

Academic Year: (2020 / 2021)

Review date: 08-07-2020

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

Coordinating teacher: GOMEZ ABELLEIRA, FRANCISCO JAVIER

Type: Electives ECTS Credits : 6.0

Year : Semester :

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Introduction to patrimonial law

OBJECTIVES

- Distinguish employment contract and related legal concepts.
- Identify sources applicable to the employment relationship, particularly the collective agreement.
- Know the types of employment contracts and conditions for its provision and determine the legality or illegality of a contract.
- Know the business requirement and high social security contributions.
- Know the power of direction and limits.
- Understand the regulatory framework for working conditions (time, remuneration, occupational hazards, etc..) And determine the legality or illegality of a particular work situation.
- To know the vicissitudes of the individual employment relationship and the rights of workers to change.
- Know the modes of termination of the employment relationship and their legal effects, including the compensatory ones.

DESCRIPTION OF CONTENTS: PROGRAMME

I. INTRODUCTION

Lesson 1. Social law and economic efficiency

- 1.- Fields of social law: Employment law, Collective Labour Law and Social Protection
- 2.- Historical foundations of social law
- 3.- Markt Failures and efficiency: an economic grounds form labour market regulations

Lesson 2. El derecho social en España: Fuentes de su regulación

- 1.- Basic scheme of sources of the labour market laws and distribution of competences among territorial levels
- 2.- Rigid framework as a red line: International Treaties, European Laws and Spanish Constitution.
- 3.- Other statutes and rules easier to modify: Statutes, collective bargaining agreements and other sources of law.

II. EMPLOYMENT LAW

Lesson 3. Application and interpretation criteria

- 1.- Principles and rules of employment law
- 2.- Fundamental Rights

Lesson 4. Flexibilidad interna: el derecho y la adaptación a los cambios económicos

- 1.- General framework: working time and resting time
- 2.- Part time work and ¿complementary¿ hours
- 3.- Flexible working time legal and collective bargaining
- 4.- Changing working conditions: employer management power, ¿substantial¿ modifications and geographical mobility.

Lesson 5. Hiring and duality

- 1.- Temporary hiring and its causality
- 2.- Legal based costs for fixed term and non-fixed term workers
- 3.- Cost of employment termination under each kind of contract

Lesson 6. Quantitative adjustments

- 1.- Reasons for the end of employment, a general outline
- 2.- Internationa treaties and European regulations on dismissals
- 3.- Individual layoffs: motives and procedures
- 4.- Layoffs as managerial tool and alternatives in Spanish labour law:m motives
- 5.- Collective dismissal in Spain
- 6.- Regulation alternatives and juridical viability: single contract and Austrian fund.

III. COLLECTIVE BARGAINING

Lesson 7. Subjects in industrial relations

- 1.- Legal representatives and trade unions: concept and functions
- 2.- Trade Union's Representativeness levels and its effects in Spanish industrial relations system
- 3.- Employers association Representativeness
- 4.- Comparative models of Representativeness and their effects

Lesson 8. Collective bargaining agreements

- 1.- Statutory Collective bargaining agreements and other kinds of agreements
- 2.- Constitutional and international law limits on collective bargaining
- 3.- Contents and efficacy of Collective bargaining agreements

Lesson 9. Effects of collective bargaining agreements

- 1.- Collective bargaining structure and determination of which one applies
- 2.- ¿Ultraactivity¿ or the effects of an expired agreement: concept and regulation
- 3.- Other models of collective bargaining: a comparative analysis and viability in Spanish labour relations system.

IV. SOCIAL PROTECTION

Lesson 10. Spanish system of social protection

- 1.- Social Security, social assistance and other ways of protection.
- 2.- Constitutional elements of the model
- 3.- Basic concepts on social security
- 4.- General overview of rights and obligations

Lesson 11. Social Security protection system

- 1.- Unemployment: Active and passive employment policies and alternatives in a comparative perspective.
- 2.- Older workers: pension scheme. Pension systems in Europe
- 3.- Other protection areas.

LEARNING ACTIVITIES AND METHODOLOGY

- Lecture.
- Complementary activities:
 - Practical Cases
 - Workshops
 - Tests
- Individuals tutorials

ASSESSMENT SYSTEM

Grades will depend on the continuous assessment of the student. Continuous assessment includes solving practical exercises, participating in debates in the classroom, making oral presentations, and other activities that the teacher may decide.

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

BASIC BIBLIOGRAPHY

- Carnard, Catherine EU Employment Law, Oxford Union Law Library, 2012
- Gómez Abelleira, F. J Handbook of Spanish Employment Law, Tecnos, 2012

BASIC ELECTRONIC RESOURCES

- Unión Europea /European Union . Curia: <https://curia.europa.eu/>