

Academic Year: (2023 / 2024)

Review date: 28-03-2023

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

Coordinating teacher: CARRERO DOMINGUEZ, MARIA CARMEN

Type: Compulsory ECTS Credits : 5.0

Year : 4 Semester :

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Constitutional right
Civil Law and Administrative Law

OBJECTIVES

- To distinguish between the employment contract and other similar concepts
- To identify the legal sources governing of the employment relationship, with a focus on collective agreements
- To know:
 - the different types of employment contracts and their legality
 - the company's obligations pertaining to Social Security (affiliation, taxes, etc)
 - the power of direction on the part of the employer
- the regulatory framework for the establishment of working conditions (working time, remunerations, occupational safety, etc.)
- the different usual changes in the employment relationship, and the rights of the workers in those cases.
- the different way to terminate the employment relationship, with a focus on compensation schemes

DESCRIPTION OF CONTENTS: PROGRAMME

UNIT 1. INTRODUCTION TO LABOR LAW

1. The context of Labor Law. 2. the concept of Labor Law.

UNIT 2. THE SOURCES OF LABOR LAW

1. Sources of Law and sources of obligations. 2. International legal regime of working. 3. The Spanish Constitution. 4. Statutes and administrative regulations in Labor Law. 5. Collective bargaining: the collective agreement. 6. Relations between written rules and collective agreements. 7 Other sources of Labor Law. 8. Principles governing the application of Labor Law rules.

UNIT 3. THE SUBJECTS INVOLVED IN THE EMPLOYMENT RELATIONSHIP (I): THE WORKER

1. The concept of worker .2 The employment relationship. 3. Activities that are excluded from Labor legislation 4. Special employment relations. 5. Self-employment

UNIT 4. THE SUBJECTS INVOLVED IN THE EMPLOYMENT RELATIONSHIP (II): THE EMPLOYER

1. The concept and different types of employers. 2. The groups of companies. 3. The company and the work center. 4 Productive decentralisation, outsourcing, subcontracting . 5. Cession of workers. 6. Temporary employment agencies.

UNIT 5: THE EMPLOYMENT CONTRACT. RECRUITMENT OF WORKERS. FORMALISATION OF THE EMPLOYMENT CONTRACT.

1. The recruitment of workers. 2. the employment contract: distinguishing features. 3. Legal capacity and requirements to enter an employment contract. 4. The formalisation of the employment contract. 5. The probationary period.

UNIT 6. TYPES OF EMPLOYMENT CONTRACTING

1. The indefinite (permanent) contract. 2. The structural temporary contracts. 3. The „training“ contracts. 4. Common rules in the field of temporary contracts.

UNIT 7. THE BASIC RIGHTS AND DUTIES OF WORKERS.

1. The basic employment rights of the worker. The integration of human rights in the employment contract 2. The right to occupational safety and health in the workplace. 3. The basic duties of workers. Good faith and the duty not to compete with the company's activities.

UNIT 8. THE DETERMINATION OF THE WORK TO BE PROVIDED BY THE EMPLOYEE.

1. The determination of the work to be done. 2. The professional classification 3. The power of direction of the employer. The right to modify the initial assignment of duties (ius variandi). 4. The functional mobility of the worker. 5. The controlling power of the employer. 6. The employer's power to sanctioning 7. The place of work. Geographical mobility.

UNIT 9. WORKING TIME

1. The regular working day. 2. Special regimes for working days. 3. Working schedule. 4. the reduction in working time. 5. Overtime hours. 6. Resting time. 7. The part-time contract.

UNIT 10. THE WORKER'S REMUNERATION

1. The concept and structure of wages and salaries. 2 How are salaries and wages determines. 3. Time, place and manner for the payment of the worker's remuneration 4. The salary protection.

UNIT 11. THE SUBSTANTIAL MODIFICATIONS OF THE EMPLOYMENT CONTRACT

1.- Objective modifications. The requirements and procedures for performing a substantial modification. Types of such modifications 2. Subjective modifications: the change of ownership in the company.

UNIT 12. USUAL STEPS AND CHANGES IN THE EMPLOYMENT RELATIONSHIP: INTERRUPTION AND SUSPENSION OF THE CONTRACT.

1. Non-regular interruptions 2. The suspension of the employment contract: reasons and consequences. 3. The different types of leaves.

UNIT 13. THE TERMINATION OF THE EMPLOYMENT CONTRACT.

1. The concept and the different types of reasons for terminating an employment contract. 2. The will of the parties 3. Death, retirement or disability of the worker. 4. Death, retirement or disability of the employer. 5. The unilateral will of the worker 6. Common agreements and formalities in case of contract termination

UNIT 14

Dismissal: concept and types. Disciplinary dismissal. Objective causes dismissal. Collective dismissal

LEARNING ACTIVITIES AND METHODOLOGY

The course is organized into three kinds of sessions, each of 1.30 hours duration: The subject will be bimodal 50% (synchronous online teaching in big or aggregate groups, face-to-face teaching in small groups).

- Regular lecturing: regular lectures will be taught, where the main concepts and elements of the program will be explained and clarified. Students are supposed to read the corresponding materials in advance.
- Reading of documents, followed by a discussion related to the essential matters of the program. Case study and other practical activities.
- In both cases, these activities will be carried out on a weekly basis. The regular attendance to

the course is necessary: active participation is an essential element for the final grade of the student.
Weekly planning (see annexed file)

ASSESSMENT SYSTEM

SHORT DESCRIPTION OF THE GRADING SYSTEM

- Grading of the solution proposed to the case-studies
 - Grading of the actual involvement of the student in the class discussions
 - Final exam, either in oral or in written form (multiple choice test or ¿essay-type¿ exam, depending on the contents of the course)
 - The final grade of the student will be constituted by the grading of the different practical activities (case-studies, debates and discussions, other practical activities) and of the exams and test conducted during the course (and final examination). However, in order to pass the theoretical part, the student must achieve a minimum of 2 points out of 5 in the theoretical exam of the subject. If so, then the continuous assessment grade can be added. . In order to pass the course, the student must pass separately the different parts of the course: the final exam, on the one hand, and the continuing evaluation, on the other.
- The same assessment criteria will apply to the regular and to the extraordinary exams sessions

% end-of-term-examination:	50
% of continuous assessment (assignments, laboratory, practicals...):	50

BASIC BIBLIOGRAPHY

- MARTIN VALVERDE, A. y otros Derecho del Trabajo, Tecnos, última edición
- MERCADER UGUINA (Dir) Y OTROS ESQUEMAS DE DERECHO DEL TRABAJO I, TIRANT LO BLANCH, 2016
- MERCADER UGUINA, J.R. Lecciones de Derecho del Trabajo, Tirant lo Blanch, última edición
- MERCADER UGUINA, J.R. (Dir.) Talleres prácticos de Derecho del Trabajo y de la Seguridad Social, Tecnos, 2010
- PALOQUEME LÓPEZ, M.C. y ALVAREZ DE LA ROSA, M. Derecho del Trabajo, Ceura, última edición

ADDITIONAL BIBLIOGRAPHY

- GARCIA SALAS, ANA ISABEL "Necesidades empresariales y derechos fundamentales de los trabajadores", Thomson Reuters. Lex Nova, 2016