

Fundamental Rights and New Technologies

Code: 100511
ECTS Credits: 6

Degree	Type	Year	Semester
2500258 Labour Relations	OT	4	0

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

Prerequisites

It is recommended to have passed the subject Constitutional Law beforehand

Objectives and Contextualisation

The right to data protection is perhaps the most relevant right related to information and communication technologies (ICTs), along with the right to privacy and freedom of expression. In labour law, a large number of personal information about the professional life of the workers are collected, such as degrees, positions and compensation, as well as other personal aspects such as family life, marital status, DNI and name of children, among others. In addition, sensitive information about trade union affiliation, usually serving to discount the union quota, and health data such as casualties and illnesses, are often also stored. This allows you to create a personal profile that deserves to be protected.

This course aims at describing the general principles applicable to legal problems related to fundamental rights at workplace, as well as possible protective measures and their effectiveness. The common situations of risk for the fundamental rights are:

- Selection processes
- Business controls, with biometric technology, monitoring and video surveillance
- Interception of communications and navigation on the Internet
- Sensitive data

The question to answer in this course is none other than the level of real protection of the fundamental rights of workers in the company. Possible solutions will often be regulatory, but we will occasionally mention other complementary options, such as Privacy Enhancing Technologies.

Skills

- Applying the information and communication technologies to the different areas of action.
- Clearly expressing ideas or facts in a compelling way.
- Identifying the foundations of the main organization areas in the field of human labour.

- Identifying, analysing and solving complex problems and situations from an (economic, historical, legal, psychological, and sociological) interdisciplinary perspective.
- Properly analysing the specific situations of reconciliation of work and family life, and implementing the corresponding regulations.
- Understanding the dynamic and changing character of the labour relations in the national and international field.
- Verbally communicating and defending a project.

Learning outcomes

1. Analysing and determining the issues arisen in relation to the individual law, family law and inheritance law.
2. Analysing the situation by comparing several collective agreements and watching the historical evolution of these situations.
3. Applying the information and communication technologies to the different areas of action.
4. Clearly expressing ideas or facts in a compelling way.
5. Describing the applicable law and conflict resolution in international mobility scenarios.
6. Enumerating the regulations helping the reconciliation of work and family life.
7. Knowing the administrative act and proceedings and solving the legal-administrative problems derived from the administrative activity.
8. Knowing the concept, classes and elements of taxes and proceedings of their implementation.
9. Knowing the foundations of the legal areas of industrial relations in the specific scenario of industrial relations during the Francoism and the Spanish transition to democracy.
10. Knowing the foundations of the legal areas of industrial relations in the specific scenario of new technologies and freedom of speech and information.
11. Knowing the foundations of the legal areas of industrial relations in the specific scenario of public administrations.
12. Knowing the foundations of the legal areas of industrial relations.
13. Verbally communicating and defending a project.

Content

UNIT 1. FUNDAMENTAL RIGHTS AND NEW TECHNOLOGIES

Fundamental rights and Constitution. Fundamental rights of workers.

UNIT 2. UNION FREEDOM AND THE NEW TECHNOLOGIES

Right of the unions to use the electronic mail of the company. Conditions and restrictions.

UNIT 3. THE PROTECTION OF PERSONAL DATA OF THE WORKER

Databases in the company. Union fees and medical data.

UNIT 4. RIGHT TO PRIVACY IN THE COMPANY

Video surveillance, Control of navigation. RFID tags, biometric access and location monitoring.

UNIT 5. SECRET OF COMMUNICATIONS AT WORK

The control of the worker's email. Professional and personal mail. Reasonable use and collective agreements.

UNIT 6. FREEDOM OF EXPRESSION AT WORK

Critics within the company. Critics in social networks.

UNIT 7. DISCRIMINATION DUE TO NEW TECHNOLOGIES

Selection and discrimination at work

Methodology

Time

Monday 8h30 to 11h45

There will be a break of 15 minutes at 10a.m.

Attendance to class is not compulsory

Classroom activated on the virtual Campus

Continuous Evaluation

3 exercises in class, on materials indicated on the virtual campus. The materials may be brought into practice. They will be corrected and will be returned (50% of the total).

Intermediate exam about a sentence of the first units, which has not been seen in class. You can take the materials to the partial (see date on the virtual campus, 25% of the final grade)

Final Exam

Final exam about a sentence of any topic, which has not been addressed before. The materials can be brought to the final exam (see academic calendar, 25% of the final grade)

Revaluation

View dates on the virtual campus

Activities

Title	Hours	ECTS	Learning outcomes
Type: Directed			
General explanation of every unit	22.5	0.9	12, 10
Type: Supervised			
Final exam and Intermediate Exam	5	0.2	3, 13, 10, 4
Oral presentation of sentences prepared at home	22.5	0.9	3, 12, 10, 4
Type: Autonomous			
Preparation of classes and practice at home	95	3.8	3, 10, 4

Evaluation

Continuous Evaluation

3 exercises in class, on materials indicated on the virtual campus. They will be corrected and returned (50% in total).

Intermediate

Written exam on a new case of the first topics (25% of the final grade)

Final

Final exam about a new case of any subject (see academic calendar) (25% of the final grade)

Revaluation

The three practices can be revaluated, with the materials indicated on the virtual campus. See academic calendar (50% of the note)

Evaluation activities

Title	Weighting	Hours	ECTS	Learning outcomes
Final	25%	1	0.04	1, 2, 3, 8, 12, 10, 9, 7, 5, 6, 4
Intermediate Exam	25%	1	0.04	3, 13, 12, 10, 4
Practices at classroom	50%	2	0.08	3, 12, 11, 10, 4
Revaluation	50%	1	0.04	3, 12, 10, 4

Bibliography

GENERALS REFERENCES

PRECIADO DOMÉNECH, Carlos Hugo, *Breve historia del Trabajo y los derechos fundamentales*, Editorial Bomarzo, 2018.

VALDÉS DAL-RÉ, Fernando, *El Constitucionalismo laboral europeo y la protección multinivel de los Derechos laborales fundamentales*, Editorial Bomarzo, 2016.

GARCÍA MURICA, Joaquín (director), *Derechos del trabajador y libertad de empresa. 20 casos de jurisprudencia constitucional*, Ed. Aranzadi, 2013.

ROIG, Antoni, *Derechos fundamentales y tecnologías de la información y de las comunicaciones*, Ed. Bosch, Barcelona, 2010.

CONCRETE REFERENCES

(Also jurisprudential and doctrinal materials will be indicated on time in each subject on the virtual campus).

PRECIADO DOMÉNECH, Carlos Hugo, *El derecho a la protección de datos en el contrato de Trabajo*, Ed. Aranzadi, 2017.

CAMPAL MARTÍNEZ, Ángel Mariano, "La libertad sindical y el uso de las nuevas tecnologías de la información y la comunicación en el ejercicio de las libertades de expresión e información por los representantes de los trabajadores", *Revista General del Derecho del Trabajo y de la Seguridad Social*, núm. 27, 2011.

MERCADER UGUINA, Jesús R., *Protección de datos en las relaciones laborales*, Ed. Francis Lefebvre, 2018.

APARICIO ALDANA, R.K., *Derecho a la intimidad y a la propia imagen en las relaciones laborales*, Thompson Reuters Aranzadi, 2016.

