

PROCEDURAL LABOUR LAW STUDIES WITH A FOCUS ON ACTIVE LEARNING

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Abstract

We introduce two innovative techniques used to promote a more active approach to learning, with respect to the Procedural Labour Law course subject. On the other hand, audiovisual practical materials enabled students to be virtually present at courts and extrajudicial conflict-resolution hearings. On the other, a collective interview was used as a work-group technique, in which the students presented prepared questions to a panel of experts in labour law and social jurisdiction. The experience was continued and improved over two academic years, with very positive results for the students, promoting learning as a constructive and participatory process, and not merely a receptive one, allowing them to more easily acquire objective information and knowledge of the law and to rationalise this information from a critical standpoint through a better understanding of the underlying socio-political situation. The students were highly motivated, involved and collaborative, both with the teacher and with their peers, and learned to work autonomously, as the protagonists in the resolution of case studies. The approach was also highly satisfactory for the teacher, whose feeling of professional worth was enhanced through learning to teach and teaching to learn.

Keywords: Active learning, virtual practical experience, panel of experts, collective interview

Introduction:

University students require an education in which theoretical and practical aspects of their chosen area of study are presented in a complementary manner. Thus, in law degree courses, the teacher should introduce them to situations of the socio-legal reality in which future professional activity will take place. As part of any Bachelor's or Master's degree course in which Procedural Labour Law is taught, it is of fundamental importance for students to carry out practical activities to prepare them to defend and represent the interests of workers in the judicial field of labour conflict resolution, complementing theoretical study and achieving the skills necessary for the future exercise of professional activity.

In order to create this very necessary connection between practical and theoretical training, in an area of the law that is more commonly associated with rote learning, a group of professors from the Department of Labour and Social Security Law at the University of Granada (Spain), teaching at the School of Labour Sciences of the same university, have introduced changes in teaching methods, consisting of presenting case studies supported with practical audio-visual materials and conducting a collective interview with a group of experts in the field of social jurisdiction.

These actions are sponsored by the Vice Presidency for Academic Affairs and for Teaching Staff at the University of Granada, which in the last three academic years has contributed to the financing of various Innovation and Teaching Practices (ITP) projects, allowing us to advance, refine and update our teaching materials, which as a result of the continual and extensive legislative reforms implemented in recent years in the field of Labour

and Social Security and its related procedural rules, have become outdated and of reduced academic validity.

These ITP projects could not have been carried out without the generous collaboration of labour law professionals from fields such as the administration of justice, the Employment Ministry of the Andalusian regional government, trade unions, business associations from the province of Granada and elsewhere in Andalusia, lawyers and employment consultants. These skilled professionals allowed us to learn from their experience and daily work, sharing their activities, exchanging views and recounting their experiences regarding the resolution of labour conflicts, both judicial and extrajudicial, and regarding advice and management in labour relations.

After the validity of the method was confirmed by the excellent results obtained in the previous academic year, it has now been developed significantly, expanding and improving the possibilities of audiovisual resources for teaching and learning, through the recording of judicial case studies. These go beyond mere hypothetical situations, involving the student in the practical resolution of conflicts, and offering the assistance of experts in the field, who propose solutions for the students to consider.

This virtual practical experience represents a more active form of educational communication and enables the future professional to visualise real situations of social conflict and their legal solutions, proposed by competent practitioners in parallel with the theoretical explanations offered in the classroom. This new teaching methodology facilitates independent work and students' active involvement in the learning process, thus reinforcing the professional skills, as is the aim of the new European Higher Education Area (Delgado-García, 2006; De-Miguel Diaz 2006, Blanco-Fernández 2009).

Aims:

The current teaching situation, with the adoption of new university curricula within the framework of the European Higher Education Area and the implementation of the European Credit Transfer System, highlights the need to provide students and professional trainees with a broad-based education, with mandatory practical credits. However, teachers are well aware that it is no easy matter to organise and carry out practical activities that are truly beneficial, in areas of interest to future employment consultants, lawyers and labour-law experts, in collaboration with labour courts and dispute resolution tribunals, whether these activities are created by administrative decision or through a collective agreement.

Problems of timetabling, travel arrangements, authorisations, student numbers, etc., often hamper this task, and it is even harder to achieve for various persons simultaneously, at the times determined by the curriculum for the teaching of certain subjects. Thus, the process is, if not impossible, certainly very complex and sometimes of little value to students. In view of these circumstances, and realising the time and effort involved, and with the experience of previous years of having accompanied our students to the workplaces of judicial and administrative bodies, we considered the possibility of reproducing, in the classroom, practical cases, subject to prior scripting, recording and technical editing (Moya-Amador, Serrano-Falcón & Tomás-Jiménez, 2011; Moya-Amador & Serrano-Falcón, 2001 and 2012).

This idea has been perfected and implemented during the present year, with further recordings of experts, during sessions in which they were interviewed by the students. In the conviction that it is essential to approach the real world to the classroom, our goal in this project was to complement the traditional method of teacher-originated theoretical explanations with other instruments or means of teaching. In the present-day academic context, the natural course to take is to make use of the potential offered by new technologies, which are now firmly established in all areas of society.

General content:

The learning process based on students reading, supplemented by theoretical explanations from the teacher, can be greatly enriched by the contribution of experts in professional practice, such as judges, judicial clerks, labour lawyers, employment advisors, conciliators from the Centre for Mediation, Arbitration and Conciliation (CMAC) and participants in the Andalusian Extra-Judicial Labour Dispute Resolution System (SERCLA). This contribution was achieved using the following tools and innovative techniques:

* Using audiovisual media in the classroom, practical cases were studied using recordings made in labour courts and related administrative services in Granada and in the SERCLA office in the same province, with the corresponding authorisation from the court authorities (the President of the High Court of Justice for Andalusia, Ceuta and Melilla) and from the non-judicial authorities and with the consent of all parties involved. The recording sessions were based on scripts prepared in accordance with the learning focus determined by the teachers. Thus, the practical cases presented are fictitious, in order to respect rights to privacy and to personal image. The preparation of these cases was complex, due to questions of schedules and the large number of professionals involved, both inside and outside the university (30 people). All concerned provided their skills, effort and enthusiasm, in the belief that this activity would produce useful, original and innovative material.

* When the subject curriculum had been presented and studied, in the latter part of the academic year we organised a conference with the professionals who had taken part in the recordings. This event was divided into two parts: first, a panel of experts; the professionals – all highly qualified and with long experience – presented an overview of their specialised field. The students derived full benefit from this, having already studied the issues from both theoretical and practical standpoints, and having observed the court sessions and conciliation proceedings. Another important aspect that reinforced the learning process is that the experts in question, previously, had been present in virtual form in the classroom, throughout the year, as participants in the recordings, contributing their professional experience. Now, however, and for the first time, the students could see them in person and ask questions, in a different context, that of the auditorium of the School of Labour Sciences.

* The second part of the conference took the form of a collective interview, as a group work technique, in which the students asked questions that had been previously considered and developed. This activity required significant involvement by the students and communication with the teacher, because some of the questions, especially the ones with practical implications, had arisen during the year when a particular issue was addressed. In each group, one student was responsible for noting down a list of practical questions for the professionals, during the months prior to the conference. This list was then completed by the teacher, so that the experts' answers would provide a complete overview of the subject.

This experience was a new one, and satisfactory for all concerned: the professionals who were interviewed; the subject teacher and organiser of the activity; and the students, who voluntarily offered their opinions and suggestions for improvement. This occasion was an end of year bonus for us all, and I thank all who made it possible, especially my students.

Method and Materials:

The case study, using audiovisual material, is an examination of a practical situation. The students analyse certain facts and incidents, and information on intentions and values, enabling them to assimilate the elements that give the situation meaning. As well as reading and understanding the applicable law, clarifying doubts and complementing the relevant doctrinal and jurisprudential study with the teacher, the students can see how in a practical situation a worker's claim against the employer is presented and addressed and the possible solutions that are offered by the judge or mediator. Such situations include cases of dismissal (Fig. 1), discrimination in the workplace (Fig. 2), the rights of the widow and children

following the death of a worker in an industrial accident (Fig. 3) and unilateral changes by the employer to work hours (Fig. 4).



Fig. 1. CMAC conciliation following claim for unfair dismissal



Fig. 2. Protection of fundamental rights and freedoms



Fig. 3. Social Security proceedings



Fig. 4. SERCLA mediation of a labour conflict

In the legal field, case studies, based on written materials, are commonly used. However, the use of videos, with recordings of case studies situated in real locations and with the corresponding professionals in each area of labour conflict reality, enables a more direct impact on students, by means of the image presented, thus enhancing students' perceptions, encouraging them to reconsider the facts in question and the underlying legal concepts, and expanding their contribution beyond the learning of laws and textbook data.

An important advantage that should be emphasised is that this technique can be used by students in their personal study time and also by the teacher in the classroom. Recordings of different cases can be observed while the necessary theoretical explanations and detailed explanations are given, so that students acquire an understanding that is both broad and deep of the different systems of labour-dispute resolution.

Students can be virtually present, while also receiving input from the teacher, at courtrooms, court clerks' offices and extra-judicial dispute-resolution proceedings, such as CMAC and SERCLA, without the difficulties associated with organising such activities, whether in class time or outside it, such as scheduling, student numbers, questions of space and the need to travel to judicial and administrative premises.

To facilitate the students' work, they were provided, together with the recordings, with theoretical and practical written materials for each situation: claims forms, statements by the parties, judicial rulings, the court clerk's documents, conciliation forms, minutes of the conciliation and mediation proceedings, etc., for each of the case studies or recordings, and the work plans/questionnaires to be implemented. Eight such learning units were prepared.

The procedure adopted for these classes was as follows:

1. Presentation of the case, using audiovisual materials, together with the corresponding work plan.
2. Time for group work (recommended during class sessions, in small groups, and also outside class).
3. Each group presented its findings on the case, highlighting significant aspects and the theoretical issues reflected in the case study. The teacher then assessed the findings and contributions of each group and concluded the case, completing, compiling and reviewing the overall question.
4. To complete the academic year and to review the entire subject, we organised the First Conference on Procedural Labour Law: Professionals in the Classroom, which was held in the School of Labour Sciences, to study and discuss the implementation of Act 36/2011, of 10 October. This conference enabled students to ask questions about problems of a practical nature arising in their preparation of the case studies,

addressing these questions to the following participants: a judge from the Labour Chamber of the High Court of Justice of Andalusia, Ceuta and Melilla; a labour judge from the Granada High Court; a court clerk; and a Social Security lawyer.

<p>I JORNADAS DE ESTUDIO Y DEBATE SOBRE LA APLICACIÓN DE LA LEY 36/2011, DE 10 DE OCTUBRE, REGULADORA DE LA JURISDICCIÓN SOCIAL</p> <p></p> <p>Universidad de Granada Facultad de Ciencias del Trabajo</p> <p>Salón de Actos, 21 de mayo de 2013. Asistencia gratuita</p> <p>PROFESIONALES DEL PROCESO LABORAL EN EL AULA</p> <p>En el marco del PID: EL VIDEO DIDÁCTICO PARA LA FORMACIÓN EN LA SOLUCIÓN JUDICIAL Y EXTRAJUDICIAL DE CONFLICTOS SOCIO-LABORALES (ref. 12/117)</p> <p>INAUGURACIÓN</p> <p>17:00 Hs. Bienvenida D. Pedro Antonio García López. Decano de la Facultad de Ciencias del Trabajo de la Universidad de Granada</p> <p>Presenta y modera. Dña. Rosa Moya Amador. Profesora de Derecho del Trabajo y de la Seguridad Social de la Universidad de Granada</p>	<p>PANEL DE EXPERTOS</p> <p>17:15 Hs. PECULIARIDADES EN EL DESARROLLO DEL ACTO DE LA VISTA ORAL EN EL PROCESO LABORAL Dña. Milagrosa Vela Estegui Galisteo. Magistrada del Juzgado de lo Social número CINCO de los de Granada</p> <p>17:35 Hs. PROCESOS EN MATERIA DE SEGURIDAD SOCIAL D. Francisco Fuentes Jódar. Letrado de la Seguridad Social. Actualmente Director Provincial del Instituto Nacional de la Seguridad Social de Granada</p> <p>17:55 Hs. TRAMITACIÓN Y RESOLUCIÓN DEL RECURSO DE SUPPLICACIÓN. D. Jorge Luis Ferrer González. Magistrado de la Sala de lo Social del Tribunal Superior de Justicia de Andalucía, Ceuta y Melilla.</p> <p>18:15 Hs. LA EJECUCIÓN DE SENTENCIAS Y OTROS TÍTULOS EJECUTIVOS. EN ESPECIAL LA EJECUCIÓN FRENTE A LAS ADMINISTRACIONES PÚBLICAS. Dña. María Luisa Mellado Ramos. Secretaria Judicial de la Sala de lo Contencioso-administrativo del Tribunal Superior de Justicia de Andalucía, Ceuta y Melilla.</p> <p>18:35 Hs. Descanso.</p> <p>ENTREVISTA COLECTIVA</p> <p>19:00 Hs. Preguntas previamente trabajadas y elaboradas por los alumnos. 21:00 h. Fin de la jornada Coordinación técnica y logística: Antonio M. Bustos Sánchez, Oscar Díaz Cantos y Arantxa Mª Rodríguez Morente Dirección y Coordinación académica: Rosa Moya Amador</p> <p>Más información: rmoya@ugr.es.</p>
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Fig. 5. Conference programme



Fig. 6. The experts interviewed by the students

Results:

This initiative led to a considerable improvement in the students' academic performance, by heightening their motivation and involvement in the activities proposed, enabling them to better assimilate the subject contents, by taking an active role in learning, as future professionals in the field of labour law, representing parties in the resolution of labour disputes. Relationships between teachers and students and among the students themselves are strengthened by their collaborative work on parallel activities such as debates, participation in class and group work, and thus group dynamics are enhanced.

These teaching techniques promote a more active, participatory style of learning in the classroom; it is a personalised approach that encourages students to work independently, although with the teacher's supervision when necessary. This greater involvement means that

students work consistently and feel that what they do is useful for their professional education, makes them more aware of current socio-legal problems and teaches them to interpret the social and economic realities in which they will work. In consequence, the process is more successful and pass rates are higher.

Conclusion:

The technique described was found to be a valid teaching innovation, one that is feasible, useful and incorporates new information and communication technologies. It provides a more complete learning process, which is active, personalised, collaborative, interconnected with the group and with the teacher, and more independent. The surveys of satisfaction and the evaluation results achieved reflect the beneficial outcome of this experience, involving three administrations – the administration of justice, the Andalusian Ministry of Employment and Granada University – and thus three outlooks from which to study the solution, judicial or extrajudicial, to socio-labour conflicts.

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