

**Social Security Law**

Code: 102293  
 ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OT	4	0

**Contact**

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**Use of languages**

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

**Teachers**

David Gutierrez Colominas

**Prerequisites**

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In order to achieve an optimal follow-up of the matter, it is advisable to have studied Labour Law I and II, given that some institutions of the employment contract - particularly the suspension and termination of the employment contract - have impact on the protective action of Social Security.

**Objectives and Contextualisation**

**Goals**

Social Security Law is taught in the fourth year of law degree. It is a matter of economic and social impact, and with a clear impact on the activity of companies and on the lives of individuals. Social security law has become increasingly independent of Labour Law since the Social Security Law pretends the protection of all citizens, not only those who have carried out or are carrying out a work or a professional activity.

However, the location of Social Security Law on the Company itinerary requires an emphasis in business obligations, as well as in the protection of persons who have engaged in an activity covered by the general social security scheme, which is the scheme which affects most companies.

From the formative point of view, the specific purposes of Social Security Law are:

- Identify the concept, object, sources and competences of the state, autonomous community and European Union.
- Differentiate between the subjective scope of the social security system, levels of protection, financing and management.
- Identify the obligations of companies with regard to acts of communication (registration, affiliation, etc) and of contribution. Differentiate between professional and common contingencies.

- Identify the technical benefits, subsidies and pensions provided by the Social Security system. Differentiate them from the benefits that can be dispensed from the business forecast.

## **Content**

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#### **Social Security Law**

##### **HISTORICAL FORMATION AND CONFIGURATION**

###### **LESSON 1. HISTORICAL FORMATION AND CONFIGURATION**

1. Social risks and the protection of states of need.

Non-specific techniques: savings, charity and private insurance.

1.2. Specific protection techniques: workers' mutual insurance, compulsory social insurance and social security.

2. Regulatory background: from social insurances to social security.

3. Concept of the Social Security system and its inclusion in the Social Protection system as a whole.

##### **II. SPANISH SOCIAL SECURITY SYSTEM**

##### **UNIT 2. LEGAL SYSTEM OF THE SOCIAL SECURITY SYSTEM**

1. Legal regulation of the social security system.

1.1. Constitutional recognition of Social Security and its legal and regulatory development.

1.2. The concept of social security law and its reporting principles.

1.3. Social Security Reform.

2. Legislative power of the Autonomous Communities in matters of Social Security.

3. Internationalization of Social Security Law.

3.1. Internal rules of international content.

3.2. European standards.

3.3. International conventions.

##### **UNIT 3. CONFIGURATION OF THE SPANISH SOCIAL SECURITY SYSTEM**

1. Subjective scope of the social security system.

1.1. Criteria delimiting the subjective scope

1.2. Subjective scope of the contributory level

1.3. Subjective scope of the non-contributory level.

2. Levels of the social security system.

2.1. Contributory level.

2.2. Non-contributory level.

3. Structure of the contributory level of Social Security.
  - 3.1. General Regime.
  - 3.2. Special schemes. Special systems.
4. Protective action of the Social Security system.
  - 4.1. General aspects of the protective action:
    - A) Characteristics: a) inalienability; b) unseizability; c) taxable nature; d) number of payments for pension.
    - (B) Rules common to benefits: (a) limitation and forfeiture; (b) refund for undue collection; (c) amount (d) updating of pensions.
  - 4.2. Basic protective action: protected situations and performance.
  - 4.3. Complementary protective action: Social services, social assistance and voluntary improvements.

#### **UNIT 4. FINANCING AND MANAGEMENT OF SOCIAL SECURITY**

1. Social Security Financing.
  - 1.1. Approach: models for financing social security systems.
  - 1.2. Funding principles: single fund, separation of sources and contributory service
  - 1.3. Sources of funding and financial rebalancing mechanisms
  - 1.4. Financing of the non-contributory level of social security
  - 1.5. Financing the level of social security contributions.
  - 1.6. The sustainability factor in the pension system.
2. Social Security Management.
  - 2.1. Legal aspects of social security management.
  - 2.2. Management Entities and Common Services.
  - 2.3. Collaborating entities: mutual insurance companies for accidents at work and companies.
  - 2.4. Autonomous Communities and Social Security management.

#### **III. GENERAL SOCIAL SECURITY SYSTEM**

##### **UNIT 5 SUBJECTIVE SCOPE AND FRAMING ACTS**

1. Subjective scope of the General Social Security System.
  - 1.1. Inclusions.
  - 1.2. Exclusions.
2. Registration of companies.
  - 2.1. Concept.
  - 2.2. Subjects.
- 2.3. Purpose.

3. Affiliation of workers. Additions and deletions.

3.1. Concept.

3.2. Subjects: Affiliate, affiliate and affiliator.

3.3. Purpose: affiliation, registrations and cancellations.

4. Social Security Contribution.

4.1. Concept.

4.2. Entities: liable, responsible and receiving.

4.3. Purpose: the fees and their determination, the items for which they are listed, the basis and types of listing.

4.4. Special contribution assumptions.

4.5. Collection. Deferment and fractioning.

## UNIT 6: CAUSATIVE EVENT AND PROTECTIVE ACTION

1. Causing facts.

1.1. Concept.

1.2. Classes and classification: common and professional facts.

2. Professional facts: accident at work and occupational disease.

2.1. Concept.

2.2. Causal links.

2.3. Business liabilities: special reference to the surcharge for services and compensation at the employer's expense.

3. Common causal facts: common accident, common illness, maternity and others.

4. Protective action.

4.1. Situations of protected need (referral)

4.2. General scheme of benefits:

A) Modalities (referral B) Benefit determination systems: basis, type and amounts to both raised.

C) Admission requirements: waiting period and registration status.

D) Business responsibilities for benefits.

## UNIT 7: PROTECTIVE ACTION (I): HEALTH ALTERATION, WORK INCAPACITY AND MATERNITY

1. Health impairment.

1.1. Concept and configuration.

1.2. Beneficiaries. Requirements.

1.3. Benefits: health care and other benefits.

- 1.4. Performance management and dynamics.
2. Temporary incapacity for work.
  - 2.1. Concept.
  - 2.2. Beneficiaries: Conditions.
  - 2.3. Benefits. Special consideration of temporary disability benefit.
- 2.4. Performance management and dynamics.
3. Maternity paternity. and risk during pregnancy and lactation.
  - 3.1. Concept.
  - 3.2. Beneficiaries. Requirements.
  - 3.3. Benefits. Special consideration of maternity benefit.
- 3.4. Performance management and dynamics.
- 3.5 Paternity allowance.
- 3.6. Risk benefit during pregnancy.
- 3.7. Risk benefit during breastfeeding.
- 3.8 Childcare allowance for children with cancer or serious illness.

4. Permanent disability.
  - 4.1. Concept.
  - 4.2. Grades.
  - 4.3. Beneficiaries. Requirements.
  - 4.4. Benefits. Special consideration of cash benefits.
- 4.5. Performance management and dynamics.

5. Permanent nondisabling injuries.

## UNIT 8. PROTECTIVE ACTION (II): RETIREMENT AND DEATH AND SURVIVAL

1. Retirement.
  - 1.1. Concept.
  - 1.2. Beneficiaries. Requirements.
  - 1.3. Benefits. Special consideration of the retirement pension.
  - 1.4. Performance management and dynamics.
  - 1.5. Special cases of early retirement.
2. Death and survival.
  - 2.1. Protected concept and situations.

- 2.2. Causing subject and made causative. Requirements.
- 2.3. Beneficiaries. Requirements.
- 2.4. Benefits. Special consideration of widows' and orphans' pensions and other benefits and the money that's going to come in.
- 2.5. Performance management and dynamics.

#### UNIT 9. PROTECTIVE ACTION (III): PROTECTION OF THE FAMILY AND UNEMPLOYMENT

- 1. Protection of the family.
  - 1.1. Configuration and protected assumptions.
  - 1.2. Beneficiary subject. Requirements.
  - 1.3. Benefits: non-cash benefit and cash benefits.
  - 1.4. Performance management and dynamics.
  - 1.5. Process of confluence of contributory and non-contributory levels of protection benefits of the family.
- 2. Unemployment.
  - 2.1. Concept.
  - 2.2. General and special cases.
  - 2.3. Beneficiaries. Requirements.
  - 2.4. Benefits. Contributory level, welfare level and active insertion income.
  - 2.5. Dynamic performance management.

#### IV. SPECIAL SCHEMES AND SPECIAL SOCIAL SECURITY SYSTEMS. VOLUNTARY BENEFITS

##### UNIT 10. SPECIAL SCHEMES AND SPECIAL SOCIAL SECURITY SYSTEMS

- 1. Special schemes.
  - 1.1. Concept
  - 1.2. Typology.
- 2. Legal regulation of special regimes: protected persons, financing, protective action, management and performance dynamics.
  - 2.1. Special agricultural arrangements.
  - 2.2. Special scheme for self-employed workers.
  - 2.3. Special scheme for seafarers.
  - 2.4. Special scheme for family domestic workers.
  - 2.5. Special regime for civil servants.
  - 2.6. Other special schemes.

3. Special systems.

3.1. Concept and assumptions.

3.2. Legal regulation.

## UNIT 11. VOLUNTARY BENEFITS

1. The voluntary benefits of the protective action of the Social Security: concept and basic regime.

2. Improvements manageable by the employer.

3. Improvements in outsourced management.

3.1. - The collective insurance contract.

3.2. - The pension plan.

## V. SOCIAL SECURITY BENEFITS

### UNIT 12. STATE ASSISTANCE BENEFITS

1. Non-contributory social security benefits

1.1. Social security and non-contributory benefits: Social protection.

1.2. Constitutional and legal framework for non-contributory benefits.

2. Protected cases and non-contributory social security benefits 2.1 Pensions.

2.1.1. Invalidity pension.

2.1.2. Retirement pension.

2.2. Family benefits (remission).

Social assistance and Social Security Services.

1. Protection by dependency

4.1. Beneficiary persons

4.2. Protective action: subjects and entities involved.

4.3. Content of the protective action.