The system of liability pertaining to occupational health and safety

Academic Year: (2020 / 2021) **Review date: 10-07-2020**

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

Coordinating teacher: CARRERO DOMINGUEZ, MARIA CARMEN

Type: Compulsory ECTS Credits : 3.0

Year : 1 Semester : 2

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

A basic knowledge and understanding of the occupational safety and health Law (this knowledge will be acquired through courses and seminars taught earlier in the program)

OBJECTIVES

- to identify the model of employer liability in case of accidents at work or occupational disease, and the determination of who is liable.
- to know the administrative and criminal liability of the firm in this domain
- to get a knowledge of the administrative responsibility, the administrative procedures and the system of offences and sanctions in the domain of occupational safety and risks prevention
- to know the basics of the overhead in benefits and the civil liability triggered by accidents at work

DESCRIPTION OF CONTENTS: PROGRAMME

Unit 1: Introduction to the system of legal liabilities in the field of occupational safety and health

Unit 2: Administrative liability in the field of occupational safety and health (I). Administrative offences and sanctions. The administrative procedures

Unit 3: Administrative liability in the field of occupational safety and health (II). Criminal liability. Criminal offences in this field.

Unit 4: Social Security liability. The overhead in benefits.

Unit 5: Legal liability in the framework of coordinated activities. Outsourcing and liability. Liability of manufacturers and purveyors

Unit 6: Civil liability in the case of accidents at work or occupational disease. The liability of the employer due to acts of his employees

Unit 7: The liability of workers and of third-parties. Liability in the chain of command

Unit 8: The liability of workers. Cases, infringements and violations. Employment Law consequences and sanctions in those cases.

LEARNING ACTIVITIES AND METHODOLOGY

TEACHING IS TAUGHT IN THE PRESENTIAL MODALITY. IN APPLICATION OF THE PROTOCOLS TO BE DETERMINED, PART OF THE SESSIONS MAY BE GIVEN IN ONLINE-SYNCHRONOUS FORM TO GUARANTEE MEASURES OF PREVENTION AND SOCIAL DISTANCE BETWEEN STUDENTS IN THE CLASSROOMS (THE SYNCHRONOUS AND INTERACTIVE ONLINE MODALITY THROUGH BLACKBOARD COLLABORATE)

Regular lecturing: regular lectures will be taught, where the main concepts and elements of the program will be explained and clarified, and that the students are supposed to learn. To this end, the professor will recommend reference manuals and readings at the beginning of the term, as well as a specialised bibliography for specific subjects, together with tailored reading materials for a better comprehension of the different lectures. These working materials will help introducing the debates and the class discussions, especially those who are the most interesting both for the professor and the students.

The teaching methodology will combine the theoretical and practical approach
The on-site tutorships will be held at the time and place determined by the professor.

ASSESSMENT SYSTEM

The final grade of the student will be constituted by adding up the grade obtained in the ¿ongoing assessment¿ (40% of the final grade) and in the final examination (60% of the final grade).
The ongoing assessment will take into account:
- The completion of class discussions, case studies, seminars and fieldworks. The following aspects will be taken into consideration: the student skills in handling documents and materials, the capacity to produce correct and fast replies to the situations and problems proposed, and the ability to find solutions to the case studies
- The participation and the actual involvement of the student in the class discussions, in seminars and in the lectures and the personal contribution to the different group assignments.

The final exam will be in the form of a ¿multiple-choice¿ test and its grade will represent 60% of the final grade.

If a student does not pass the ongoing assessment, he will take an additional case-study examination, which will be graded together with the grade obtained in the final exam of the course. This will help ascertaining whether the student has acquired the pre-determined skills.
The same assessment criteria will apply to the extraordinary exams sessions. 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

% end-of-term-examination:	60
% of continuous assessment (assigments, laboratory, practicals…):	40

BASIC BIBLIOGRAPHY

- AAVV (DIR. GONZÁLEZ ORTEGA Y CARRERO DOMÍNGUEZ MANUAL DE PREVENCIÓN DE RIESGOS LABORALES EN LAS ADMINISTRACIONES PÚBLICAS, INAP, 2012
- Ana Belén Muñoz EL SISTEMA NORMATIVO DE PREVENCION DE RIESGOS LABORALES, lex nova, 2009
- Carmen Carrero Domínguez EL REGIMEN JURIDICO SANCIONADOR EN MATERIA DE PREVENCION DE RIESGOS LABORALES, La Ley, 2001
- GARCÍA SALAS, A. I., Directivos y Mandos en materia de seguridad y salud en el trabajo, Monografías de Temas Laborales, 2004
- Marta Navas-Parejo Alonso OBLIGACIONES Y RESPONSABILIDADES DE LOS TRABAJADORES EN MATERIA DE SEGURIDAD Y SALUD LABORAL, Lex Nova, 2012
- SALA FRANCO, T Derecho de la prevención de riesgos laborales, Tirant lo Blanch, última edición

ADDITIONAL BIBLIOGRAPHY

- CARRANCHO HERRERO, Mª T. Responsabilidad civil del empresario en el ámbito de los riesgos laborales, La ley,, 2010.
- CORREA CARRASCO, M. Accidente de trabajo, responsabilidad empresarial y aseguramiento, Bomarzo, 2008.
- COS EGEA, M. La Responsabilidad del empresario en materia de prevención, La Ley, , 2010.
- GORELLI HERNÁNDEZ, J. Responsabilidad patrimonial del empresario derivada de riesgos profesionales , Tecnos,, 2006