

Labour Law

Code: 102381
ECTS Credits: 6

Degree	Type	Year	Semester
2501572 Business Administration and Management	OT	4	0
2501573 Economics	OT	2	0
2501573 Economics	OT	3	2
2501573 Economics	OT	4	0

Contact

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Use of languages

Principal working language: catalan (cat)
Some groups entirely in English: Yes
Some groups entirely in Catalan: Yes
Some groups entirely in Spanish: Yes

Teachers

Laura Noble Carpintero
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Helena Ysàs Molinero

Prerequisites

There are no prerequisites. However it is advisable to have passed the first-year course "Law", since it provides a basic understanding of the legal system that can help you understand the issues related to labour law.

Objectives and Contextualisation

Introducing students to the knowledge of the main institutions of labour law as a tool for business management and as a tool for understanding their impact on economy. Defining the scope of labour regulations and understanding the rules governing the sources of the rights and obligations at work. Analyzing the different types of employment contracts. Knowing the regulations regarding working time, salaries, the suspension of the labour employment contract and especially the termination of the contract. Introducing students to knowledge of the role of trade unions and employers' associations, as well as the role of the representation and participation of workers in the company, and the relations of collective bargaining and collective conflict.

Skills

Business Administration and Management

- Adapt professional activity and company management to the prevailing legislation.

- Capacity for independent learning in the future, gaining more profound knowledge of previous areas or learning new topics.
- Capacity for oral and written communication in Catalan, Spanish and English, which enables synthesis and oral and written presentation of the work carried out.
- Demonstrate initiative and work individually when the situation requires it.
- Manage conflicts of interest and in particular conflicts involving proposals for the fair distribution of value generated.
- Organise the work in terms of good time management, organisation and planning.
- Select and generate the information necessary for each problem, analyse it and take decisions based on that information.
- Work well in a team, being able to argue proposals and validate or reject the arguments of others in a reasoned manner.

Learning outcomes

1. A capacity of oral and written communication in Catalan, Spanish and English, which allows them to summarise and present the work conducted both orally and in writing.
2. Analyse the process of the distribution of profits resulting from commercial and tax legislation.
3. Apply the law to work-related or commercial conflicts.
4. Capacity to continue future learning independently, acquiring further knowledge and exploring new areas of knowledge.
5. Demonstrate initiative and work independently when required.
6. Organise work, in terms of good time management and organisation and planning.
7. Select and generate the information needed for each problem, analyse it and make decisions based on this information.
8. Use the commercial, tax and labour law that is currently in force in Spain.
9. Work as part of a team and be able to argue own proposals and validate or refuse the arguments of others in a reasonable manner.

Content

UNIT 1 CONCEPT, FUNCTIONS AND OBJECT OF LABOUR LAW

1. Concept 2. Functions 3. Delimitation of the object of labour law 3.1 Voluntariness, working for someone else, subordination and wage payment 3.2 Exclusions 3.3 Inclusions: special labour relations 4. Cases related. Independent work: concept and typology

UNIT 2 SOURCES THAT REGULATE THE LABOUR RELATIONS AND PRINCIPLES OF IMPLEMENTATION

1. European and international standards 2. The Spanish Constitution 3. State regulations 4. Collective bargaining 5. The autonomy of the parties' will 6. Principles of implementation.

UNIT 3 ACCESS TO EMPLOYMENT AND GENERAL ISSUES ON EMPLOYMENT CONTRACTS

1. Access to work. Intermediation in the labour market: public services and other actors involved 2. Temporary work agencies 3. Employment contract: concept, characters and constitutive and regulatory functions 4. Employers and employees as parties to the employment contract. Typology. Contractual capacity 5. Form and formalities of the employment contract 6. Validity and effectiveness of the employment contract 7. Probationary period and other typical terms

UNIT 4 TYPES OF EMPLOYMENT CONTRACT 1. Permanent contracts 1.1 Ordinary permanent contract 1.2 Permanent contracts used as employment policy

1.3 Permanent-seasonal contract 2. Temporary contracts 2.1 Structural temporary contracts 2.2 Training contracts 2.3 Other temporary contracts 3. Part-time work and other forms and types of employment contracts.

UNIT 5 DEVELOPMENT OF LABOUR RELATIONS (I). RIGHTS AND OBLIGATIONS. 1. The employer's management power 2. The employer's disciplinary power 3. The duties of the employee. Special reference to the duty of obedience and the duty of good faith 4. The duties of the employer. Special reference to the duty of health and safety at work

UNIT 6 DEVELOPMENT OF LABOUR RELATIONS (II). WORKING TIME AND SALARY.

1. Ordinary working time and special working time 2. Ordinary working time. Quantitative and distributive elements 3. Extraordinary working time (overtime) 4. Schedule and Calendar 5. Working time interruptions: breaks and permissions 6. Concept and types of salaries. 7. Non-wage payments. 8. Wage structure and wage determination 9. Payment of wages and protection

UNIT 7 DEVELOPMENT OF LABOUR RELATIONS (III). MODIFICATIONS TO THE SERVICE

PERFORMANCE. 1. Occupational classification 2. Functional mobility 3. Geographical mobility 4. Substantial changes to working conditions 5. Change of employer: business succession

UNIT 8 SUSPENSION OF LABOUR RELATIONS

1. Concept, causes and effects 2. Suspension of contract for reasons related to the worker 3. Suspension of contract for reasons related to the employer 4. Suspension of contract for reasons beyond the control of the parties 5. Special consideration of extensive leaves of absence

UNIT 9 TERMINATION OF LABOUR RELATIONS

1. Concept, causes and effects 2. Termination for objective reasons 3. Collective dismissal 4. Disciplinary dismissal

UNIT 10 THE IMPACT OF COLLECTIVE LABOUR LAW IN BUSINESS DYNAMICS

1. Trade unions and employers' organizations in labour relations 2. Union and unity representation in the company. Rights and guarantees 3. The collective bargaining as a means of regulating working conditions 3.1 Types and effectiveness of collective agreements 3.2 Negotiators and procedure 3.3 Contents of the agreement 4. Relations of conflict 4.1 The right to strike 4.2 The lockout 4.3 Autonomous systems of dispute resolution. Conciliation, mediation and arbitration

Methodology

1. DIRECTED ACTIVITIES

Directed activities are those that take place in the classroom at the subject's scheduled times and under the direction of the lecturer. They can consist of lectures or practical classes.

1.1. Lectures Lectures consist in the presentation by the lecturer of various aspects of the subject's programme, based on the applicable regulations and, in some cases, on the materials previously provided through the Virtual Campus.

1.2. Practical classes Practical classes consist in the execution of 3 practical units. Each unit includes preparatory work outside the classroom (a volume of approximately 15 hours) and work in the classroom (2 sessions, 2 hours each). Both the work outside and in the classroom require carrying out a series of tasks in different formats: identification and study of the regulatory framework of a particular institution, reading and understanding of jurisprudence, solving legal problems that commonly arise in practice, etc. During the second session of each practical unit, an assessed individual activity will be held in the classroom. In some cases the aim of the practical activities will be to analyze in depth issues that have been dealt with during the lectures and in other cases new issues that have not been addressed earlier will be examined.

2. SUPERVISED ACTIVITIES

Supervised activities are carried out outside the classroom, based on the information provided by the lecturer, and are subject to some kind of supervision or monitoring process by the lecturer. As already pointed out, previous work needed for the preparation of practical activities generates a series of varied tasks to be executed outside the classroom that are then supervised and verified through the classwork proposed as part of the same activity.

3. INDEPENDENT ACTIVITIES

The independent activities are those in which the students organize their time and effort autonomously, either individually or in groups, such as the research and the study of literature, drawing schemes or summaries, etc. In this subject the essential part of independent activities are linked to the preparation of the final written exam.

Activities

Title	Hours	ECTS	Learning outcomes
Type: Directed			
Practice	14	0.56	1, 4, 6, 7, 9
Theory	31	1.24	3, 4, 8
Type: Supervised			
Research and analysis of legal documents (literature, regulations, jurisprudence, etc.)	20	0.8	7, 9, 8
Solving practical cases	10	0.4	3, 7, 9, 8
Summarization and schemes	15	0.6	4, 6, 7
Type: Autonomous			
Study	55	2.2	2, 3, 1, 4, 6, 7, 8

Evaluation

The assessment system is made up of two elements: the continuous assessment of practical activities and the final exam.

1. CONTINUOUS ASSESSMENT OF PRACTICAL ACTIVITIES Continuous assessment will consist of three evaluation tests to verify the competence acquisition worked throughout every activity. These three assessment tests will take place during the second session of every practical activity and they will consist of a 10 to 15-question multiple choice questionnaire and / or the resolution of one to two written theoretical-practical questions on the subject worked throughout the activity. Each test is scored from 0 to 10 points. The average mark of these tests will conform 50% of the final mark IF THE MARK OBTAINED IN THE FINAL EXAM IS AT LEAST 4 OUT OF 10.

2. FINAL EXAM The purpose of the final exam, which is scored from 0 to 10 points will be to verify the acquisition of skills worked through the theoretical and practical classes. The score obtained in the final exam will comprise 50% of the grade for the course. The exam will consist of two blocks of questions to answer: a) 25 multiple choice questions. 0,2 points each (0,1 points deducted for every mistake): 5 points. b) 3 to 5 medium-length questions (between 10 and 15 minutes each). 5 points. Total score of 10 points (5+5)

3. FINAL GRADE FOR THE COURSE

The final grade for is obtained by summing up the grade obtained in continuous assessment of practical activities and the grade obtained in the final exam and divided into 2 (that is 50% and 50% respectively). The course will be Passed if the resulting mark is greater than or equal to 5 out of 10 IF THE FINAL EXAM MARK IS GREATER THAN OR EQUAL TO 4 OUT OF 10. If the mark obtained in the final exam is under 4, the mark obtained in the continuous assessment of practical activities will not be added and the grade of the course will be Failed with the mark obtained in the final exam.

REASSESSMENT. All students who have failed the course have access to reassessment, provided that they have taken the final exam. Additionally, it is required that the student to have achieved **an average grade of the subject between 3.5 and 4.9**.

The reassessment will consist of an exam similar to the final exam described in section 2. The reassessment grade will only have two possible options: Pass (Aprovat) or Fail (Suspès). If the student obtains a Pass grade (s)he is considered to have passed the course with a numerical grade equal to 5. If a student receives a grade of Fail, (s)he fails the course and the final grade will be equal to that obtained before the reassessment.

EXAMINATION SESSIONS A student can only get an "Absent" in the course if (s)he has not participated in the final exam.

Calendar of evaluation activities

The dates of the evaluation activities (midterm exams, exercises in the classroom, assignments, ...) will be announced well in advance during the semester.

The date of the final exam is scheduled in the assessment calendar of the Faculty.

"The dates of evaluation activities cannot be modified, unless there is an exceptional and duly justified reason why an evaluation activity cannot be carried out. In this case, the degree coordinator will contact both the teaching staff and the affected student, and a new date will be scheduled within the same academic period to make up for the missed evaluation activity." **Section 1 of Article 115. Calendar of evaluation activities (Academic Regulations UAB)**. Students of the Faculty of Economics and Business, who in accordance with the previous paragraph need to change an evaluation activity date must process the request by filling out an **Application for exams' reschedule**

https://eformularis.uab.cat/group/deganat_feie/application-for-exams-reschedule

Graderevision process

After all grading activities have ended, students will be informed of the date and way in which the course grades will be published. Students will be also be informed of the procedure, place, date and time of grade revision following University regulations.

Retake Process

"To be eligible to participate in the retake process, it is required for students to have been previously been evaluated for at least two thirds of the total evaluation activities of the subject." **Section 3 of Article 112 ter. The recovery (UAB Academic Regulations)**. Additionally, it is required that the student to have achieved **an average grade of the subject between 3.5 and 4.9**.

The date of the retake exam will be posted in the calendar of evaluation activities of the Faculty. Students who take this exam and pass, will get a grade of 5 for the subject. If the student does not pass the retake, the grade will remain unchanged, and hence, student will fail the course.

Irregularities in evaluation activities

In spite of other disciplinary measures deemed appropriate, and in accordance with current academic regulations, *"in the case that the student makes any irregularity that could lead to a significant variation in the grade of an evaluation activity, it will be graded with a 0, regardless of the disciplinary process that can be instructed. In case of various irregularities occur in the evaluation of the same subject, the final grade of this subject will be 0"*. **Section 10 of Article 116. Results of the evaluation. (UAB Academic Regulations)**.

Evaluation activities

Title	Weighting	Hours	ECTS	Learning outcomes
Continuous assessment of practical activities	50%	3	0.12	2, 3, 1, 4, 5, 6, 7, 9, 8
Final Exam	50%	2	0.08	2, 3, 1

Bibliography

Due to the important reforms regarding labour law passed in 2012 it is STRICTLY NECESSARY that students use literature edited from September 2012 on (preferably September 2015). Previous editions are of no use to prepare some parts of the programme. At the beginning of the course the lecturer will answer any questions regarding this issue.

1. Handbook

-GÓMEZ ABELLEIRA, F.: Handbook of Spanish Employment Law. Tecnos, Madrid, 2012.

2. Law compilations

The lecturer will inform of the legislation that the students will have to use.

3. Webpages

The webpages that will mainly have to be used are the databases Westlaw, Tirant online and La Ley. You have free access to them from the library webpage ("Databases" in "Ressources" -also through the Trobador-). To have access to legislation the use of Boletín Oficial del Estado is recommended (free access):
<http://www.boe.es/legislacion/legislacion.php>