

Academic Year: (2021 / 2022)

Review date: 09-06-2021

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

Coordinating teacher: PEREZ DEL PRADO, DANIEL

Type: Electives ECTS Credits : 2.0

Year : Semester : 2

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Labour and Social Security Law
Administrative Law

OBJECTIVES**SKILLS**

Having and understanding concepts and legal tools to provide a basis or opportunity for being original in developing and/or applying ideas, often within a research context.

Students should be able to apply their knowledge and abilities to solve problems in new or unfamiliar environments within broader (or multidisciplinary) contexts related to their area of study .

Students should be able to apply their knowledge and deal with the complexity of formulating judgments based on information which, in spite of being incomplete or limited, includes reflections on social and ethical responsibilities linked to the application of their knowledge and judgments.

Students should be able to communicate their conclusions to specialists and non-specialists audience in a clear and unambiguous way.

Students should have the learning skills which allow them to continue studying.

Recognizing the growing importance of teamwork in the workplace and demonstrating adaptability and integration into different groups (sometimes with conflicting interests), maintaining relationships and fluid communications, respecting ideas and solutions provided by others with an attitude of cooperation and tolerance, sharing responsibilities and giving and receiving instructions.

Accepting the need for constant self-learning and lifelong learning as tools which facilitate the continuous updating in the area of labour relations and that it is needed to adapt them to changes in the labour market and the dizzying legislative modifications and variations of jurisprudential approach.

Ability to apply knowledge acquired in the tasks related to labour advisory and consultancy in order to solve current and complex problems within the field of Labour Law and Social Security.

Showing a high sense of personal responsibility and deontological behaviour during the intervention in processes related to the professional practice and typical activities of lawyers, "graduados sociales", consultants and business advisors.

Ability to prepare reports with terminological precision in order to avoid unnecessary litigation and foster effective communication.

Capacity for individual and collective bargaining between private and public administrations. Identify, interpret, relate and apply all relevant rules and case law to any case related to Labor and Social Security Law, including the most complex and the most difficult cases.

Proposing and providing solutions to current real problems referred to legal or contractual obligations in labour and social security matters in all types of profit or nonprofit, both public and private, organizations.

Identifying and assessing potential liability risks arising from the total or partial breach of obligations on

labour and social security matters.

Designing strategies and plans to prevent future problems related to legal or contractual obligations in labour and social security matters in all types of profit or nonprofit, both public and private organizations.

Compose documents of any level of complexity (contracts, plans, programs, reports, letters, notifications, etc.) and in any field of labour relations and social security.

Knowing all administrative, judicial and non-judicial systems with competence in the enforcement of labour and social security legislation or the resolution of disputes arising in this area; as well as its operating and procedures.

Taking an active part in administrative, judicial or non-judicial system with competence in the enforcement of labour legislation and social security or the resolution of disputes arising in this area

Searching pieces of evidence, managing them for the fact-finding, and assessing all of them in the various judicial, non-judicial and administrative procedures, taking into account the specificities of social procedures.

Advising all types of undertaking, organizations, workers, social partners, public authorities about strategies related to labour and social security law in all ty

DESCRIPTION OF CONTENTS: PROGRAMME

LABOUR LAW FOR PUBLIC SERVANTS

Session 1. Concepts and kinds of public servants. Statutory permanent posts vs. non-statutory permanent post. Non-statutory permanent post: temporary, fixed and permanent employment. The specific issue of temporary civil servant ("personal funcionario interino"). The transition between systems: a) private/public. The procedure of turning employees into civil servants: types and regulatory framework, b) the procedure of turning civil servants into employees as a consequence of the privatisation of functions and services.

Session 2. Work in public administration. Special cases. Work in public companies. Productive decentralization in public administration: transfer of undertakings in cases of public contracts and administrative concessions, illegal transfer of employees. Analysis from the case law.

Session 3. The access to non-statutory permanent employment in the public administration. The application of constitutional principles of merit and ability and the place of employment contract. Two controversial cases: a) the job boards as a gateway; b) the restricted tests.

Session 4. Individual Labour Law in the Civil Service (I). Classification and career advancement. The mobility of the workforce in the Civil Service. Management plans for human resources. Special features of the remuneration system for public servants. Trends in the application of the principle of equality and the problem of specific differences (officials, employees, temporal employees). Towards streamlining and unification of the wage system of public employees in collective bargaining.

Session 5. Individual Labour Law in the Civil Service (II). Working Time and reconciliation of personal, family and professional life (working time, paid and non-paid leaves and holidays).

Session 6. Individual Labour Law in the Civil Service (III). Disciplinary measures (principles and procedures, general criteria applicable to public servants). Collective redundancies in the public service. Study based on real cases.

Session 7. Collective rights of public employees (I). Bargaining and adoption of collective agreements. The controversial "Mixed agreements" ("Acuerdos mixtos"). Study based on regulatory texts. Employees representatives: The work council.

Session 8. Collective rights of public employees (II). Specific problems derived from exercising the right to strike by public employees. Exclusions and limitations based on the status of public servant. Reductions due to exercise the right to strike.

Session 9. Judicial Resolution of Conflicts of public employees. Specific problems related to competent jurisdiction. Case law analysis.

LEARNING ACTIVITIES AND METHODOLOGY

Learning activities may consists:

Theoretical classes,
Practical classes
Tutorials
Working groups
Homework
Presentations

Practical methodologies inspired in real cases will be applied.

COVID Adaptation: Teaching will take place face-to-face. In application of the protocols, part of the sessions may be taught in an online-synchronous format to guarantee prevention measures and social distance between students in classrooms.

ASSESSMENT SYSTEM

Continuous assessment.

For the extraordinary call, in case, the University regulation for this case will be applied

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

BASIC BIBLIOGRAPHY

- Isidore, S. Public Employee Discharge and Discipline, Wolters Kluwer, 2005
- Slater, J.E. Public Workers: Government Employee Unions, the Law, and the State, 1900-1962, Cornell Univesity, 2004

ADDITIONAL BIBLIOGRAPHY

- Richard Rose Public employment in Western nations., - Cambridge Cambridgeshire ; New York : Cambridge University Press 19 ISBN 0521254116, 1933