

Employment and Social Security Law II

Code: 102291
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OB	3	2

Contact

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Use of languages

Principal working language: spanish (spa)
Some groups entirely in English: No
Some groups entirely in Catalan: Yes
Some groups entirely in Spanish: Yes

Teachers

Maria Teresa Calzada Balcells
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Jorge Perez Perez
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Prerequisites

In order to achieve the learning results proposed, it is highly recommended that the student has studied and passed the third year course "Labour and Social Security Law I".

Passing the course is not an official prerequisite for taking Labour and Social Security Law II, but it is a proper basis for being in a position to pass it.

Objectives and Contextualisation

Labour Law II is a subject that is taught in the second term of the third year of Law degree,

based on the knowledge gained from the structural elements of the subject matter that have been the subject of Labour and Social Security Law I.

This is a subject that develops the legal regime of access to employment, recruitment and training. rights and duties of salaried workers, of the powers of management, and of the

business organisation, as well as the modification, discontinuation and termination of the employment relationship.

Content

Unit 1

ACCESS TO / WORK AND GENERAL CONFIGURATION OF THE EMPLOYMENT CONTRACT

1. Access to work

1.1 Right to work and duty to work

1.2 Occupation policy: concept, subjects and measures

1.3 Placement and mediation in the labour market: public services and other parties involved

2. Employment contract

2.1 Origin and historical evolution

2.2 Concept and Characters

2.3 Structure

2.4 Constitutive and regulatory functions

2.5 Typology

3. Special regime employment contracts and relationships

Unit 2

FORMATION OF THE WORK CONTRACT: ELEMENTS AND INITIAL PHASE

1. Validity budgets of the work contract: capacity of the parties to contract

1.1 Capacity to contract as a worker.

2.1 Condition

2.2 Time limit

3. Form and formalities of the employment contract

4. Validity and effectiveness of the employment contract

5. Legal regime

Unit 3

MODALITIES AND TYPOLOGY OF THE EMPLOYMENT CONTRACT

1. Permanent and fixed-term employment: stability and flexibility of employment

2. Permanent employment contracts of indefinite duration

2.1 Indefinite employment contract for an employer

2.2 Permanent-continuous employment contract

2.3 Permanent employment contract for an indefinite period of support for entrepreneurs

2.4. 3. Structural fixed-term employment contracts

3.1 Employment contracts for specific works or services

3.2 Temporary employment contracts due to production circumstances

3.3 Temporary employment contracts

4. Fixed-term work contracts for a mixed cause

4.1 Training contracts: training and apprenticeship employment contract and work experience contract

4.2 Relief contract

5. Part-time contract

6. Other forms and types of employment contract

UNIT 4

BUSINESS POWERS AND DUTIES OF THE PARTIES

1. The management power of the employer

2. The duties of the worker

3. Duties of the worker

3.1 Duty to work

3.2 Dependence and duty of obedience

3.3 Duty of diligence: due performance, collaboration and contribution to productivity improvement

3.4 Duty of good faith.

4. The employer's duties

4.1 Duty to protect the employee's professional capacity

4.2 Duty to protect the employee's person

4.3 Duty to protect the employee's property. Employee's inventions

5. Occupational health and safety rights and duties: rights and obligations of the employer and employee

Unit 5

WORKING HOURS AND INTERRUPTIONS

1. The working day

1.1 Concept, basis and type

1.2 Ordinary working day and special working days

1.3 Extraordinary working day. Overtime

2. Working hours

2.1 Concept

2.2 Establishment and modification

2.3 Classes

2.4 Night work hours

2.5 Shift work

3 Interruptions of the working day

3.1 Concept

3.2 Assumptions: periodic and non-recurrent interruptions

3.3 Effects

4. Periodic interruptions

4.1 Daily rest

4.2 Weekly rest

4.3 Annual rest: annual rest

4.4 Work holidays

4.5 Work calendar

5 Non-recurrent interruptions: permits and licenses

UNIT 6

WAGE BENEFITS

1. Wages

1.1 Concept

1.2 Legal and economic characteristics

1.3 Extra-wage payments

2. Wage arrangements and systems

3. Wage structure

3.1 Basic wage

3.2 Wage supplements

4. Wage fixing

4.1 Heterogeneous fixing: minimum inter-professional wage

4.2 Conventional fixing: wage according to collective agreements

4.3 Absorption and compensation

5. Place, time and method of payment

6. Protection of wages

6.1 Due payment surcharge

6.2 Privileges of wage credit

6.3 Unseizability of wages

6.4 The Wage Guarantee Fund

UNIT 7

MODIFICATION OF THE EMPLOYMENT CONTRACT

1. Modification of the employment contract

1. Concept

1.2 Modalities

1.3 Effects

2. Functional mobility

2.1 Concept and limits

2.2 Modalities

2.3 Effects

3. Geographical mobility

3.1 Concept and limits

3.2 Modalities: movement and transfer

3.3 Effects

4. Substantial changes in working conditions

4.1 Concept and limits

4.2 Manifestations

4.3 Effects

5. Succession of companies

UNIT 8

THE SUSPENSION OF THE EMPLOYMENT CONTRACT

1.1 Concept

1.2 Causes

1.3 Effects

2. Cases of suspension of the employment contract

2.1 For reasons concerning the employee

2.2 For reasons concerning the employer

2.3 For reasons beyond the control of the parties

2.4 Special consideration of leave of absence

UNIT 9 TERMINATION OF THE EMPLOYMENT CONTRACT

1. The termination of the employment contract

1.1 Concept and grounds

1.2 Causes

1.3 Effects

2 Assumptions of termination of the employment contract

2.1 By decision of the employee

2.2 By will of both parties

2.3 By decision of the employer

2.4 By decision of the employer

3. Termination for objective reasons

3.1 Concept

3.2 Causes

3.3 Procedure

3.4 Effects

UNIT 10 DISMISSAL AS A CAUSE OF TERMINATION OF THE EMPLOYMENT CONTRACT

1. Disciplinary dismissal

1.1 Concept

1.2 Causes

1.3 Procedure: form, place and time

1.4 Effects

2. Collective redundancies

2.1 Concept

2.2 Causes

2.3 Procedure: consultation periods and regulatory dossier

2.4 Effects

UNIT 11

SPECIAL REGIME LABOUR CONTRACTS

1. Special regime employment contracts

1.1 Characterisation and meaning

1.2 Speciality of the legal system and supplementation of common regulations

2. Type and legal regime

2.1 Senior management personnel contract

- 2.2 Family home personnel contract
- 2.3 Professional sportsmen contract
- 2.4 Artists contract for public shows
- 2.5 Commercial operators contract
- 2.6 Disabled people contract for special work centres
- 2.7 Civilian personnel contract for military establishments
- 2.8 Harbour dockers
- 2.9 Prisoners to penitentiary institutions
- 2.10 Resident health graduates
- 2.11 Lawyers in legal offices
- 2.10 Others