Social Security and labour cost management

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

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

Coordinating teacher: GIMENO DIAZ DE ATAURI, PABLO

Type: Compulsory ECTS Credits : 6.0

Year : 3 Semester : 2

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Labour Law
Social Security law

OBJECTIVES

Management remuneration and labor costs is one of the main functions to be performed by all professional Human Resources or Personnel Administration and are many questions that raises this task in practice. Therefore, throughout the course, we will address all matters directly related to personnel costs: the complex definition of the notion of salary and concrete structure, fiscal impact and on Social Security different salary items and fringe , the different routes of salary adjustment, salary protection mechanisms, the costs of termination of the employment contract, contributions to Social Security, withholding personal income tax, the delegate payment of benefits, etc.

The focus of this course is eminently practical, so that the student who curse will acquire the following skills:

- Learn to calculate payroll
- Learn to calculate severance payments (including compensation for termination of contract, extra payments settlement, settlement of vacation, etc).
- Learn to calculate the contribution of the employer and employee social security.
- Learn to calculate income tax withholdings
- Learn to use payroll programs

DESCRIPTION OF CONTENTS: PROGRAMME

Topic 1. DELIMITATION AND STRUCTURE OF SALARY
1.- Concept and characters of the salary.
2.- Perceptions of salary and extra-salary nature and consequences of said qualification.
3.- The salary structure: Base salary and salary supplements. The extraordinary gratifications.
4.- Salary in kind and its repercussion in fiscal and Social Security matters.
5.- The new remuneration formulas:
5.1 Flexible compensation
5.2 Variable remuneration (participation in profits, delivery of shares, stock options, ...)

Topic 2. DETERMINATION OF SALARY AMOUNT
1.- Principles that govern the determination of the amount of salary
2.- The sources of fixing their amount
3.- Salary adjustment instruments:
3.1.- The novator agreement between the worker and the employer
3.2.- The absorption and salary compensation
3.3.- The modification of the remuneration system and of the salary amount by unilateral decision of the employer.
3.4.- The approval of a new collective agreement with regressive salary tables
3.5.- The non-application of the collective agreement: The salary deduction.
3.6.- The application priority of the company agreement.

Topic 3. TIME, PLACE AND WAY OF SALARY PAYMENT
1.- Time of payment of salary:
1.1.- Punctual collection of salary as a basic right of the worker
1.2.- The untimely payment of the salary
2.- Means of payment of salary

3.- The documentation of the salary: The payroll
3.1.- The heading of the payroll
3.2.- The accruals
3.3.- The deductions
3.4.- The foot of the payroll

Item 4. PROTECTION OF SALARY
1.- The protection against the creditors of the worker himself: The unsedability of the interprofessional minimum wage.
2.- The protection against the non-payment of the employer:
2.1. The salary configuration as privileged credit
2.2 The responsibility of FOGASA.
2.3. The judicial claim of the salary.

Topic 5. PERCEPTIONS OF EXTRASALARIAL CHARACTER (DELIMITATION AND ANALYSIS OF ITS FISCAL IMPLICATION AND IN SOCIAL SECURITY MATTERS)

1.- Concepts that are not consideration of the work done
2.- Amounts that do not come from the entrepreneur
3.- Concepts that bring their cause in a mere liberality of the entrepreneur
4.- Social benefits.

Topic 6. THE COST OF THE EXTINCTION OF THE WORK CONTRACT (I): A JOINT VISION
1.- General picture of contract termination costs
2.- The liquidation of assets at the end of the employment relationship:
2.1.- The liquidation of extraordinary payments
2.2.- The liquidation of vacations accrued and not taken
2.3.- The compensation for lack of notice
2.4 .- The compensation for termination of fixed-term contracts
3.- The settlement:
3.1.- Concept
3.2.- Form and content
3.3.- Guarantees of the settlement
3.4.- Legal effects

Topic 7. THE COST OF THE EXTINCTION OF THE LABOR CONTRACT (II): THE COST OF DISMISSAL
1.- Compensation for dismissal:
1.1.- Parameters for calculating compensation for dismissal
1.2.- The tax treatment of compensation for dismissal
1.3.- The repercussion of the compensation for dismissal on the basis of Social Security contribution
2.- Processing salaries
3.- Additional costs in case of dismissal of mature workers

Topic 8. THE QUOTATION OF SOCIAL SECURITY
1.- Subjects obliged and responsible for the obligation to contribute
1.1.- Responsible for payment.
1.2.- Responsible for the income.
2.- The dynamics of the obligation to contribute.
3.- Criteria for calculating the quota:
3.1.- The contribution base:
- The different contribution bases depending on the contingencies covered.
- The computable concepts in the contribution base.
3.2.- The type of contribution
4.- Quota settlement
5.- Consequences of non-compliance with the obligation to contribute
6.- Special cases of contribution to Social Security
7.- Exoneration of quotas
8.- Bonuses and reductions in Social Security fees

Item 9. RETENTIONS AND INCOME FROM PAYMENT OF IRPF
1.- The yields of work.
2.- The obligation to retain
3.- The calculation of the retention
4.- Data communication to the employer
5.- Formal obligations of the retainer and the obligor to enter into account

Topic 10. OTHER SOCIAL COSTS

1.- The collaboration of companies in the management of Social Security:
1.1.- Direct payment of benefits
2.2.- Delegate payment
2.- Voluntary Improvements of Social Security benefits. Commitments for pensions.
3.- Business responsibility in terms of benefits
4.- The benefit surcharge.
5.- Administrative sanctions in the matter of benefits.

LEARNING ACTIVITIES AND METHODOLOGY

The course is developed with the following methodology:

- Lectures: Theory sessions

- Practical: Solving workshops, case studies, news comments, statements, relevant documents, discussion forums, etc. ..

- Assessment tests that desarollarán along the course to assess the scope of subject knowledge acquired by the student (test and cases)

- Approach to a payroll program through a specific factual situation.

- Individualized Tutoring

ASSESSMENT SYSTEM

The course will follow the continuous assessment process, the value of which will represent 100% of the final grade. THEREFORE, THERE IS NO FINAL EXAM.
Exceptionally, if for justified reasons a student has not been able to partially follow the continuous assessment system and taking into account the particular circumstances of each case, a recovery mechanism consisting of work, activities or classroom exercise may be established.

Continuous assessment includes:

a) Attendance and participation in theory classes.
b) Assessment of the activities carried out in groups during practical classes, under the supervision and guidance of the lecturer (workshops).
c) Assessment of individual development activities (assessment tests, case studies and final project).

Extraordinary call: Students who have to attend the extraordinary call must take and pass an exam comprising a theoretical part and a practical case study.

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

BASIC BIBLIOGRAPHY

- ARAGÓN GÓMEZ, Cristina Gestión de retribuciones y costes laborales, Lex Nova Thomson Reuters, 2015

ADDITIONAL BIBLIOGRAPHY

- GONZÁLEZ ORTEGA, Santiago y BARCELÓN COBEDO, Susana. Introducción al Derecho de la Seguridad Social, Tirant lo Blanch, 2013
- Mercader Uguina, J.R. Lecciones de Derecho del Trabajo, Tirant lo Blanc, 2021

BASIC ELECTRONIC RESOURCES

- Agencia Tributaria . Calculadora de retenciones IRPF: https://www2.agenciatributaria.gob.es/wlpl/PRET-R200/index.zul
- CGPJ . Formulario para cálculo de la cuantía de las indemnizaciones laborales por extinciones de contrato de trabajo: https://www.poderjudicial.es/cgpj/es/Servicios/Utilidades/Calculo-de-indemnizaciones-por-extincion-de-contrato-de-trabajo/
- Ministerio de Inclusión, Seguridad Social y Migraciones . Bases y Tipos de cotización: https://www.seg-social.es/wps/portal/wss/internet/Trabajadores/CotizacionRecaudacionTrabajadores/36537