Labour relations in the tourism sector

Academic Year: (2019 / 2020) **Review date: 29-03-2019**

Department assigned to the subject: Social and Private International Law Department

Coordinating teacher: NIETO ROJAS, PATRICIA

Type: Electives ECTS Credits : 6.0

Year : Semester :

OBJECTIVES

Knowledge:

The aim of this subject is to provide the student with essential, both theorical and practical knowledge about individual and collective labour relations in the tourism sector shed.

Skills:

- To learn the use of different sources of labour law.
- To acquire capacity to identify the different modalities of employment contracts and to choose the contract type most adapted to the needs of the sector.
- To have aptitude to write an employment contract.
- To acquire skills necessary to resolve labour conflicts

Attitudes:

- To have an ethical behaviour in the bosom of the employment relationship.
- To adopt an attitude of conciliation and mediation in cases of conflict.

DESCRIPTION OF CONTENTS: PROGRAMME

LESSON 1: INTRODUCTION TO LABOUR LAW. SOURCES

1. Concept, origins and justification of the Labour law
2. Identifying features of the work subject to the labour regulation
3. System of sources of the Labour law
4. The Spanish Constitution
5. International Law and European Union Law
6. National Legislation
7. Collective Bargaining
8. Other sources
9. Interpretation and application of labour

LESSON 2: THE EMPLOYMENT CONTRACT

1. The employment contract: the parties to the contract
2. Activities that are excluded from Labour legislation
3. Special employment relations
4. The contract form
5. The probationary period

LESSON 3: TYPES OF EMPLOYMENT CONTRACTS

1. Types of employment contracts
2. The structural temporary contracts
3. The ¿training¿ contracts
4. Types of employment contracts depending on the duration of working time
5. Supports and incentives to hiring: encouraging indefinite hiring

LESSON 4: WORKING TIME

1. Working day
2. The distribution of working time: working schedule
3. Overtime, night work and shift work
4. Resting time
5. Paid leave
6. The regulation of the working time in the tourism sector

LESSON 5: THE WORKER´S REMUNERATION IN THE TOURISM SECTOR

1. Salary: concept and types
2. The structure of the salary
3. Salary supplements and non-wage perceptions
4. The structure of the salary in the tourism sector
5. Time, place and manner of payment of wages
6. The minimum wage
7. The salary protection

LESSON 6: VICISSITUDES OF THE EMPLOYMENT RELATIONSHIP

1. Vicissitudes of the employment relationship
2. The business subrogation
3. The functional mobility
4. The geographical mobility
5. The substantial modifications of the employment contract
6. The suspension of employment contract

LESSON 7: TERMINATION OF THE EMPLOYMENT RELATIONSHIP

1. Termination of the employment relationship: concept and general overview
2. Termination by concurrent will of the parties
3. Termination by death, retirement or disability of the parties
4. Termination by the unilateral will of the worker
5. Dismissal: concept and types
6. Disciplinary dismissal
7. Objective causes dismissal
8. Collective dismissal

LESSON 8: WORKERS REPRESENTATION IN THE WORKPLACE

1. Introduction: collective subjects
2. The dual channel system of employee representation
3. Employee-elected representatives: typology, competences and legal protection
4. Union representatives: typology, competences and legal protection

LESSON 9: THE COLLECTIVE BARGAINING AND MEASURES OF COLLECTIVE CONFLICT

1. Concept and types of collective agreements
2. Bargaining agents
3. The collective agreement content
4. The procedural requirements of the negotiation
5. The validity of the collective agreement
6. The collective bargaining structure in the tourist sector
7. Disputes and alternative dispute solutions
8. The strike
9. The employer lockout

LESSON 10: PREVENTIVE ACTION

1. Prevention of occupational hazards and employment contract
2. The Organization of prevention in the company
3. The participation of workers in the area of occupational risk prevention
4. Liability for breach of obligations of prevention of labour risks

LEARNING ACTIVITIES AND METHODOLOGY

- The teaching metodology will be theorical and practical (resolution of practical exercises and discussion in class, workshops in groups, activities, tests).
- Office hours: by appointment or during the hours established by the teacher at the beginning of the semester. The teacher can also assist the student by email.
There will be at least a collective tutoring.

ASSESSMENT SYSTEM

The continuous assessment will represent 100 % of the final grade. There will be no final exam.

- Practical exercises and discussion in class, workshops in groups and activities: 50 % of the final grade.
- Test: 50 % of the final grade.

However, any student who has not performed sufficiently well in the continuous assessment to have passed them during the course must undertake a practical exam and a test. This will help to check the student has acquired the established competences.

In case of the extraordinary exam, the student must complete a practical exam and a test.

% end-of-term-examination:	0
% of continuous assessment (assigments, laboratory, practicals…):	100

BASIC BIBLIOGRAPHY

- GÓMEZ ABELLEIRA, FRANCISCO Handbook of Spanish Employment Law, Tecnos (last edition).

- RAMÍREZ MARTÍNEZ, J. M. Curso básico de Derecho del Trabajo: (para titulaciones no jurídicas). , Tirant lo Blanch, última edición..

ADDITIONAL BIBLIOGRAPHY

- MARTÍN VALVERDE; RODRÍGUEZ SAÑUDO; GARCÍA MURCIA. Derecho del Trabajo, Tecnos, última edición..

- MERCADER UGUINA, J. R. Lecciones de Derecho del Trabajo. , Tirant lo Blanch, última edición..

- SALA FRANCO (coord) Derecho del Trabajo, Tirant lo Blanch, última edición .