

## Employment Law I

Academic Year: ( 2019 / 2020 )

Review date: 04-05-2020

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

Coordinating teacher: MORENO MARQUEZ, ANA MARIA

Type: Compulsory ECTS Credits : 6.0

Year : 1 Semester : 2

## REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

- Principles of Law
- Introduction to the Labour Law

## OBJECTIVES

- Ability to gather and interpret relevant data in the area of individual labor law to make judgments that include a reflection on relevant issues of a social, scientific or ethical nature
- Developed learning skills necessary to undertake further studies with a high degree of autonomy
- Mastery of fundamental concepts of Labor Law
- Knowing the depth of the legal framework of labor relations in Spain
- Select, analyze and interpret the legal and conventional regulations, as well as the jurisprudence and judicial doctrine applicable to the factual situations related to labor relations, in order to solve problematic problems in these areas
- Being able to correctly expose and write a topic or compose a speech following a logical request, providing accurate information and in accordance with established grammatical and logical norms.
- Be able to evaluate the quality and quality of information and its sources using this information in an ethical manner, avoiding the subject and in accordance with the academic and professional conventions of the study area.
- Understand the simple and complex legal problems linked to labor relations and employment, and offer precise solutions from the optical practices of the different subjects involved
- Learn to implement transversally in the processes of human resources management, and application of Social Law, the gender perspective, as well as the optimization of fundamental rights, and human rights, directly or indirectly linked to work.

## DESCRIPTION OF CONTENTS: PROGRAMME

Unit 1. The employee. The different special employment relationship.

1. Senior executives
2. Domestic workers
3. Professional athletes
4. Artists
5. Trade representatives
6. Disabled in special employment centers and employment enclaves
7. Specialties of prison work
8. Special employment relationship of residence
9. Lawyers in individual and collective offices

Unit 2. Recruitment and selection of employees

1. The process of recruitment of workers

- 1.1 Freedom of business contracting and recruitment and selection process
- 1.2 Determination of the professional profile and initial requirements of the job
- 1.3 Incentives to contracting
- 1.4 Recruitment
- 1.5 Formal and institutional mechanisms.
2. The worker selection process
  - 2.1. Concept
  - 2.2. Limits
  - 2.3. Selection systems
  - 2.4. The verification of the aptitude of the candidate.
3. Stages prior to recruitment

### Unit 3. The employment contract

1. Characterizing features of the employment contract and related figures.
2. Ability to conclude the work contract.
3. Requirements
4. Essential elements of the employment contract.
5. Plurisubjective modalities of the work contract
6. The ineffectiveness of the work contract.
7. The form of the employment contract.
8. Accessory agreements to the employment contract.
9. The communication obligations of the hirings made and of affiliation or registration in the Social Security
10. The basic copy of the contract and the information of the essential elements.

### Unit 4. Modalities of employment contract (I)

1. The permanent recruitment
  - 1.1. The indefinite employment contract as form of the hiring
  - 1.2. The common indefinite contract
  - 1.3. The fixed discontinuous contract
2. The temporary employmentTemporary hiring.
3. Structural temporary contracting
  - 3.1. Contract for a specific project or service
  - 3.2. Eventual contract due to production circumstances
  - 3.3. Interim contract.

### Unit 5. Modalities of employment contract (II)

1. Training contracts
  - 1.1. Contract for training and learning
  - 1.2. Training contract.
2. The non-work nature of scholarships and external academic practices.
3. Other types of temporary contracts.
4. Provisions common to temporary contracts.
5. Temporary employment agencies

### Unit 6. The employee rights (I)

1. Basic labor rights to work.
2. The integration of fundamental rights in the employment contract.
3. Right to worker safety and health.
4. Right to protection of professional rights
5. Right to worker's professional training
6. Rights of workers over their intellectual creations: industrial and intellectual property.

### Unit 7. The employee rights (II). Special treatment of remuneration

1. The salary. Concept.
2. Structure of the salary: base salary and salary supplements.
3. Sources of wage fixing.
4. Time, place and form of salary payment.
5. Protection of salary.

## Unit 8. Basic duties of the employee

1. Comply with the specific obligations of their job, in accordance with the rules of good faith and diligence
2. Not to concur with the activity of the company
3. Observe safety and health measures
4. Comply with the orders and instructions of the employer in the regular exercise of his managerial faculties.

## Unit 9. The determination of the work to be rendered. Management and control of the employer (I)

1. The object of the employment contract: determination of the work to be rendered.
2. The professional classification system.
3. The professional framework: the act of professional classification.
4. The power of management of the employer. The "ius variandi". Professional classification and functional mobility.
5. Modification of the professional classification: promotions

## Unit 10. The determination of the work to be rendered. Management and control of the employer (II)

1. The control power of the employer.
2. The disciplinary power in the company
  - 2.1. Concept and foundation
  - 2.2. Constitutional principles of corporate disciplinary power
- 2.3. Procedure for the imposition of faults and sanctions
- 2.4. Jurisdictional control
- 2.5. Contractual responsibility of the worker
3. The civil responsibility of the employer for acts of its employees.

## Unit 11. Work place

1. The assignment of the worker to the workplace
2. Teleworking and telecommuting
3. Geographical mobility

## LEARNING ACTIVITIES AND METHODOLOGY

- Lectures.
- Readings on the various issues addressed in the program under study.
- Resolution and discussion of practical cases.
- Workshops.

In addition to individual tutoring, will take at least a collective tutoring.

## ASSESSMENT SYSTEM

Continuous assessment:

- Evaluation of the solutions of practical cases and exposure in class.
- Evaluation of the resolution of the workshops and exposure in class.
- Assessment of student participation in discussions.
- Evaluation by tests.

Final exam:

- Evaluation by written or oral examination on nuclear issues of the program.

Any student who has not performed sufficiently well in the continuous assessment to have passed them during the course must undertake a practical exam which will be assessed along with the grade from the final exam. This will help to check the student has acquired the established competences.

In case of the extraordinary exam, the student must complete a theory exam and a practical exam. The completion of the practical exam will not be necessary if the student has passed the continuous assessment.

<b>% end-of-term-examination:</b>	50
<b>% of continuous assessment (assignments, laboratory, practicals...):</b>	50

#### BASIC BIBLIOGRAPHY

- AAVV. Esquemas de Derecho del Trabajo I: fuentes y relación individual de trabajo. MERCADER UGUINA, J. R. (coord.), Tirant lo Blanch,, 2016
- ALONSO OLEA/CASAS BAAMONDE Derecho del Trabajo, Civitas, (última edición)
- CRUZ VILLALÓN, J. Compendio de Derecho del Trabajo, Tecnos, (última edición)
- GÓMEZ ABELLEIRA, F.J. Handbook of Spanish Employment Law, Tecnos (last edition).
- MARTÍN VALVERDE/RODRÍGUEZ-SAÑUDO/GARCÍA MURCIA Derecho del Trabajo, Tecnos, (última edición)
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- MONTOYA MELGAR Derecho del Trabajo, Tecnos, (última edición)

#### ADDITIONAL BIBLIOGRAPHY

- GARCIA SALAS, A. I. Necesidades empresariales y derechos fundamentales de los trabajadores, Thomson Reuters. Lex Nova, 2016
- ALBIOL MONTESINOS, Compendio de derecho del trabajo., Tirant lo Blanch, (última edición)
- ALONSO OLEA, Introducción al Derecho de Trabajo, Cívitas, (última edición)
- BORRAJO DACRUZ, Introducción al Derecho del Trabajo, Tecnos, (última edición)
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- PALOMEQUE LÓPEZ (et alii), Derecho del Trabajo, CERASA, (última edición)