

**Employment Law II**

Code: 100499  
ECTS Credits: 6

Degree	Type	Year	Semester
2500258 Labour Relations	OB	2	1

**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**

Jesus Rubio Arjona

**Prerequisites**

There are no prerequisites. However it is advisable to have passed the first-year course "Labor Law I".

**Objectives and Contextualisation**

Labor Law II has content that is a continuation of Labor Law I and prior to Labor Law III.

Introducing and analyzing the first part of the "Individual Work Relationship", which includes access to work, the employment contracts and the basic rights and duties of the wage labor relationship, specifically the legal regime of working time and salary.

The achievement of learning outcomes is a basic element so that students can overcome throughout the second semester Labor Law III, as well as the rest of legal subjects related to Labor Law and Social Security.

Labor Law II aims to achieve several training objectives, among which:

- Access to employment. Intermediation in the labour market
- Temporary work agencies
- Employment contracts
- Professional classification, rights and duties of the parties
- Legal status of salary
- Legal regime of working time

**Skills**

- Applying the information and communication technologies to the different areas of action.
- Clearly expressing ideas or facts in a compelling way.
- Consulting and managing in terms of employment and labour recruitment.
- Drawing up and formalising reports and documents.

- Recognising the issues related to labour market, social security, and the implementation of legislation and jurisprudential criteria to the assumptions shown in practice.
- Self-motivating by undertaking specific training programs to acquire new knowledge.
- Students must be capable of deciding, sharply taking decisions and judging.
- Students must be capable of persuading others to agree with their point of view.
- Technically representing the people or entities of the administrative, fiscal, and procedural fields, and also of defence in labour courts.
- Verbally communicating and defending a project.
- Working autonomously.
- Working effectively in teams.

## Learning outcomes

1. Applying the information and communication technologies to the different areas of action.
2. Clearly expressing ideas or facts in a compelling way.
3. Describing regular processes and special processes.
4. Drawing up and formalising reports and documents.
5. Explaining the employment contract and its variations.
6. Explaining the methods of job placement and intermediation in the labour market.
7. Self-motivating by undertaking specific training programs to acquire new knowledge.
8. Solving the practical issues related with suspension and extinction of industrial relations by applying the legislation and jurisprudence.
9. Students must be capable of deciding, sharply taking decisions and judging.
10. Students must be capable of persuading others to agree with their point of view.
11. Verbally communicating and defending a project.
12. Working autonomously.
13. Working effectively in teams.

## Content

### 1 ACCESS TO EMPLOYMENT AND GENERAL CONFIGURATION OF THE WORK CONTRACT

1. Right to work and employment policies
2. Intermediation in the labour market
3. Temporary employment agencies
4. Employment contract
  - 4.1 Concept and characters
  - 4.2 Object and cause
  - 4.3 Parts
  - 4.4 Typology

### 2 WORK CONTRACT: FORM, EFFECTIVENESS, CONTENT

1. Form and formalities of the employment contract
2. Validity and effectiveness of the employment contract
3. Content
4. Trial period
5. Other typical agreements: Exclusivity, not post-contractual competition, permanence

### 3 WORK CONTRACT: TYPOLOGY

1. Indefinite and temporary contracts: General considerations
2. Work contracts of indefinite duration
  - 2.1 Contract of ordinary indefinite duration
  - 2.2 Permanent contracts used as employment policy
  - 2.3 Discontinuous fixed work contracts
3. Temporary contracts

### 4 WORK CONTRACT: OTHER MODALITIES

1. Training contracts
2. Part-time work contract
3. Other types employment contracts

### 5 WORK PROVISION. QUALITATIVE DETERMINATION. RIGHTS AND DUTIES

1. Qualitative determination
  - 1.1 Professional classification systems
  - 1.2 Worker's professional framework
2. The employer's management power
3. The employer's disciplinary power
4. Protection of the rights of the worker in the employment relationship
- 6 WORKING TIME AND INTERRUPTIONS
  1. The working time
    - 1.1 Concept and typology
    - 1.2 Regular working time and special working time
    - 1.3 Extraordinary working time (overtime)
  2. Work schedule
    - 2.1 Concept
    - 2.2 Fixation and modification
    - 2.3 Classes
    - 2.4 Night work schedule
    - 2.5 Shift work
  3. Reductions and adaptations of the working time and schedule for family reasons
  4. Periodic interruptions: Daily, weekly, annual break.
  5. Non-periodic interruptions
  6. Work calendar
- 7 SALARY: CONCEPT, STRUCTURE AND FIXATION
  1. Salary
    - 1.1 Concept
    - 1.2 Legal and economic characteristics
  2. Non-wage payments
  3. Modalities and salary systems
  4. Wage structure
  5. Wage determination
  6. Place, time and method of payment
- 8 OTHER ECONOMIC BENEFITS. PROTECTION AND GUARANTEES OF SALARY
  1. Other economic benefits
    - 1.1 Labour settlement (Labor Law III remission)
    - 1.2 Compensation for extinction and other causes (Labour Law III remission)
  2. Protection of wages
  3. Guarantee of wages

## Methodology

The learning process within the framework of this subject will be organized based on the three types of training activities that are described below:

### 1. Directed activities

The directed activities are all those that are developed in the classroom with supervision of the teacher. As directed activities, two major typologies are carried out.

First, the master classes. It is an activity where the main role falls on the teacher and have an essentially theoretical character. Consist in the presentation of various aspects of the agenda, based on the applicable regulations and the dossiers that will eventually be provided through the Teaching Space of the subject within the Virtual Campus, which will include schemes and other materials of interest for the analysis of each one of the topics (extracts from sentences, fragments of collective agreements, etc.).

Secondly, the practical classes in the classroom, which are carried out with a shared protagonism between the teacher and the student. These activities will have a practical nature and will consist in the execution of three practical, each of which will imply a previous work outside the classroom and a face-to-face work in the classroom. It will involve performing a series of tasks of diverse format: identification and study of the regulatory framework of a given institution, reading and understanding of jurisprudence, search for collective agreements, resolution and discussion of practical cases, preparation of legal documents.

The practical activities will be structured in three large blocks or macroactivities, which will include various practical activities and an evaluation activity on the set of issues dealt with in each block. In order to carry out the evaluation activity, the prior delivery of the documents that are requested in each case in relation to the

activities of each block will be essential. The dates of the three evaluation activities will be made public at the beginning of the semester through the Teaching Space of the Virtual Campus.

In the part corresponding to the previous work, some or all of the practical activities may be carried out in small groups that will be formed at the beginning of the semester. In the part corresponding to the work in the classroom, the practical activities will be executed as a group or individually, as determined. The same is expected in terms of evaluation activities that could be individually or in a group as determined by the teacher responsible for the group.

## 2. Supervised activities:

Activities that each student will develop individually or in small groups, supported distance teacher, aimed at the preparation of the evaluable practices. They consist of the following typology (indicative)

Preparation of files summary of judgments or regulations.

Realization of conceptual schemes of topics on the agenda.

Search and reading of instrumental literature and jurisprudence for the resolution of practical cases.

Preparation and resolution of the practical cases that are elaborated before the delivery and / or debate in the classroom

## 3. Autonomous activities

Autonomous activities are those in which each student organizes their time and effort autonomously, either individually or in groups, such as research and study of bibliography, the development of schemes or summaries, etc. In this subject the essential part of the autonomous activities is linked to completing, analyzing and studying the contents of the theoretical classes and the preparation of the final theory test

## Activities

Title	Hours	ECTS	Learning outcomes
<b>Type: Directed</b>			
1. Directed: theory	27.5	1.1	6
2. PRACTICES	13.5	0.54	1, 11, 10, 3, 2, 4, 8, 9
<b>Type: Supervised</b>			
Summarization and schemes. Research and analysis of legal documents (literature, regulations, jurisprudence, etc.) aimed at the preparation of the evaluable practices	50	2	1, 7, 4, 9
<b>Type: Autonomous</b>			
Autonomous	53	2.12	1, 11, 10, 2, 4, 9, 12

## Evaluation

SYSTEM OF EVALUATION OF THE ACQUISITION OF THE COMPETENCES. GRADING OF THE SUBJECT. REVIEW OF EVALUATION ACTIVITIES.

1. It combines the continuous evaluation of the practical classes and the resolution of a final exam.

1.1 Continuous evaluation of practical classes.

a) There will be three practical units that will be evaluated throughout the course. The final grade of the activities will be the average of the three grades obtained (between 0 and 10 points).

Before the beginning of the classes, the concrete date or the week of the evaluable activities will be published in the Virtual Campus (exceptionally and due to force majeure, they may, with sufficient notice and advance, be modified).

b) Development of practices. Each practical unit will be developed in three sessions (one session each week) and will require regular attendance throughout the course. In each practice, the first two sessions will be

preparation, in which the students must have developed the theoretical and practical development of the subject matter of study, for discussion and resolution of exercises in the classroom. There will be a third session that will consist in the EVALUATION of the practical unit, by means of the resolution of a practical case and / or of short questions or of test type.

Each practical unit evaluable requires an orientative dedication of 15 hours of work, in addition to classroom time.

### 1.2 Final exam

It will consist of the resolution of five development questions. Each of the exam questions will be scored from 0 to 10 points. The exam grade will be obtained from the corresponding average.

### 1.3 Qualification of the subject with the continuous evaluation system and FINAL exam

Calculation of the grade of the subject if the grade of the final exam is equal or superior to 5: the score obtained in the continuous evaluation of the practices will have a value of 50% of the grade and the score obtained in the final exam will have a value 50% of the grade. The subject will be approved with the obtaining of a minimum of 5 points out of 10.

Attention: when the grade of the final exam is less than 5 out of 10, the grade of the subject will be failed (in the record will be the grade of 10 obtained in the final exam).

## 2. Reevaluation system:

2.1 Reevaluation of students who have obtained a grade of 5 or higher in the continuous evaluation of practices, which has not been presented or has suspended the final exam. You will be able to take a theoretical re-evaluation exam, with the same content and qualification criteria of the subject applicable to the qualification of the subject with the continuous evaluation system and final exam.

2.2 Reevaluation of students who have not completed any internship or who have obtained a grade lower than 5 out of 10 in the continuous evaluation of the practices.

There will be a theoretical-practical exam that will consist of two parts:

a) A theoretical part that will consist in the resolution of five development questions. Each question will be scored from 0 to 10 points and the grade will be obtained from the corresponding average. This part of the exam will have a value of 50% of the grade.

b) A practical part that will consist of the resolution based on law, of a practical assumption with the thematic content corresponding to the subject matter of the examination. This part of the exam will have a value of 50% of the grade.

The final grade of the exam will be obtained by making the average of the score obtained in both parts. The subject will be approved when they have been independently passed (minimum mark 5 out of 10) each of the two parts of the theoretical-practical exam. In case of not passing one of the parts, the note of the subject will be SUSPENSE (in the record will consist the note on 10 obtained in the suspended part).

## 3. REVIEW OF EVALUATION ACTIVITIES

Of the evaluation and re-evaluation exams: the faculty will set the day and hour of the revision by publishing a note in the virtual campus and / or by means of information on the day of the exam.

Of the evaluation activities carried out during the semester: the students interested in reviewing the qualifications should contact the professor / proofreader by email to set the day and time of the review, within the period indicated by the faculty in the publication of each of the notes.

## Evaluation activities

Title	Weighting	Hours	ECTS	Learning outcomes
EVALUABLE PRACTICES. They will be done in 3 sessions (approximate time 1h 15m each).	50%	4	0.16	1, 7, 11, 10, 3, 6, 2, 4, 8, 9, 12, 13
Theoric exam	50%	2	0.08	5, 6, 8

## Bibliography

### General bibliography:

Derecho del Trabajo: Martín Valverde, Antonio, Rodríguez-Sañudo, Fermín i García Murcia, Joaquín. Madrid, Tecnos, last edition.

**For practical classes:**

PÉREZ AMORÓS, Francesc i Solà Monells, Xavier (Directors): Materials per a l'aprenentatge del Dret del Treball (Adaptats a l'Espai Europeu d'Educació Superior), Col·lecció Materials, Servei de Publicacions de la UAB, 2015

**Normative:**

It can be consulted in the commercial databases (Aranzadi, Tirant on Line), or in the official and public database of the Boletín Oficial del estado <https://www.boe.es/legislacion/legislacion.php>

You can also use the codes of labor regulations in pdf format, free access on the BOE website - <https://www.boe.es/legislacion/codigos/>

Specialized normative repertoires can be used: Basic social legislation Ed. Civitas or Labor and Social Security legislation Ed. Aranzadi. Attention only the last edition corresponding to the current year is valid.

**Databases accessible electronically from the UAB Campus or with remote connection**

1. ARANZADI: [www.westlaw.es](http://www.westlaw.es)
2. La Ley Digital
3. Tirant on Line
4. V-lex