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Comentarios a la Ley Reguladora de la Jurisdicción Social

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Comentarios A La Ley Reguladora De La Jurisdiccion Social

**Guillermo Orozco Pardo, José Luis
Monereo Pérez, y otros**



Comentarios A La Ley Reguladora De La Jurisdiccion Social:

Comentarios a la Ley Reguladora de la Jurisdicción Social (e-book) José Ángel Folguera Crespo, M.a Luisa Segoviano Astaburuaga, Jordi Agustí Juliá, Manuel Ramón Alarcón Caracuel, M.a Lourdes Arastey Sahun, Alfonso González González, Nicolás A. Maurandi Guillén, Fernando Salinas Molina, Juan Miguel Torres Andrés, Rosa M.a Virolés Piñol, 2011-11 La nueva Ley reguladora de la jurisdicción social LRJS cambia sustancialmente el ámbito del proceso social Amplia sus competencias a todas las que puedan calificarse como sociales incluyendo el control jurisdiccional de los actos administrativos singulares o plurales dictados sobre estas materias asumiendo las hasta ahora atribuidas al conocimiento del orden civil y contencioso administrativo Se constituye al orden social como el único competente para conocer de los litigios sobre prevención de riesgos laborales por lo que también los funcionarios o personal estatuario deberán plantear sus reclamaciones sobre accidentes de trabajo o enfermedades profesionales ante este orden social La LRJS efectúa una profunda remodelación en otras cuestiones como las relativas al papel de los sindicatos y de las asociaciones empresariales del Ministerio Fiscal del Secretario judicial de los Abogados y de los Graduados sociales colegiados al reforzamiento del papel del FOGASA a la acumulación de los procesos de despido y cantidad a la potenciación de la mediación y del arbitraje al nuevo proceso monitorio entre otras En definitiva se trata de un libro de máxima utilidad para quienes dedican su quehacer profesional a la interpretación y aplicación de esta materia en su más amplia dimensión elaborado por profesionales de reconocido prestigio en esta materia que buscan el acercamiento del profesional a estas novedades Cierra la obra un detallado índice de voces que facilita el manejo y permite la rápida ubicación de los asuntos *El recurso de casación para unificación de doctrina en el Orden Social de la Jurisdicción* Varios autores, 2020-10-01 Introducido por la Ley 7 1989 y reajustado en alguno de sus pasajes por la Ley 36 2011 el recurso de casación para unificación de doctrina en el orden social de la jurisdicción nace estrechamente ligado a la reordenación de la planta judicial española efectuada por la Constitución de 1978 Como era de esperar es un producto legal cuyo régimen jurídico depende de forma muy directa de las decisiones que en cada momento y dentro del marco constitucional vaya adoptando el titular de la potestad legislativa Pero la experiencia de aplicación del nuevo recurso muy pronto puso de relieve que por motivos de diversa índole las previsiones normativas de referencia necesitaban con mucha frecuencia el complemento de la labor interpretativa y esclarecedora típica de los tribunales Lo cierto es que los problemas de comprensión y aplicación del recurso fueron llegando con creciente intensidad ante la propia Sala encargada de su resolución y que ello fue dando lugar a un abundante acervo jurisprudencial que a estas alturas es de todo punto imprescindible no sólo para su práctica procesal cotidiana sino también para su cabal entendimiento y debida conceptualización e incluso para la progresiva decantación de su régimen legal Como tantas veces sucede legislación y jurisprudencia van desde muy temprano factores complementarios e interdependientes en el proceso de configuración y estabilización del recurso de casación para unificación de doctrina Esta obra colectiva que tiene su origen en el proyecto de

investigaci n I D i DER2016 80327 P trata fundamentalmente de dar cuenta de ese rico acervo de jurisprudencia desde las decisiones que se han detenido en los requisitos formales del recurso hasta las que se han pronunciado acerca del contenido y alcance de la sentencia pasando por las que han arrojado luz sobre los presupuestos materiales de la unificaci n de doctrina las condiciones exigibles a las sentencias de contraste los puntos cardinales del juicio de contradicci n los peculiares perfiles de la infracci n procesal en este contexto la posible interferencia del efecto positivo de la cosa juzgada las dificultades innatas del recurso para la revisi n de hechos probados o la especial misi n encomendada al Ministerio Fiscal para su activaci n sin dejar en el olvido la poli drica relaci n entre unificaci n de doctrina y recurso de amparo Es de esperar que todo ello sea til tanto para la academia como para la pr ctica profesional

Comentarios a la Ley reguladora de la jurisdicci3n

social ,2020 La prueba electr3nica en el entorno digital de la empresa Goñi Irulegui, Ainhoa Marí, El prop sito de este Libro consiste en analizar la problem tica procesal que suscita la validez de la prueba electr nica en el mbito del proceso laboral teniendo presente la singularidad que presenta la regulaci n espec fica de los derechos digitales en el terreno laboral La transici n digital ha provocado que las evidencias digitales sean la fuente m s importante de informaci n sobre la actividad desarrollada por los trabajadores Estas evidencias digitales son una potente herramienta de acreditaci n de hechos jur dicos que pueden ser aportadas por cualquiera de las partes de la relaci n laboral ante los rganos jurisdiccionales de lo social No obstante la prueba de los hechos digitales o electr nicos se enfrenta a varios desaf os Uno se refiere a la obtenci n de dicha evidencia por incidir en la esfera de los derechos fundamentales de las personas En este libro se profundiza sobre la forma de acceder desde la ptica de los derechos digitales reconocidos a los trabajadores por la normativa de protecci n de Datos personales RGPD UE y LO 3 2018 estableci ndose los criterios de constitucionalidad que se deben observar en la investigaci n forense de cada uno de los medios tecnol gicos utilizados al objeto de obtener una prueba l cita Otro de los aspectos problem ticos a n en estadio preprocesal es el acceso a los elementos de prueba que pudiera disponer la otra parte generalmente el empresario al controlar los medios digitales para tomar una decisi n o fundamentar la demanda Aqu se apuesta por recurrir al tr mite de diligencias preliminares y solicitar el auxilio judicial Los desaf os surgen tambi n en relaci n con la particular naturaleza alterable de estas evidencias lo que suscita la pregunta de c mo deben recogerse y custodiarse sugiri ndose la posibilidad de la aplicaci n de la cadena de custodia a fin de garantizar la inalterabilidad Ya en el proceso el gran reto es c mo y cu ndo incorporar estas evidencias digitales al proceso judicial y qu valor probatorio atribuir lo que est directamente relacionado con la naturaleza jur dica Ainhoa Go i Irulegui es doctora en Derecho con menci n internacional por la Universidad P blica de Navarra UPNA Curs sus estudios de Derecho en la Facultad de Derecho de San Sebasti n de la Universidad del Pa s Vasco Euskal Herriko Unibertsitatea Realiz el Master en Derecho de la Empresa en la Universidad de Deusto Bilbao Ha ejercido como abogada del Ilustre Colegio de Abogados de Gipuzkoa encarg ndose de asuntos civiles y laborales Ha disfrutado de una beca de estancia de investigaci n en el Centre de Documentation et Recherches Europ ennes

CDR de la Universit de Pau et des Pays de l Adour UPPA Cuenta con varias publicaciones en temas como el Valor probatorio de los mensajes de WhastApp La prueba pericial sobre la mensajer a instant nea o El acceso anticipado a la fuente de prueba digital y su aseguramiento en el orden jurisdiccional social Participa en el Proyecto de investigaci n I D I del Grupo de Investigaci n de la UPNA C digo 331 sobre el An lisis prospectivo de las v as extrajudiciales de resoluci n de conflictos financiado por el Ministerio de Ciencia e Innovaci n

Derecho del Trabajo Antonio Mart n Valverde, Ferm n Rodr guez-Sa nudo Guti rrez, Joaqu n Garc a Murcia, 2017-11-04 La primera edici n de este curso de Derecho del Trabajo apareci en 1991 una vez terminada la profunda transformaci n de esta rama del Derecho llevada a cabo de 1976 a 1990 Las ediciones sucesivas han efectuado las oportunas actualizaciones de legislaci n y jurisprudencia La presente edici n recoge y analiza las modificaciones introducidas en el ordenamiento laboral hasta junio de 2017 La ordenaci n sistem tica de la obra atiende a las instituciones b sicas del ordenamiento laboral desarrollado en torno a dos ejes el trabajo asalariado y el sistema de relaciones laborales Las instituciones de este sistema se acogen en cuatro cap tulos dedicados sucesivamente a sindicatos y asociaciones empresariales representaciones de los trabajadores en la empresa negociaci n colectiva y conflicto colectivo de trabajo La exposici n de las instituciones jur dicas del trabajo asalariado precedidas de un cap tulo sobre el r gimen del mercado de trabajo comprende el contrato de trabajo y sus variedades los derechos y obligaciones de trabajadores y empresarios en la relaci n individual de trabajo las vicisitudes de la misma y su extinci n Los cap tulos iniciales se ocupan entre otros temas de las fuentes del Derecho del Trabajo y la estructura del ordenamiento laboral Los cap tulos finales se dedican al estudio de la exigencia administrativa y penal del cumplimiento del ordenamiento laboral y la garant a jurisdiccional de su aplicaci n Completan la obra un ndice de materias un ndice de jurisprudencia y una rese a de bibliograf a general y fuentes de conocimiento incluidos en el CD que acompa a a la edici n de papel El libro contiene tambi n una selecci n de bibliograf a monogr fica en cada una de las secciones que componen los distintos cap tulos

Estudio comparatista del contencioso laboral de primera instancia franc s y espa ol Ferreiro Broz, Mar a del Mar, 2015-03-31 Sobre la base de que los Juzgados de los Social son en Espa a los rganos estelares de la jurisdicci n social en la medida en que conocen en principio de toda clase de pleitos atribuidos a dicha jurisdicci n el presente trabajo estudia sus equivalentes en el ordenamiento jur dico franc s encarnados en los Consejo de Hombres Prudentes Conseil de Prud Hommes Se trata de rganos formados por representantes de los trabajadores y de los empresarios con una tradici n jur dica mucho mayor que la de nuestros Juzgados de los Social puesto que su existencia se remonta con claridad a una Ley promulgada en Francia en 1806 Su regulaci n se ha incorporado a los tres C digos del Trabajo siendo incesantemente modificada por varias leyes desde 2008 Son adem s rganos jurisdiccionales laborales de primera instancia en la medida en que personifican una jurisdicci n que es a la vez electiva y paritaria que conoce exclusivamente de conflictos individuales frente al car cter unipersonal y estrictamente profesional de nuestros Juzgados de lo Social cuya competencia se extiende asimismo a los conflictos colectivos Mar a del Mar Ferreiro Broz

es Doctora en Derecho del Trabajo por la Universidad de A Coruña. En su obra *Estudio comparatista del contencioso laboral de primera instancia* francés y español ha obtenido la calificación de sobresaliente cum laude por unanimidad constituye el objeto de su tesis. Es abogada y funcionaria de la Xunta de Galicia. Ha publicado tres obras. En 2015 *Estudio comparatista del contencioso laboral de primera instancia* francés y español. En 2011 *Nociones básicas sobre la ley concursal* y una primera inmersión en el mundo de la poesía en 2013 con *Ex Anima*. **Tratado de mediación en la resolución de conflictos** Guillermo Orozco Pardo, José Luis Monereo Pérez, y otros, 2015-03-19. La obra que tienes entre tus manos es fruto del esfuerzo, los conocimientos y la experiencia de un conjunto de autores que desarrollan su actividad en el ámbito de la enseñanza y la investigación universitaria: la práctica en el Foro, la Administración o la empresa privada. Todos ellos provienen del campo del Derecho, la Sociología, la Psicología, la Educación, el Trabajo Social, la Antropología, entre otras, y tienen como eje común su relación con una actividad formativa. El Máster en Mediación de la Universidad de Granada que tras años de desarrollo nos ha llevado a todos a ser conscientes de la necesidad de dar respuesta a la paradoja que puso de relieve J.F. Six: la Mediación es una práctica necesitada de una sólida construcción teórica. Asimismo, esta obra debe a cubrir varias finalidades: la formativa, la informativa y la consulta. Es por ello que optamos por un Tratado: esto es, la exposición objetiva, integral y ordenada de conocimientos sobre un tópico específico y que para cumplir con esta cuestión se subdivide en varios apartados.

Comentarios a la Ley reguladora de la jurisdicción social José Folguera Crespo, Jordi Agustí Juliá, María Luisa Segoviano Astaburuaga, Fernando Salinas Molina, 2012. *La obra jurídica de Aurelio Desdentado Bonete*. Varios autores, Yolanda Cano Galán (Coordinadora), 2021-11-01. Aurelio Desdentado Bonete, funcionario del Cuerpo Superior de Administradores Civiles del Estado y Técnico de Administración de la Seguridad Social, falleció en 2020 víctima de las terribles circunstancias sufridas por España en ese año maldito. El vacío dejado por su muerte ha motivado que sus compañeros y amigos provenientes del mundo de la docencia universitaria y de la abogacía hayan querido rendirle un homenaje en esta obra colectiva. Aurelio Desdentado fue Magistrado del Tribunal Supremo Sala IV de lo Social febrero 1986-marzo 2014 y presidió en funciones en varias ocasiones la Sala de lo Social del Tribunal Supremo. Fue también miembro de algunas Salas de Conflictos de Competencia de este Tribunal y de la Sala del artículo 61 de la LOPJ. A lo anterior se suma su docencia universitaria, el ejercicio de la abogacía y una ingente bibliografía. Por ello, la presente obra incorpora monografías sobre los principales temas socio laborales que estuvieron presentes en su obra y por supuesto los autores le dedican un emocionado recuerdo con la exposición de las vivencias que compartieron con él. **Curso de Derecho del Trabajo** Vicente-Antonio Martínez Abascal, José Bernardo Herrero Martín, 2014-01-17. Respondiendo al rasgo estructural del incesante cambio normativo que experimenta el Derecho del Trabajo, notoriamente acentuado en la fase de crisis económica aguda que algunos países atraviesan desde 2008, la segunda edición de esta obra revisa y actualiza el contenido de la anterior incorporando y estudiando las principales modificaciones habidas en el ordenamiento laboral desde que la precedente se cerrara hasta el 31

de julio de 2013 lo que incluye no s lo la producci n normativa m s se era sino tambi n su aplicaci n judicial Entre las novedades legislativas de mayor relieve objeto de sistematizaci n y an lisis figuran el Real Decreto 1 483 2012 por el que se aprueban los procedimientos de despido colectivo y de suspensi n de contratos y reducci n de jornada el Real Decreto 1 484 2012 sobre las aportaciones econ micas a realizar por las empresas con beneficios econ micos que lleven a cabo despidos colectivos de trabajadores con cincuenta o m s a os ambas dictadas en desarrollo de la Ley 3 2012 el Real Decreto Ley 4 2013 de medidas de apoyo al emprendedor y de est mulo del crecimiento y de la creaci n de empleo gran parte de cuyo contenido se vierte en la Ley 11 2013 tambi n recogida y el Real Decreto Ley 5 2013 de medidas para favorecer la continuidad de la vida laboral de los trabajadores de mayor edad y promover el envejecimiento activo

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