

Academic Year: (2024 / 2025)

Review date: 26-04-2024

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

Coordinating teacher: MERCADER UGUINA, JESUS RAFAEL

Type: Compulsory ECTS Credits : 6.0

Year : 1 Semester : 1

OBJECTIVES

ESSENTIAL COMPETENCIES

CB6 Ability to provide the grounds or opportunity to show originality during the development and/or implementation of ideas, often in a research context

CB7 Ability to apply acquired knowledge and the ability to solve problems in new or unfamiliar settings within broader (or multidisciplinary) contexts related to the area of study

CB8 Integrate knowledge and manage the complexity of formulating opinions based on information that, despite being incomplete or limited, provides thoughts and ideas on social and ethical responsibilities associated with the application of knowledge and opinions

CB9 Have an understanding of how to communicate the findings along with the underlying knowledge and reasoning, to both specialists and non-specialists, in a clear and unambiguous manner

CB10 Develop learning skills that allow for continuous learning in a manner that is to be mostly self-directed or autonomous.

GENERAL COMPETENCIES

CG1 Appreciate the importance of civil liability as a segment of the law that is an entity in its own right

CG2 Learn how to identify civil liability relationships and understand their legal treatment

CG3 Appreciate the unitary nature of civil liability and the required multidisciplinary perspective of legal matters posed by it

CG4 Understand the legal framework concerning civil liability from various legal viewpoints in both national and international settings

CG5 Understand how to identify a legal problem and provide a solution

CG6 Form critical opinions on legal issues concerning civil liability.

CG7 Apply methods of legal analysis that allow the student to analyse and synthesise gathered information.

SPECIFIC COMPETENCIES

CE1 Understand the treatment of civil liability from the perspective of private law

CE4 Identify the type of civil liability action to be exercised for matters of social law, the jurisdiction

under which these matters fall and the manner in which a claim for damages concerning such matter is solved

CE10 Analyse the various avenues of civil liability, along with their problems and their solutions.

CE11 Understand the assumptions of civil liability from a holistic and comprehensive approach, along with the legal problems stemming from the various branches of law.

DESCRIPTION OF CONTENTS: PROGRAMME

LEARNING OUTCOMES

The aim of this subject is for the student to understand the pillars of the system of liability for damages concerning social law (individual law, collective law and social security law), as well as their regulatory and jurisprudential developments, in both Spain and other countries that share our legal context, particularly in relation to new types of damages whose compensation poses certain difficulties under the traditional framework.

Among the specific competencies is the proficiency of the basic legal terminology regarding civil liability and an understanding of its development in the field of social law. Furthermore, the ability to appreciate the strong connection that exists between substantive law and procedural law and, lastly, the ongoing learning to acquire new knowledge in today's changing society.

Among the generic competencies are the ability to analyse and synthesize, learning to work as a team, the acquisition of written and oral communication skills and the appropriate use of new technologies.

Accordingly, this will allow students to have the proper tools in order to determine, for each case, which civil liability procedure must be followed, the jurisdiction which it falls under, the necessary elements to ensure the success of such procedure and what damages can be claimed for their remediation.

The compulsory subject *¿Civil liability for damages in labour relations¿* broadly touches on the various dimensions of tort law within the context of Social Law. This subject has three essential cores: Civil liability for damages in employment agreements; civil liability for damages in collective labour relations and the issues posed by tort law in the field of social protection and labour risks.

With regards to the first field (damages in employment agreements), the role of civil liability covers from the moments prior to the labour contract *¿pre-contractual breaches, liabilities arising from preliminary agreements¿* up to the termination of the labour relationship *¿when circumstances have been identified where the severance payment may be increased by other payable concepts¿*, including damages that may have arisen during the employment relationship *¿ on the basis of the employee or employer having breached their own employment duties.* With regard to collective labour relations, collective disputes and their typical expression, in the form of striking, are the appropriate grounds leading to compensatory damages. Finally, in the field of social protection and labour risks, any failure to comply with the law on the prevention of occupational risks is likely to lead to the liability for damages in the event that such infringement has been the cause of damages. For each of these cores it is essential to analyse the peculiarities that the application of the general requirements of tort law raises during its application in the field of labour relations.

LEARNING ACTIVITIES AND METHODOLOGY

FORMATIVE ACTIVITIES FOR THE CURRICULUM

AF1 Theory. Which is done in the classroom or synchronous and interactive online.

AF2 Practical

AF5 Tutorial

AF6 Group work

AF7 Individual student work

Activity Code	Total No. Hours	Class Hours	Student Attendance %
AF1	34	34	100%
AF2	29	29	100%
AF5	20	10	50%
AF6	75	0	0%

AF7	67	0	0%
TOTAL SUBJECT	225	73	32.4%

TEACHING METHODOLOGIES

- MD1 Face-to-face delivery by a lecturer, using IT and audiovisual media, during which the main concepts of the subject are presented and where a bibliography is provided to assist student learning.
- MD2 Critical analysis of texts recommended by the lecturer of the subject: Rulings and decisions, news articles, reports, manuals and/or academic papers, either for further discussion during classes or to broaden and build upon the knowledge of the subject.
- MD3 Resolving case studies, problems, etc. posed by the lecturer, either individually or in a group
- MD4 Presentations and discussions in class, under the moderation of the lecturer, on issues pertaining to the subject content and case studies
- MD5 Preparation of papers and reports, either individually or in groups

ASSESSMENT SYSTEM

% end-of-term-examination:	45
% of continuous assessment (assignments, laboratory, practicals...):	55

ASSESSMENT BREAKDOWN FOR THE CURRICULUM

- SE1 Class participation
- SE2 Individual or group work conducted during the course year
- SE3 Final exam

Assessment breakdown	Minimum weighting (%)	Maximum weighting (%)
SE1	10%	20%
SE2	40%	45%
SE3	40%	45%

BASIC BIBLIOGRAPHY

- ALFONSO MELLADO, C. L., Indemnizaciones entre empresarios y trabajadores antes y durante el desarrollo de la relación laboral, Tirant Lo Blanch , 1994
- CALVO GALLEGO, F.J. La obligación general de prevención y la responsabilidad civil o contractual del empleador, Aranzadi , 1999
- CORREA CARRASCO, M., Accidente de trabajo, responsabilidad empresarial y aseguramiento, Bomarzo , 2008
- DIEZ-PICAZO, L., Derecho de daños, Civitas , 1999
- GUTIERREZ-SOLAR CALVO. B., Culpa y riesgo en la responsabilidad civil por accidentes de trabajo, Civitas , 2004
- MELLA MÉNDEZ, L. La responsabilidad indemnizatoria del trabajador durante la vigencia del contrato , La Ley-Actualidad , 2017
- MERCADER UGUINA, J.R, Indemnizaciones derivadas del accidente de trabajo. Seguridad Social y Derecho de daños, La Ley-Actualidad , 2001
- NAVAS-PAREJO ALONSO, M. Obligaciones y responsabilidades de los trabajadores en materia de seguridad y salud laboral, Lex Nova , 2012
- PUEBLA PINILLA, A. de la, La responsabilidad civil del sindicato. Un estudio sobre la responsabilidad derivada de la actividad sindical, La Ley-Actualidad , 2000

- SEMPERE NAVARRO, A.V., SAN MARTÍN MAZZUCCONI, C., La indemnización por daños y perjuicios en el contrato de trabajo, Aranzadi , 2011