

Academic Year: (2023 / 2024)

Review date: 24-04-2023

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

Coordinating teacher: GOMEZ ABELLEIRA, FRANCISCO JAVIER

Type: Electives ECTS Credits : 6.0

Year : Semester :

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Introduction to patrimonial law

OBJECTIVES

- Distinguish employment contract and related legal concepts.
- Identify sources applicable to the employment relationship, particularly the collective agreement.
- Know the types of employment contracts and conditions for its provision and determine the legality or illegality of a contract.
- Know the business requirement and high social security contributions.
- Know the power of direction and limits.
- Understand the regulatory framework for working conditions (time, remuneration, occupational hazards, etc..) And determine the legality or illegality of a particular work situation.
- To know the vicissitudes of the individual employment relationship and the rights of workers to change.
- Know the modes of termination of the employment relationship and their legal effects, including the compensatory ones.

DESCRIPTION OF CONTENTS: PROGRAMME

I. INTRODUCTION

Lesson 1. Social law and economic efficiency

- 1.- Fields of social law: Employment law, Collective Labour Law and Social Protection
- 2.- Historical foundations of social law
- 3.- Markt Failures and efficiency: an economic grounds form labour market regulations

Lesson 2. El derecho social en España: Fuentes de su regulación

- 1.- Basic scheme of sources of the labour market laws and distribution of competences among territorial levels
- 2.- Rigid framework as a red line: International Treaties, European Laws and Spanish Constitution.
- 3.- Other statutes and rules easier to modify: Statutes, collective bargaining agreements and other sources of law.

II. EMPLOYMENT LAW

Lesson 3. Application and interpretation criteria

- 1.- Principles and rules of employment law
- 2.- Fundamental Rights

Lesson 4. Flexibilidad interna: el derecho y la adaptación a los cambios económicos

- 1.- General framework: working time and resting time
- 2.- Part time work and ¿complementary¿ hours
- 3.- Flexible working time legal and collective bargaining
- 4.- Changing working conditions: employer management power, ¿substantial¿ modifications and geographical mobility.

Lesson 5. Hiring and duality

- 1.- Temporary hiring and its causality
- 2.- Legal based costs for fixed term and non-fixed term workers
- 3.- Cost of employment termination under each kind of contract

Lesson 6. Quantitative adjustments

- 1.- Reasons for the end of employment, a general outline
- 2.- Internationa treaties and European regulations on dismissals
- 3.- Individual layoffs: motives and procedures
- 4.- Layoffs as managerial tool and alternatives in Spanish labour law:m motives
- 5.- Collective dismissal in Spain
- 6.- Regulation alternatives and juridical viability: single contract and Austrian fund.

III. COLLECTIVE BARGAINING

Lesson 7. Subjects in industrial relations

- 1.- Legal representatives and trade unions: concept and functions
- 2.- Trade Union's Representativeness levels and its effects in Spanish industrial relations system
- 3.- Employers association Representativeness
- 4.- Comparative models of Representativeness and their effects

Lesson 8. Collective bargaining agreements

- 1.- Statutory Collective bargaining agreements and other kinds of agreements
- 2.- Constitutional and international law limits on collective bargaining
- 3.- Contents and efficacy of Collective bargaining agreements

Lesson 9. Effects of collective bargaining agreements

- 1.- Collective bargaining structure and determination of which one applies
- 2.- ¿Ultraactivity¿ or the effects of an expired agreement: concept and regulation
- 3.- Other models of collective bargaining: a comparative analysis and viability in Spanish labour relations system.

IV. SOCIAL PROTECTION

Lesson 10. Spanish system of social protection

- 1.- Social Security, social assistance and other ways of protection.
- 2.- Constitutional elements of the model
- 3.- Basic concepts on social security
- 4.- General overview of rights and obligations

Lesson 11. Social Security protection system

- 1.- Unemployment: Active and passive employment policies and alternatives in a comparative perspective.
- 2.- Older workers: pension scheme. Pension systems in Europe
- 3.- Other protection areas.

LEARNING ACTIVITIES AND METHODOLOGY

- Lecture.
- Complementary activities:
 - Practical Cases
 - Workshops
 - Tests
- Individuals tutorials

ASSESSMENT SYSTEM

The evaluation will be carried out through various activities in the classroom. Whoever does not pass the continuous evaluation may take a final exam, opting for 60% of the total grade in the ordinary call, and 100% in the extraordinary one.

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

BASIC BIBLIOGRAPHY

- Carnard, Catherine EU Employment Law, Oxford Union Law Library, 2012
- Gómez Abelleira, F. J Handbook of Spanish Employment Law, Tecnos, 2012

BASIC ELECTRONIC RESOURCES

- Unión Europea /European Union . Curia: <https://curia.europa.eu/>