

Employment and Social Security Law I

Code: 102292
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OB	3	1

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

Josep Maria Fuste Miquela

Prerequisites

There are no prerequisites.

Objectives and Contextualisation

Labour Law I is a subject taught in the first term of the third year of studies. This is a subject that allows the student to acquire the structural elements of a subject that is continued in the second term in the course **Labour Law II**.

Labour Law I has the academic utility of establishing the basic conceptual bases of the sources of the labour legal system, delimiting its object and its individual and collective subjects.

From a training perspective, Labour Law I aims to achieve a number of objectives for the student, among which the following are particularly noteworthy:

- Identify the purpose, sources and principles of labour law.
- To differentiate between the various subjects who interact in the field of Labour Law.
- Identify collective labour rights, participation, negotiation and conflict, with special attention to freedom of association, its subjective scope and its content.

Content

LESSON 1. TRAINING PROCESS AND PURPOSE OF LABOUR LAW

1. Process of historical and legal training in Labour Law.
2. Delimitation of the object: Voluntary work performed under subordination and dependence
 - 2.1 Substantive budgets: voluntary, external, subordination and salary retribution
 - 2.2 Adjective budgets: inclusions and exclusions
3. Related cases: execution of works, provision of services and others
4. Self-employment. Modalities. Legal regime.

LESSON 2. SUBJECTS OF THE EMPLOYMENT RELATIONSHIP

1. The worker
 - 1.1 Concept

- 1.2 Typology
- 1.3 Foreign workers
- 2. The entrepreneur
 - 2.1 Concept
 - 2.2 Typology
 - 2.3 Business interposition: contracts, subcontracts and the assignment of workers
- 3. The company and the workplace
 - 3.1 The employment concept of a company
 - 3.2 The workplace
 - 3.3 Enterprise groups
- 4. The temporary employment agency
 - 4.1 Concept, requirements and public control
 - 4.2 Legal regime of the employment contract
 - 4.3 Provision contract. Worker and user company relations
- II. SOURCES OF LABOUR LAW AND THEIR APPLICATION
- LESSON 3 STATE AND AUTONOMOUS SOURCES
 - 1. Sources of labour law: regulatory powers and labour standards
 - 2. 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. In particular the right to non-discrimination on grounds of sex.
 - 3. The laws
 - 4. Regulatory standards
 - 5. Regulatory powers of the Autonomous Communities
- LESSON 4 INTERNATIONAL AND COMMUNITY SOURCES
 - 1. Internationalization of labour law: international labour standards, typology and internal efficiency
 - 2. The International Labour Organization
 - 2.1 Origins, principles and objectives
 - 2.2 Organizational and functional structure
 - 2.3 The normative role of the ILO: Conventions, Recommendations and Resolutions
 - 3. The European Union
 - 3.1 Economic and social origins, principles and objectives
 - 3.2 The regulatory role of the EU: treaties, regulations and directives
 - 3.3 Community social policy and content of Community social law
 - 4. Other international organizations and their normative action in labour matters.
- LESSON 5 PROFESSIONAL AND OTHER SOURCES
 - 1. Collective autonomy: configuration, subjects and manifestations
 - 2. Collective bargaining: configuration, subjects and manifestations
 - 3. Collective agreements:
 - 3.1 Concept
 - 3.2 Typology and nature
 - 3.3 Effectiveness
 - 4. The labor custom
 - 5. General principles of law
 - 6. The jurisprudence
 - 7. The supplementary right
- LESSON 6 APPLICATION OF LABOUR STANDARDS
 - 1. Hierarchy of labour standards and principles of interpretation and application
 - 2. Interpretation of labour standards and pro-worker principle
 - 3. Principles for the application of labour standards
 - 3.1 Concurrence of rules and principle of a more favourable rule
 - 3.2 Temporary succession of rules and most beneficial condition principle
 - 3.3 Principle of the inalienability of workers' rights
 - 4. Application of the rules in time and space
- III. COLLECTIVE LABOUR LAW
- LESSON 7 FREEDOM OF ASSOCIATION: GENERAL ASPECTS AND INDIVIDUAL FREEDOM OF ASSOCIATION
 - 1. Concept and legal regulation of freedom of association

- 2. Individual Freedom of Association: Concept
 - 3. Collective Freedom of Association: Concept
 - 4. Individual freedom of association
 - 4.1 Subjective scope: inclusions, exclusions and limitations
 - 4.2 Content: Positive and negative trade union membership rights and the right to trade union activity
- LESSON 8 COLLECTIVE FREEDOM OF ASSOCIATION: TRADE UNIONS. THE PROTECTION OF FREEDOM OF ASSOCIATION

- 1. The union
- 1.1 Concept and functions
- 1.2 Typology
- 1.3 Legal regime: constitution, status, financing, functioning and responsibilities
- 2. Trade union representativeness
- 2.1 Concept and rationale
- 2.2 Criteria for determining trade union representativeness: state, regional and sectoral levels
- 2.3 Representation and trade union action
- 3. Protection of freedom of association

LESSON 9 BUSINESS PARTNERSHIPS

- 1. The right of business association: constitutional regime and its normative regulation
- 2. Business associations
- 2.1 Concept, functions and typology
- 2.2 Legal framework: constitution, organisation and operation
- 3. Representativeness: concept, criteria for determination and recognized attributions

LESSON 10 GENERAL CONFIGURATION AND REGULATION OF PARTICIPATION

- 1. General settings
- 1.1 Workers' participation: trade union representation and action
- 1.2 Participation in the enterprise: systems and degrees
- 1.3 Institutional participation: systems and degrees
- 2. Constitutional regime and regulatory development
- 3. The unitary representation of workers in the company: personnel delegates and works councils
- 3.1 Areas of implementation
- 3.2 Organizational structure and electoral procedure
- 3.3 Functions and powers
- 3.4 Guarantees for the performance of its functions
- 4. Trade union representation of workers in the company: trade union sections and trade union delegates
- 4.1 Areas of implementation
- 4.2 Organizational structure
- 4.3 Functions and powers
- 4.4 Guarantees for the performance of its functions
- 5. Other representative bodies. Special consideration in matters of health and safety in the company: prevention delegates and health and safety committees
- 6. The right of assembly. Assembly of workers
- 7. Institutional participation.

LESSON 11 COLLECTIVE BARGAINING AND COLLECTIVE AGREEMENTS

- 1. Collective bargaining: concept, characteristics and foundations
- 2. Constitutional recognition and policy development
- 3. Types of negotiable agreements: statutory collective agreements, extra-statutory collective agreements and company agreements
- 4. The statutory collective agreement
- 4.1 Concept, classes and efficiency
- 4.2 Negotiating units: scope, negotiating parties and their negotiating capacity and legitimacy
- 4.3 Content: delimiter, normative and obligatory
- 4.4 Negotiation procedure: initiative, communications, constitution of the negotiating committee, deliberation, adoption of agreements, registration, deposit and publication
- 4.5 Legality check
- 4.6 Implementation issues: validity, duration, interpretation and concurrence of agreements
- 4.7 Adhesion and extension
- 5. Extra-statutory collective agreements
- 5.1 Concept and rationale

5.2 Classes

5.3 Legal regime. Efficiency

6. Company agreements and pacts

7. Social concertation: negotiated legislation, social pacts and framework agreements

LESSON 12 RIGHT TO STRIKE, LOCKOUT AND COLLECTIVE BARGAINING PROCEDURE

1. The Collective Work Conflict: Concept and Classes

2. The strike

2.1 Concept

2.2 Constitutional recognition and normative regulation

2.3 Ownership, modalities, purposes and limits

2.4 Procedure and exercise of the right to strike

2.5 Effects

3. The lockout

3.1 Concept

3.2 Constitutional recognition and normative regulation

3.3 Ownership and causes

3.4 Procedure

3.5 Effects

IV. LABOUR ADMINISTRATION AND SOCIAL JURISDICTION

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1. L'administració laboral.

1.1. Organisation and competences

1.2 Organic and functional structure of the labour administration: central, peripheral and institutional

1.3 Labour and Social Security Inspectorate

1.4 Labour administration of the Autonomous Communities

1.5. Potestat sancionadora: infraccions i sancions

2. Social jurisdiction

2.1 Jurisdictional bodies of the social order

2.2 Extension and limits of social jurisdiction.