

The Labour Inspectorate and the infringement procedure

Academic Year: (2021 / 2022)

Review date: 02-12-2021

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

Coordinating teacher: QUINTERO LIMA, MARIA GEMA

Type: Compulsory ECTS Credits : 2.0

Year : 1 Semester : 2

OBJECTIVES

Basic skills

CB6 Possess and understand knowledge that provides a basis or opportunity to be original in the development and / or application of ideas, often in a research context

CB7 That students are able to apply the knowledge acquired and their ability to solve problems in new or unfamiliar environments within broader (or multidisciplinary) contexts related to their area of study

CB8 That students are able to integrate knowledge and face the complexity of making judgments apart from information that, being incomplete or limited, includes reflections on the social and ethical responsibilities linked to the application of their knowledge and judgments

CB9 That students know how to communicate their conclusions -and the knowledge and ultimate reasons that sustain them- to specialized audiences in a clear and unambiguous way.

CB10 That students have the learning skills that allow them to continue studying in a way that will be largely self-directed or autonomous

General Competences

CG1 - Recognize the growing importance of teamwork in the workplace and demonstrate ability to adapt and integrate 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.

CG2 -Accepting the need for constant self-learning and continuous training as instruments that facilitate permanent updating in the field of labor relations derived from the need to adapt to changes in the labor market and the dizzying legislative changes and variations in criteria jurisprudential.

CG3 - Ability to apply the knowledge acquired in the tasks of job counseling and consulting, in order to solve problems of special complexity and relevance within the field of Labor Law and Social Security.

CG4 -Manifest a high sense of personal responsibility and correct deontological behavior when intervening in the processes related to professional practice and with the advisory activities of lawyers, registered social graduates, consultants and labor advisors.

CG5 - Ability to produce texts and reports with terminological precision in order to avoid unnecessary litigation and favor effective communication.

CG6 -Capacity for individual and collective negotiation between private and public administrations.

Specific competences

CE1 Identify, interpret, relate and apply all relevant norms and jurisprudence in any case that arises within the labor and social security area, even in the most complex or difficult cases.

CE2 Propose and provide solutions to real problems (present) related to legal or conventional obligations in labor and social security in all types of organizations, with or without profit, both in the public and private sectors.

CE3 Identify, evaluate and weigh risks due to possible liabilities arising from total or partial non-compliance with labor and social security obligations.

E4 Design strategies or plans that prevent future problems related to legal or conventional obligations in labor and social security in all types of organizations, with or without profit, in both the public and private sectors.

CE5 Draft documents of any level of complexity (contracts, plans, programs, policies, letters,

notifications, etc.) in any area of ¿¿ labor relations and social security.

CE6 Know all administrative, judicial and extrajudicial systems with competence in monitoring compliance with labor and social security regulations or in resolving conflicts that arise in this area; as well as its operating regime and applicable procedures.

CE7 Take an active part at any level of complexity in administrative, judicial and extrajudicial procedures of any system with competence in monitoring compliance with labor and social security regulations or in resolving conflicts that arise in this area

CE8 Search means of proof, master the techniques of each one of them for the investigation of the facts, and evaluate all this in the different judicial, extrajudicial and administrative procedures taking into account the specificities of the labor procedures.

CE9 Advise all types of companies, organizations, workers, social agents, public administrations on behaviors or courses of action in labor and social security matters in all types of scenarios and environments, both national and international.

CE10

Negotiate contracts, agreements, plans and programs and give autonomous solutions to real conflicts in labor and social security matters, whatever their level of complexity.

CE11 Audit compliance with labor and social security regulations in all types of organizations.

CE12 Relate legal information with extralegal data in order to find solutions and formulate creative and original proposals for new problems in the field of labor relations and social security.

CE13 Synthesize the complex legal-labor information in order to provide interlocutors who are not legal professionals relevant information for decision making (financial, fiscal, human resources, operations, etc.).

CE14 To be updated in the face of the continuous normative and jurisprudential changes of the matter to give concrete answers to applicative problems produced by the modification of norms and judicial pronouncements.

DESCRIPTION OF CONTENTS: PROGRAMME

LABOR INSPECTION AND SOCIAL SECURITY AND THE SANCTIONING PROCEDURE

Functions of the public administrations in labor matters: advanced notions.

- In particular, the monitoring and control function in compliance with the regulations.
- Competence distribution between public administrations: problems that can arise from the study of real cases.

¿ Labor Inspection: study of its functioning, organization, and faculties based on real cases.

- In particular, the relations of companies with the Labor Inspectorate.

¿ Administrative sanctioning law in social matters: critical points.

- Practical approach to the imputation of administrative infractions for labor breaches.

¿ Sanctioning procedure:

- Study of real cases to deepen in the different questions that arose during the substantiation of the procedure: allegations, evidence, etc.
- In particular, the role of the Labor Inspectorate during the sanctioning procedure.

LEARNING ACTIVITIES AND METHODOLOGY

TRAINING ACTIVITIES OF THE STUDY PLAN REFERRED TO MATTERS

AF1 Theoretical class

AF2 Practical classes

AF3 Theoretical practical classes

AF4 Laboratory practices

AF5 Tutorials

AF6 Group work

AF7 Individual student work

Code

activity Total hours Attendance hours% attendance Student

AF1	168	168	100%
AF2	224	224	100%
AF5	56	14	25%
AF6	336	112	33,3%
AF7	784	0	0%
TOTAL SUBJECT	1568	518	32%

ASSESSMENT SYSTEM

EVALUATION SYSTEMS:

ASSESSMENT SYSTEMS OF THE STUDY PLAN REFERRED TO SUBJECTS

SE1 Participation in class

SE2 Individual or group work carried out during the course

SE3 Final exam

System of

Evaluation Minimum weighting Maximum weight

SE1	10%	10%
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SE2	60%	60%
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SE3	30%	30%
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% end-of-term-examination:	30
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% of continuous assessment (assignments, laboratory, practicals...):	70
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BASIC BIBLIOGRAPHY

- DIAZ RODRIGUEZ, M.A. TRATADO PRACTICO DE LA ITSS, LEX NOVA, 2016

- MOLINA VEGA, J. Y ORTIZ FONT E. LEY DE INFRACCIONES Y SANCIONES EN EL ORDEN SOCIAL, WOLTERES KLUWER, 2020

- RODRIGUEZ CRESPO, M. JOSE Derecho Administrativo Sancionador del Trabajo. Recursos teórico-prácticos para la adquisición de competencias profesionales, TECNOS, 2020

BASIC ELECTRONIC RESOURCES

- MINISTERIO DE TRABAJO . LA ITSS: <http://http://www.mitramiss.gob.es/itss/web/index.html>