

The system of civil liability for work-related injuries

Academic Year: (2021 / 2022)

Review date: 20-05-2021

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

Coordinating teacher: CORREA CARRASCO, MANUEL

Type: Electives ECTS Credits : 3.0

Year : 1 Semester : 2

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

- Labor Law: The Individual Labor Relationship
- Regulatory framework of the Occupational Health and Safety
- Rights to social security
- Right to Obligations and Right to Damage

OBJECTIVES

BASIC COMPETENCES

- CB6 Ability to provide a basis or opportunity to be original in the development and / or application of ideas, often in a research context
- CB7 Know how to apply acquired knowledge and problem-solving skills in new or little-known environments within broader (or multidisciplinary) contexts related to the area of ¿¿study
- CB8 Integrate knowledge and face the complexity of making judgments based on information that, incomplete or limited, includes reflections on social and ethical responsibilities related to the application of knowledge and judgments
- CB9 Know how to communicate conclusions and knowledge and last reasons that support them to specialized and non-specialized audiences in a clear and unambiguous way
- CB10 To develop learning skills that allow to continue studying in a way that will be largely self-directed or autonomous.

GENERAL COMPETENCES

- CG1 Understanding the importance of civil liability as a sector of law with its own entity
- CG2 Learn to identify civil liability relationships and learn about their legal treatment
- CG3 Perceive the unitary character of civil liability and the necessary multidisciplinary view of the legal problems it poses
- CG4 Knowing the legal regime of civil responsibility from different perspectives of the Law, not only national, also from the international discipline
- CG5 Learning to identify the legal problem and give a solution to it
- CG6 Issue critical judgments on legal issues related to civil liability.
- CG7 Apply legal analysis methods that allow the student to be able to study and synthesize the information received.

SPECIFIC COMPETENCES

- CE1 Understanding the treatment of civil liability from the perspective of private law
- CE4 Identify the type of civil liability action to be exercised in Social Law matters, the jurisdictional order to which it must be articulated, and the manner of terminating the petition for damages in this matter
- CE10 Analyze the different treatments of civil liability, its problems and its solutions.
- CE11 Understand the assumptions of civil liability from a global perspective, as a whole, with legal problems arising from the different branches of law.

LEARNING OUTCOMES

The objective of this subject is for the student to know the pillars of the system of liability for damages in the social field (individual law, collective law and social security law) as well as its normative and jurisprudential evolution, both in Spain and in the countries Of our legal environment, especially in

relation to new types of damages whose repair under the traditional system presents certain difficulties. Among the specific competences is the domain of basic legal terminology in matters of civil liability and the understanding of its development in the field of social law. Likewise, ability to appreciate the close relationship between substantive and procedural law and, finally, training for the acquisition of new knowledge in today's changing society.

Among generic competences are the ability to analyze and synthesize; Training for teamwork, acquisition of skills for oral and written communication and proper use of new technologies.

All this will allow students to have the necessary tools to know, in each specific case, what type of civil liability action is to be exercised, the jurisdictional order to which it must articulate, what are the elements necessary for the success of said action And what damages may be subject to repair.

DESCRIPTION OF CONTENTS: PROGRAMME

PROGRAM:

- I. The work accident: preventive and reparative protection.
- II. Accident insurance functions and institutional responsibility model
- III. Structure and composition of complex model of corporate responsibility objective
- IV. Corporate responsibility in respect of benefits
- V. The of benefits surcharge
- VI. Compensation for damages
- VII. The action of return of the Managing Entities Social Security, Social Security Mutual and business partners against third party insurers responsible

LEARNING ACTIVITIES AND METHODOLOGY

TRAINING ACTIVITIES OF THE STUDY PLAN RELATED TO SUBJECTS

- AF1 Theoretical class
- AF2 Practical classes
- AF5 Tutorials
- AF6 Group work
- AF7 Individual student work

TEACHING METHODS

MD1 Presentations in the teacher's class with support of computer and audiovisual media, in which the main concepts of the subject are developed and the bibliography is provided to complement the students' learning.

MD2 Critical reading of texts recommended by the lecturer: Sentences and resolutions, press articles, reports, manuals and / or academic articles, or for later discussion in class, or to expand and consolidate the knowledge of the subject.

MD3 Resolution of practical cases, problems, etc., raised by the teacher individually or in a group

MD4 Exposition and discussion in class, under the moderation of the professor of subjects related to the content of the subject, as well as of practical cases

MD5 Preparation of individual and group work and reports

ASSESSMENT SYSTEM

SYSTEMS OF EVALUATION OF THE PLAN OF STUDIES WITH REGARD TO SUBJECTS

- SE1 Class participation
- SE2 Individual or group work done during the course
- SE3 Final exam

System of Evaluation	Minimum Weighting (%)	Maximum Weighting (%)
SE1	10%	20%
SE2	40%	45%
SE3	40%	45%

% end-of-term-examination: 45

% of continuous assessment (assignments, laboratory, practicals...): 55

BASIC BIBLIOGRAPHY

- CALVO GALLEGOS La obligación general de prevención y la responsabilidad civil o contractual del empleador, Aranzadi, 1998
- CORREA CARRASCO Accidente de trabajo, responsabilidad empresarial y aseguramiento, Bomarzo,

2008

- GINÉS I FABRELLAS Instrumentos de compensación del daño derivado de accidente de trabajo y enfermedad profesional, La Ley, 2012
- GONZÁLEZ LABRADA Seguridad y salud en el trabajo y responsabilidad contractual del empresario, Cedecs, 1996
- GORELLI HERNÁNDEZ Responsabilidad patrimonial del empresario derivada de riesgos profesionales, Tecnos , 2006
- GUTIÉRREZ-SOLAR CALVO Culpas y riesgo en la responsabilidad civil por accidentes de trabajo, Civitas, 2004
- LUQUE PARRA La responsabilidad civil del empresario en materia de seguridad y salud laboral, CES, 2002
- MERCADER UGUINA Indemnizaciones derivadas de accidente de trabajo. Seguridad Social y Derecho de daños, La Ley, 2001
- NAVAS-PAREJO ALONSO, M. Obligaciones y responsabilidades de los trabajadores en materia de Seguridad y Salud Laboral, Thomson Reuters-Lex Nova., 2012.

ADDITIONAL BIBLIOGRAPHY

- CHACARTEGUI JÁVEGA El concepto de accidente de trabajo: su construcción por la jurisprudencia, Bomarzo, 2007
- DURÁN LÓPEZ/BENAVIDES Informe de Salud Laboral. Los Riesgos Laborales y su Prevención, Zurich/Atelier, 2004
- FERNÁNDEZ AVILÉS El accidente de trabajo en el Sistema de Seguridad Social, Atelier, 2007
- GUTIÉRREZ-SOLAR CALVO/LAHERA FORTEZA Compensaciones económicas derivadas de accidente de trabajo. Problemática y reformas, Comares, 2009
- IGARTUA MIRÓ La obligación general de seguridad, TLB, 2000
- MARTÍNEZ BARROSO Riesgo psicosocial en el sistema de protección social, Laborum, 2007
- MONEREO PÉREZ/MOLINA NAVARRETE/MORENO VIDA Tratado Práctico de la legislación reguladora de los accidentes de trabajo y enfermedades profesionales, Comares, 2006
- MUÑOZ RUIZ El sistema normativo de prevención de riesgos laborales, Lex Nova, 2009
- SICRE GILABERT Accidente de trabajo: la responsabilidad del empresario en los órdenes administrativo, penal, civil y laboral, SEPIN, 2015
- SÁNCHEZ PÉREZ La configuración jurídica del accidente de trabajo, Laborum, 2011

BASIC ELECTRONIC RESOURCES

- AGENCIA EUROPEA PARA LA SEGURIDAD Y SALUD EN EL TRABAJO . DOCUMENTACIÓN:
<http://https://osha.europa.eu/es>
- FUNDACIÓN EUROPEA PARA LA MEJORA DE LAS CONDICIONES DE VIDA Y DE TRABAJO . EUROFOUND:
<https://www.eurofound.europa.eu>
- INSTITUTO NACIONAL DE SEGURIDAD E HIGIENE EN EL TRABAJO . DOCUMENTACIÓN:
<http://www.insht.es/portal/site/Insht/;VAPCOOKIE=1TJHY5Cdhg9c6Yd6qpJsdjM8nv5JgQlp6LLQJV11NhDpGLKhhpLJ!1713975260!1253583153>
- OBSERVATORIO ESTATAL DE CONDICIONES DE TRABAJO . DOCUMENTACIÓN:
<http://http://www.oect.es/portal/site/Observatorio/;VAPCOOKIE=9DqyY5GT7q1y9y6q2pGFZ2LQHRytt5nJZYFXLvyf8JjyRjvFXbJb!1713975260!1253583153>