Employment Law II

Academic Year: (2022 / 2023) **Review date: 17-05-2022**

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

Coordinating teacher: MORENO MARQUEZ, ANA MARIA

Type: Compulsory ECTS Credits : 6.0

Year : 2 Semester : 1

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

- Principles of Law
- Introduction to the Labour Law
- Employment Law I

OBJECTIVES

- Ability to gather and interpret relevant data in the area of individual labor law to make judgments that include a reflection on relevant issues of a social, scientific or ethical nature

- Developed learning skills necessary to undertake further studies with a high degree of autonomy

- Mastery of fundamental concepts of Labor Law

- Knowing the depth of the legal framework of labor relations in Spain

- Select, analyze and interpret the legal and conventional regulations, as well as the jurisprudence and judicial doctrine applicable to the factual situations related to labor relations, in order to solve problematic problems in these areas

- Being able to correctly expose and write a topic or compose a speech following a logical request, providing accurate information and in accordance with established grammatical and logical norms.

- Be able to evaluate the quality and quality of information and its sources using this information in an ethical manner, avoiding the subject and in accordance with the academic and professional conventions of the study area.

- Understand the simple and complex legal problems linked to labor relations and employment, and offer precise solutions from the optical practices of the different subjects involved

- Learn to implement transversally in the processes of human resources management, and application of Social Law, the gender perspective, as well as the optimization of fundamental rights, and human rights, directly or indirectly linked to work.

DESCRIPTION OF CONTENTS: PROGRAMME

Unit 1. Working time (I)

1. The ordinary working day: order of work time, work day, duration and distribution.
2. Modalities of application of the working day: night work and shift work.
3. Special working days: concept, extension of the working day, limitations of the working day, reduction of the working day.

Unit 2. Working time (II)

1.Working schedule.
2. Overtime.
3. Right to disconnect.
3. Resting time: during the day, rest between days, weekly rest and annual vacations.
4. Holidays.
5. The part-time contract.

Unit 3. Substantial changes in working conditions

1. Concept.
2. Justifying causes.
3. Individual and collective changes.
4. Modification procedures.
5. Ways of reaction against the modifying decisions.

Unit 4. The interruption of the employment contract

1. Interruptions in the employment relationship: conceptual delimitation.
2. Non-periodic interruptions due to causes related to the worker: Licenses or paid leave.
3. Non-periodic interruptions due to causes related to the company: The impossibility of providing and the cessation of activities due to occupational risks.

Unit 5. Vicissitudes of the employment relationship

1. The suspension of the contract
1.1. Causes of suspension: by agreement between the parties, by circumstances that affect the worker, by circumstances that affect the company, by the existence of a labor dispute.
2. Exceedance
2.1 Forced
2.2. Voluntary
2.3. For caring for children and relatives.

Unit 6. Transfer of undertaking

1. The change of ownership of the company: object of the transfer of company.
2. Transmission procedure.
3. Duty of information.
4. Effects of transfer of undertaking
5. Responsibilities in matters of transfer of undertaking

Unit 7. Termination of employment contract (I)

1. Concept and typology of the causes of termination of the employment contract
2. Termination at the company's discretion: dismissal.
3. Disciplinary dismissal.
3.1. The causality of disciplinary dismissal.
3.2. The formalities of the act of dismissal.
3.3. The qualification and effects of the disciplinary dismissal.
3.4. Dismissal and unemployment benefit.

Unit 8. Termination of employment contract (II)

1. Objective causes dismissal: concept and causes
2. Formal requirements in the objective dismissal
3. Challenge, qualification and effects of dismissal for objective causes

Unit 9. Termination of employment contract (III)

1. Collective dismissal: concept and causes
2. The number o workers affected, period, procedure and effects
3. Collective bankruptcy dismissal and termination of employment contract due to force majeure

Unit 10. Termination of employment contract (IV)

1. Termination by joint agreement of the parties
1.1. Mutual extinction agreement
1.2. Expiration of the term agreed in temporary contracts
1.3. Resolutory condition
2. Termination of the contract due to disappearance, retirement or incapacity of the worker
3. Termination of the contract due to disappearance, retirement or incapacity of the employer

Unit 11. Termination of employment contract (VI)

1. The resignation of the worker
2. The abandonment of the worker
3. The termination of the employment contract based on contractual breaches of the employer.
4. Definitive decision of abandonment of the job as a consequence of gender violence.
5. Pacts and formalities common to the different types of extinction.

LEARNING ACTIVITIES AND METHODOLOGY

- Lectures.
- Readings on the various issues addressed in the program under study.
- Resolution and discussion of practical cases.
- Workshops.

The tutorship will be those determined by the professor.

ASSESSMENT SYSTEM

CONTINUOUS ASSESSMENT:

- Evaluation of the solutions of practical cases and exposure in class.
- Evaluation of the resolution of the workshops and exposure in class.
- Assessment of student participation in discussions.

FINAL EXAM:

- In which the knowledge, skills and abilities acquired throughout the course will be assessed globally.

For those students who do not pass the continuous assessment, there will be a exam in First (Ordinary), equals than 60% of final grade.

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

% end-of-term-examination:	50
% of continuous assessment (assigments, laboratory, practicals…):	50

BASIC BIBLIOGRAPHY

- AAVV Esquemas de Derecho del Trabajo I: fuentes y relación individual de trabajo. MERCADER UGUINA, J. R. (coord.)., Tirant lo Blanch, (última edición)
- ALONSO OLEA/CASAS BAAMONDE Derecho del Trabajo, Cívitas, (última edición)
- CRUZ VILLALÓN, J Compendio de Derecho del Trabajo, Técnos, (última edición)
- MARTÍN VALVERDE/RODRÍGUEZ-SAÑUDO/GARCÍA MURCIA Derecho del Trabajo, Técnos, (última edición)
- MERCADER UGUINA, J. R. Lecciones de Derecho del Trabajo, Tirant lo Blanch, (última edición)
- MONTOYA MELGAR Derecho del Trabajo, Técnos, (última edición)

ADDITIONAL BIBLIOGRAPHY

- ALBIOL MONTESINOS Compendio de derecho del trabajo, Tirant lo Blanch, (última edición)
- MERCADER UGUINA Derecho del trabajo, nuevas tecnologías y sociedad de la información, Lex Nova, (última edición)
- PALOMEQUE LÓPEZ (et alii) Derecho del Trabajo, CERASA, (última edición)