place at the Ongoing Training Department in Madrid, on **October 2012**.

ACTIVITIES TO BE CARRIED OUT DURING THE COURSE. TUTORIALS

The units will be provided on the Virtual Campus in accordance with the established calendar, and will remain at the disposal of the participants until the conclusion of the course. Each unit will require special effort and personal dedication (approximately five hours). Together with the unit, the students will be given a self-assessment questionnaire on the contents of each unit, solely for the purposes of allowing the participants to check what they have learned. Each unit will also include an outline that will help the participant assimilate the content of the same.

One case study will be sent with each unit. Participants will have to complete one/two of the case studies proposed in each module, at their discretion. In module I it will be necessary to do one of the two cases proposed and in Modules II and III two of the cases proposed will have to be completed for each of these modules. Once completed, the case studies should be sent to the tutor in charge of the module using the corresponding tool on the platform.

Once the tutor has studied the case study sent by each participant, he/she will send an academic commentary on the work carried out using the IT tool on the

platform, in order to exchange opinions and enrich the learning experience for both tutor and participant.

Moreover, a debate forum will be organised for each of the modules based on a topic of interest proposed by the tutor, who will moderate the debate, inviting all students to participate.

COMMUNICATION WITH THOSE IN CHARGE OF THE COURSE

Any consultations in relation to the content of each module or topic may be sent to the tutors via the internal platform email.

The Directors and Coordinators will likewise be at the disposal of the participants for any general questions regarding the course.

Any matters of an administrative or technical nature will be dealt with by the Spanish Judicial School and should be submitted via the internal platform email or by calling Angel Fresneda or Concha Vega at the following telephone numbers: +34 91 700 58 07 / 19 (Ongoing Training Department, for Spanish participants), or Antonio Marchal at antonio.marchal@cgpj.es or +34 93 406 73 79 (External and Institutional Relations Department, for participants of other nationalities).

CERTIFICATES AND ASSESSMENT

Two kinds of certificates will be issued, a certificate of **completion** for those who have completed all the proposed exercises and a **participation** certificate for those participants who, while they have followed the course regularly, have not completed all the case studies.

The course involves 100 hours of personal work according to EEES methodology.

Meanwhile, upon conclusion of the course, the participants will be asked to give their opinion on the progress of the same in a questionnaire. **The Directors of**

the course will be open to suggestions and comments at all times with a view to improving this training activity.