

Academic Year: ( 2023 / 2024 )

Review date: 28-04-2023

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

Coordinating teacher: NAVAS-PAREJO ALONSO, MARTA

Type: Electives ECTS Credits : 6.0

Year : Semester :

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

Any.

**OBJECTIVES**

Knowledge:

- Knowledge of the legal framework within which subcontracting is conducted
- Knowledge of the effects on labour of subcontracting and outsourcing
- Knowledge of the legal framework of the self-employment workers

Skills:

- Prevention of legal problems derived from subcontracting, outsourcing and contracting with self-employed workers
- Resolution of legal problems derived from subcontracting, outsourcing and contracting with self-employed workers

**DESCRIPTION OF CONTENTS: PROGRAMME**

Part. 1: Commercial law and self-employed workers

Unit 1. Legal framework for business activity

1. Main legal rules
2. Obligations and rights in the frame of the business activity.

Unit 2. Individual and societal businesses

1. Companies and business owner
2. Mercantile concept of business owner .
3. Diversity of legal entities in trade
4. Expansion of the concept of employer in labour law

Unit 3. Business contracts

1. Service contracts
2. Contracts of delivery and production of goods
3. Financing contracts: leasing, factoring, reverse factoring, ...
4. Other contracts

Part 2: Labour Law and Social Security and self-employed workers

Unit 4. Labour and Social Security framework of subcontracting: in particular, in the construction industry.

1. Concept of subcontracting and types of subcontracting
2. Managerial and labour advantages and disadvantages
3. The border with the workers' illegal transfer
4. Specialities in the construction industry. The self-employed worker as a type of subcontract.
5. Employer's obligations and rights in Labour Law and Social Security

## Unit 5. Cost reduction: outsourcing vs integration

1. Types
2. Advantages and disadvantages
3. Consequences in Labour Law and Social Security
4. Self-employed workers as a way of outsourcing

## Unit 6. Occupational schemes for self-employed workers

1. Sources
2. Concept
3. Professional obligations and rights
4. Form and length of the contract
5. Occupational risk prevention
6. Guarantees

## Unit 7. Occupational schemes for economically dependent self-employed workers

1. Concept and field application
2. Regulation of contracts of economically dependent self-employed workers
3. Agreements of professional interest
4. Working days and breaks
5. Termination of the contract
6. Jurisdictional competence

## Unit 8. Collective rights of self-employed workers

1. Basic collective rights
2. Right of association
3. Council of Self-employment

## Unit 9. Social Protection

1. Social Security System and rights of self-employed workers
2. Special scheme for self-employed workers
3. Social security affiliation and contribution
4. Protective action: coverage and benefits

## LEARNING ACTIVITIES AND METHODOLOGY

- LECTURES. Topics are presented by the teacher in class. Some readings may be required by the teacher.

- ACTIVITIES. There will be different activities, such as cases, workshops, etc

The tutorships will be those determined by the professor.

## ASSESSMENT SYSTEM

The course is based on a continuous assessment system. Thus, the final grade will depend entirely on the activities during the course, without a final exam.

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

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

## BASIC BIBLIOGRAPHY

- MARTÍN VALVERDE/ RODRÍGUEZ SAÑUDO/ GARCÍA MURCIA Derecho del Trabajo, Tecnos, Última edición
- MERCADER UGUINA, J. R. Lecciones de Derecho del Trabajo, Tirant lo Blanch, Última edición
- MONTOYA MELGAR Derecho del Trabajo, Tecnos, Última edición
- MORGADO PANADERO, P., Empleo, trabajo autónomo y economía social, Comares, 2010

#### ADDITIONAL BIBLIOGRAPHY

- BURGESS, J; MACDONALD, D. Outsourcing, Employment and Industrial Relations in the Public Sector. , The Economic and Labour Relations Review, Volume: 10 issue: 1, , 1999
- CALVO GALLEGOS Los trabajadores autónomos dependientes: una primera aproximación, Revista Temas Laborales, nº 81, 2005, pp. 41-78.
- CRUZ VILLALON Y AA.VV. Trabajo subordinado y trabajo autónomo. En la delimitación de fronteras del Derecho del Trabajo, Tecnos, 1999
- MONEREO PÉREZ, J. L.; VILA, F. (dirs.) El trabajo autónomo en el marco del Derecho del Trabajo y de la Seguridad Social. , Comares, 2017
- MONTOYA MELGAR Trabajo dependiente y trabajo autónomo ante el Derecho del Trabajo, Revista Temas Laborales, nº 81, 2005, pp. 25-40.
- VALVERDE ASENSIO Condiciones de trabajo del trabajador autónomo dependiente: protección y tutela del contratante débil, Revista Temas Laborales, nº 81, 2005, pp. 123-148.

#### BASIC ELECTRONIC RESOURCES

- . Ministerio de Trabajo y Economía Social: <http://www.mites.gob.es/>