Social segurity law

Academic Year: (2022 / 2023) **Review date: 19-05-2022**

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

Coordinating teacher: MERCADER UGUINA, JESUS RAFAEL

Type: Compulsory ECTS Credits : 6.0

Year : 5 Semester : 1

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Individual and Trade Union Work Law

OBJECTIVES

Basic Competencies:

Students know how to apply their knowledge to their work or vocation in a professional way and possess the skills that are usually demonstrated through the elaboration and defence of arguments and the resolution of problems within their area of study.
Students have the ability to gather and interpret relevant data (usually within their area of study) in order to make judgments that include a reflection on relevant issues of a social, scientific, or ethical nature.
Students have developed the learning skills necessary to undertake further studies with a high degree of autonomy.

General Competencies:

Capacity for organization, analysis, and synthesis.
Capacity for oral and written expression on specific subjects.
Awareness of the importance of recognizing and defending fundamental rights.
Acquisition of a personal and collective commitment with respect for and protection of the principles of equality between men and women, equal opportunities, and universal accessibility for people with disabilities.

Cross-Curricular Competencies:

Be able to work in multidisciplinary and/or international teams as well as to organize and plan work taking the right decisions based on the available information, gathering and interpreting relevant data to make judgments, and critical thinking within the area of study.

Specific Competencies:

Know the institutions of the Social Security system in depth.
Apprehend the logic of the interrelation of these institutions, among themselves and with others connected to related branches of the legal system.
Relate the demographic and economic forces that underlie the system and which raise problematic issues, and propose sociological, economic, and legally operational solutions.
Assess the real possibilities (advantages and disadvantages) of future reforms.

LEARNING RESULTS:

Acquisition of advanced knowledge and demonstration of an understanding of theoretical and practical aspects of the Social Security system.
Ability to discuss the resolution of problems which have been raised.
Ability to handle the different sources of the subject.
Development of a critical capacity with regards to the need for changes in the Social Security system and having their own opinion on the matter.

DESCRIPTION OF CONTENTS: PROGRAMME

Topic 1. Protection against risk

Social risks: Methods of protection and their evolution. Social Security as a paradigmatic example of welfare state activity.

Topic 2. Configuration of the Social Security system.

Social Security in Spain: regulatory background. The constitutional configuration of Social Security. Regulatory sources of Social Security.

Topic 3. Structure and composition of the Social Security System.

The two levels of protection: contributory and non-contributory. The subjective scope of protection.

Topic 4. The management of the Social Security System.

Management Entities and Common Services. Management Collaboration of mutual insurance companies for work accidents and occupational diseases. Participation in management.

Topic 5. The legal relationship with the Social Security: Framing acts.

Registration and Membership. Joining and Leaving. Consequences of non-compliance with regard to acts of registration.

Topic 6. The financing of the Social Security System.

The financial resources of the system. Social Security contributions as a main resource. The obligation to contribute and the consequences of non-compliance with the obligation to contribute. The collaboration of the Labour Inspectorate in the matter of collection: Assessments.

Topic 7. The general rules concerning the protective action of the Spanish Social Security System.

The notions of contingency, causing event and benefit. Common and professional contingencies: Social Security Benefits: typology. General requirements for access to the benefits of the system. The amount of the benefits. Responsibility with a view to benefits. Subjects obliged to pay: direct liability and derived liability. The guarantee of benefits:

Topic 8. The protection of incapacity for work in the Social Security system: benefits for temporary and permanent disabilities.

Temporary Disability Benefit. The transit between Temporary Disability and Permanent Disability. Permanent Disability Benefit:

Topic 9. Benefits linked to the birth or adoption of a child.

Maternity and paternity benefit. Risk benefits during pregnancy and breast-feeding. Benefits for reduction of working hours for sick children.

Topic 10. The retirement pension.

Aging society and retirement pension. Concept and modalities. Voluntariness in access and so-called forced retirement. The requirements of the causing event. Especially age and contribution periods. Early retirement. The content of the benefit: the calculation of the regulatory base and applicable percentages. Compatibility of the retirement pension and work activity.

Topic 11. Benefits due for death and survival.

The delimiting of the protected situation. Protected subjects: causes and beneficiaries. Requirements for access to death and survival benefits: general and specific.

Topic 12. Unemployment protection.

The two levels of protection. The delimiting of the protected situation and configuring elements. Contributory level: Requirements for access to benefit. The legal situation of unemployment. Content and determination of the amount. Commitment to activity. Level of unemployment protection.

Especially in subsidies for people over 55 years old. Other complementary protection.

Topic 13. The non-contributory benefits of the Social Security system.

Character and manifestation. The non-contributory disability pension: requirements of the causing event, content of the benefit, dynamics of the right and management. The non-contributory retirement pension: requirements of the causing event, content of the benefit, dynamics of the right and management. Family benefits. Types and character. Brief note on the protection of dependence.

LEARNING ACTIVITIES AND METHODOLOGY

TRAINING ACTIVITIES:

THEORETICAL-PRACTICAL CLASSES. These will present the knowledge that students should acquire. Students will receive class notes and will have basic reference texts to facilitate the follow-up of the classes and the development of the subsequent work. Students will solve exercises and practical problems, and workshops will be held to acquire necessary skills. Which is done in the classroom or synchronous and interactive online.
TUTORING. Individual assistance (individual tutorials) or group assistance (collective tutorials) given to students by the teacher.
INDIVIDUAL OR GROUP STUDENT WORK.

TEACHING METHODOLOGY:

THEORY CLASSES. Presentations in the teacher's class with support of computer and audio-visual media, in which the main concepts of the subject are developed, and materials and bibliography are provided to complement the students' learning.
PRACTICE. Individual or group resolution of practical cases, problems, etc. raised by the teacher.
TUTORING. Individual assistance (individual tutorials) or group assistance (collective tutorials) given to students by the teacher.

ASSESSMENT SYSTEM

FINAL EXAM. In which the knowledge, skills, and abilities acquired throughout the course will be assessed globally. Sitting the exam is mandatory in all cases. 50%

CONTINUOUS EVALUATION. This will assess the work, presentations, performance in debates, expositions in class, exercises, practices and participation in workshops throughout the course. 50%

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

BASIC BIBLIOGRAPHY

- PETERS, D., Social Security: an introduction to the basic principles, Kluver Law International.