Labour law and social security

Academic Year: (2022 / 2023) **Review date: 06-05-2022**

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

Coordinating teacher: NAVAS-PAREJO ALONSO, MARTA

Type: Electives ECTS Credits : 6.0

Year : Semester :

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Any.

OBJECTIVES

WHAT THIS COURSE CAN DO FOR YOU.
Employment relations is a fundamental part of business. This course provides you with a thorough knowledge of the legal frameworks behind the employment relationship. It helps develop your skills concerning human resource management and labour flexibility, so as to enhance business competitiveness, skill retention, employee satisfaction and legal compliance.

By the end of the course, students will be able:
-To distinguish an employment relationship from other work relationships used by companies.
-To decide on what kind of services best fit the company's needs: external services or internal (employment) work?
-To be aware of the importance of legal institutions and collective bargaining.
-To identify the collective agreement applicable in the workplace.
-To master the types of employment contracts (open-ended, fixed-term, part-time, etc.).
-To determine the limits of managerial prerogatives in the workplace.
-To know the legal aspects of the labour market and the functioning of its main institutions (employment agencies, etc.).
-To use the legal tools enhancing labour flexibility.
-To know the statutory rights of workers, as well as their representation channels (unions, works councils, etc.).
-To manage labour disputes.
-To know the main challenges posed by cross-border employee mobility.

DESCRIPTION OF CONTENTS: PROGRAMME

Unit 1. Concept and goals of Labour Law.

Unit 2. Sources of Labour Law. Transnational issues of employment.

1. Constitution
2. International Law
3. European Union Law
4. National Legislation
5. Collective Bargaining
6. Enforcement Authorities
7. Case law

Unit 3. Labour market regulation.

1. Institutions: Employment services, Temporary employment agencies, etc.
2. Basic legislation affecting labour supply and demand

Unit 4. The employment contract. Concept and types.

1. Definitions of employer and employee
2. Subcontracting
3. Contracting rules
4. Non-standard contracts

Unit 5. Statutory rights of employers and employees.

1. Salary
2. Schedules and hours
3. Breaks, leave and vacation
4. The workplace, geographic mobility and telecommuting

Unit 6. The employment relationship: internal flexibility.

1. Definitions of flexibility
2. Limitations

Unit 7. Termination of the employment relationship.

1. Dismissal: collective, disciplinary, causal and unlawful (unfair or void)
2. Resignation and retirement

Unit 8. Employee representation in the workplace.

1. Union representation and freedom of association
2. Works councils

Unit 9. Collective bargaining.

1. Definition of bargaining agents
2. Bargaining units
3. Process
4. Contents

Unit 10. Labour disputes.

1. Strikes
2. Alternative dispute resolution
3. The role of labour authorities and the courts

Unit 11. Social Security

1. Constitutional model and structure
2. Administration issues
3. Programmatic content

LEARNING ACTIVITIES AND METHODOLOGY

- LECTURES. Topics are presented by the teacher in class. Some readings may be required by the teacher.

- ACTIVITIES. There will be different activities, such as cases, workshops, etc.

The tutorships will be those determined by the professor.

ASSESSMENT SYSTEM

The course is based on a continuous assessment system. Thus, the final grade will depend entirely on the activities during the course, without a final exam.
For the extraordinary call, in case, the University regulation for this case will be applied

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

BASIC BIBLIOGRAPHY

- Francisco Javier Gómez Abelleira Handbook of Spanish Employment Law, Tecnos, 2012

- Guerrero Padrón, T.; Ribes Moreno, M. I. (et. al). Social Security Law in Spain, Kluwer Law International, 2020

- Peters, D. Social Security: an introduction to the basic principles., Kluwer Law International.

ADDITIONAL BIBLIOGRAPHY

- Catherine Barnard EU Employment Law, Oxford European Union Law Library, 2012 (Fourth Edition)

- Paul M. Secunda; Jeffrey M. Hirsch Labor Law: A problem Based Approach, 2012, LexisNexis

- Roger Blanpain; Susan Bisom-Rapp; William R. Corbett; Hilary K. Josephs; Michael J. Zimmer. The Global Workplace: International and Comparative Employment Law Cases and Materials, 2012 , Cambridge

- Ron Brown East Asian Labor and Employment Law: International and Comparative Context, Cambridge, 2012

BASIC ELECTRONIC RESOURCES

- . International Labour Organization: http://www.ilo.org