

## Social security law

Academic Year: ( 2023 / 2024 )

Review date: 24-04-2023

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

Coordinating teacher: QUINTERO LIMA, MARIA GEMA

Type: Electives ECTS Credits : 3.0

Year : Semester :

## REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Labour Law: individual employment relationship

## OBJECTIVES

- To know in depth the institutions of the Spanish Social Security;
- Learning the logical interrelationship of these institutions with each other and with other related branches of its own national law.
- Relate the demographic and economic variables that underlie the system and raise problematic issues and propose sociological, economic and legal solutions.
- Assess the real potential (advantages and disadvantages) of possible reforms.
- Develop different abilities of the student: comprehensive, analytical, expressive (oral and written), and systemizers.

## DESCRIPTION OF CONTENTS: PROGRAMME

Unit 1. Protection against risk

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

Unit 2. Configuration of the Social Security system.

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

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

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

Unit 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.

Unit 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.

Unit 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.

Unit 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.

Unit 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:

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

Birth and Care Benefit. Risk benefits during pregnancy and breast-feeding. Benefits for reduction of working hours for sick children. Corresponsability benefit for taking care of lactating.

Unit 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.

Unit 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.

Unit 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.

Unit 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

Measurable activities:

- a) Attendance and participation in lectures.
- b) Elaboration and discussion of case studies
- c) carrying out of workshops in the classroom.
- d) Participation in Discussion Forums: news comments, judgments, etc..
- d) Preparation and presentation of works directed (test development, analysis of administrative proceedings, monographic papers...)

## ASSESSMENT SYSTEM

Continuous evaluation through the proposed activities, in which it is necessary to qualify: the acquisition of knowledge of the subject, as well as competences related to the identification of normative and jurisprudential rules, oral and written legal argumentation and the formalization of the different typology of legal documents..

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

## BASIC BIBLIOGRAPHY

- AAVV MANUAL DE DERECHO DE LA SEGURIDAD SOCIAL, TECNOS, 2022
- Barcelón Cobedo, S. y González Ortega, S. Introducción al Derecho de la Seguridad Social, Tirant lo Blanch, 2022
- LOZANO, FRANCISCO MANUAL DE SEGURIDAD SOCIAL, LABORUM, 2023

#### BASIC ELECTRONIC RESOURCES

- GOBIERNO DE ESPAÑA . SEGURIDAD SOCIAL: <https://www.seg-social.es/wps/portal/wss/internet/Inicio>