

Employment Law I

Code: 100489
ECTS Credits: 6

Degree	Type	Year	Semester
2500258 Labour Relations	FB	1	2

Contact

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Use of languages

Principal working language: catalan (cat)
Some groups entirely in English: No
Some groups entirely in Catalan: Yes
Some groups entirely in Spanish: No

Teachers

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Prerequisites

For the purposes of an adequate study of Labour Law I, a good knowledge and understanding on the part of the students of the basic institutions studied in the Civil Law and Constitutional Law programme is of great interest. At the same time, the study of the discipline requires an appropriate deepening of the subjects included in History of Law and Institutions, integrated in the first part of the academic year.

Objectives and Contextualisation

Labour Law I is a subject taught during the second semester of the first year of studies. The course is designed to help students acquire a basic knowledge of the subject - Labour Law in a broader sense-, which is an essential pillar of the studies. Thus, Labour Law I has the academic utility of linking the topics that will then be developed in the various subjects given by the Labour Law and Social Security Unit. In this sense, Labour Law I is the basis from which Labour Law II and III, as well as Collective Labour Law will develop. Additionally, the training given in Labour Law I has an impact on other subjects belonging to the general field of Labour Law.

From a training perspective Labour Law I aims to provide students with the opportunity to achieve various objectives, including:

- Identify the legal relationships regulated by Labour Law, its sources and its principles.
- Learn about the concepts employee and employer.
- Identify the right to freedom of association, its beneficiaries and its manifestations, as well as the employers' right to organize.

Content

LESSON 1: CONCEPT, FUNCTION AND PURPOSE OF LABOUR LAW

1. Concept, function and content of labour law
2. Delimitation of the object of regulation of Labour Law
 - 2.1 Substantive requirements: voluntariness, working for someone else, subordination and salary retribution
 - 2.2 Adjective requirements: exclusions and inclusions
3. Related cases
 - 3.1 Self-employment: concept and typology
 - 3.2. Contracts used in self-employment: execution of works and provision of services
 - 3.3 Other related cases: special reference to training internships.

LESSON 2: STATE SOURCES

1. Sources of Labour Law
2. Spanish Constitution and Labour Law
 - 2.1 Constitutionalisation of labour rights
 - 2.2 Labour content of the 1978 Constitution: systematization and guarantees
 - 2.3 Fundamental human rights and labour law
 - 2.4 Distribution of competences between State and Autonomous Communities
3. The laws
4. Lower-rank regulations

LESSON 3: PROFESSIONAL, SUPPLEMENTARY AND INDIRECT SOURCES

1. The collective agreement
2. The labor custom
3. The value of case law
4. The management power of the employer as a regulator of the employment relationship.
5. The autonomy of the will.
 - 5.1 Manifestations of the autonomy of the will.
 - 5.2. Principle of inalienability of workers' rights.

LESSON 4: APPLICATION OF LABOUR STANDARDS

1. Hierarchy of labour standards
2. Interpretation of labour standards and the pro-worker principle
3. Principles for the application of labour standards
 - 3.1 Concurrence of standards and principle of most favourable standard
 - 3.2 Temporary succession of rules and most beneficial condition principle
 - 3.3 Principle of inalienability of workers' rights (referral).

LESSON 5: SUBJECTS OF THE EMPLOYMENT CONTRACT

1. The worker
 - 1.1 Concept and typology
 - 1.2 Subjective plurality: group contract
2. The employer
 - 2.1 Concept and typology
 - 2.2 The company and the workplace
 - 2.3 Group of companies

LESSON 6: THE RIGHT TO FREEDOM OF ASSOCIATION

1. Concept
2. Sources. Constitutional configuration of freedom of association and legislative development
3. Manifestations. Individual and collective freedom of association
4. Subjective scope: inclusions, limitations and exclusions
5. Content. Right to join, right to non-affiliation, right to trade union action

LESSON 7: THE RIGHT TO COLLECTIVE FREEDOM OF ASSOCIATION. TRADE UNIONS

1. The union: concept, functions and typology
2. Legal regime of the union. Financing

3. Trade union plurality and representativeness
- 3.1 Trade union representativeness: concept and measurement criteria
- 3.2 Degrees of representativeness and competences

LESSON 8: THE RIGHT OF BUSINESS ASSOCIATION

1. Constitutional foundation and policy development
2. Business associations
- 2.1 Concept, functions and typology
- 2.2 Legal regime and financing
- 2.3 Representativeness: concept, measurement criteria, grades and competencies

LESSON 9: LABOUR ADMINISTRATION

1. Administrative intervention in work relations.
2. Organisation and competences
- 2.1 Organizational and functional structure of the labour administration: central, peripheral and institutional
- 2.2 Labour and Social Security Inspection
- 2.3 Labour administration of the Autonomous Communities
3. Sanctioning power: infractions and sanctions

LESSON 10: JURISDICTION OF THE SOCIAL ORDER

1. The social jurisdictional order
2. Work process
- 2.1 Configuration: principles and parts
- 2.2 Avoidance of the judicial resolution of cases
- 2.3 Start, development and completion
3. Means of challenge resolutions