

Employment Law I

Code: 100489
ECTS Credits: 6

Degree	Type	Year	Semester
2500258 Labour Relations	FB	1	2

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

Teachers

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Prerequisites

For the purposes of an adequate study of Labour Law I, a good knowledge and understanding on the part of the students of the basic institutions studied in the Civil Law and Constitutional Law programme is of great interest. At the same time, the study of the discipline requires an appropriate deepening of the subjects included in History of Law and Institutions, integrated in the first part of the academic year.

Objectives and Contextualisation

Labour Law I is a subject taught during the second semester of the first year of studies. The course is designed to help students acquire a basic knowledge of the subject - Labour Law in a broader sense-, which is an essential pillar of the studies. Thus, Labour Law I has the academic utility of linking the topics that will then be developed in the various subjects given by the Labour Law and Social Security Unit. In this sense, Labour Law I is the basis from which Labour Law II and III, as well as Collective Labour Law will develop. Additionally, the training given in Labour Law I has an impact on other subjects belonging to the general field of Labour Law.

From a training perspective Labour Law I aims to provide students with the opportunity to achieve various objectives, including:

- Identify the legal relationships regulated by Labour Law, its sources and its principles.
- Learn about the concepts employee and employer.
- Identify the right to freedom of association, its beneficiaries and its manifestations, as well as the employers' right to organize.

Competences

- Contextualising the social events from a (geographical, historical, economic, ecological, sociopolitical or cultural) global point of view.
- Drawing up and formalising reports and documents.
- Identify the foundations of the main legal and organisational areas in the field of human work.
- Identifying, analysing and solving complex problems and situations from an (economic, historical, legal, psychological, and sociological) interdisciplinary perspective.
- Organising and managing the available time.
- Recognising the issues related to labour market, social security, and the implementation of legislation and jurisprudential criteria to the assumptions shown in practice.
- Students must be capable of persuading others to agree with their point of view.
- Working autonomously.
- Working effectively in teams.

Learning Outcomes

1. Analysing the concepts of worker, entrepreneur, trade union and management. Solving the problems presented in the practical cases.
2. Analysing the differences between labour legislation and labour law. Determine the issues arisen during the development of trade unionism.
3. Analysing the matters and solving labour problems by applying the legislation and jurisprudential criteria.
4. Describing the ideological assumptions of legislation and labour law.
5. Drawing up and formalising reports and documents.
6. Identifying the sources of the Labour Law.
7. Organising and managing the available time.
8. Relating the pre-liberal antecedents of the labour regulation with the interventionism of industrial relations.
9. Students must be capable of persuading others to agree with their point of view.
10. Working autonomously.
11. Working effectively in teams.

Content

LESSON 1: CONCEPT, FUNCTION AND PURPOSE OF LABOUR LAW

1. Concept, function and content of labour law
2. Delimitation of the object of regulation of Labour Law
 - 2.1 Substantive requirements: voluntariness, working for someone else, subordination and salary retribution
 - 2.2 Adjective requirements: exclusions and inclusions
3. Related cases
 - 3.1 Self-employment: concept and typology
 - 3.2. Contracts used in self-employment: execution of works and provision of services
 - 3.3 Other related cases: special reference to training internships.

LESSON 2: STATE SOURCES

1. Sources of Labour Law
2. Spanish 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
 - 2.4 Distribution of competences between State and Autonomous Communities
3. The laws
4. Lower-rank regulations

LESSON 3: PROFESSIONAL, SUPPLEMENTARY AND INDIRECT SOURCES

1. The collective agreement

2. The labor custom
3. The value of case law
4. The management power of the employer as a regulator of the employment relationship.
5. The autonomy of the will.
 - 5.1 Manifestations of the autonomy of the will.
 - 5.2. Principle of inalienability of workers' rights.

LESSON 4: APPLICATION OF LABOUR STANDARDS

1. Hierarchy of labour standards
2. Interpretation of labour standards and the pro-worker principle
3. Principles for the application of labour standards
 - 3.1 Concurrence of standards and principle of most favourable standard
 - 3.2 Temporary succession of rules and most beneficial condition principle
 - 3.3 Principle of inalienability of workers' rights (referral).

LESSON 5: SUBJECTS OF THE EMPLOYMENT CONTRACT

1. The worker
 - 1.1 Concept and typology
 - 1.2 Subjective plurality: group contract
2. The employer
 - 2.1 Concept and typology
 - 2.2 The company and the workplace
 - 2.3 Group of companies

LESSON 6: THE RIGHT TO FREEDOM OF ASSOCIATION

1. Concept
2. Sources. Constitutional configuration of freedom of association and legislative development
3. Manifestations. Individual and collective freedom of association
4. Subjective scope: inclusions, limitations and exclusions
5. Content. Right to join, right to non-affiliation, right to trade union action

LESSON 7: THE RIGHT TO COLLECTIVE FREEDOM OF ASSOCIATION. TRADE UNIONS

1. The union: concept, functions and typology
2. Legal regime of the union. Financing
3. Trade union plurality and representativeness
 - 3.1 Trade union representativeness: concept and measurement criteria
 - 3.2 Degrees of representativeness and competences

LESSON 8: THE RIGHT OF BUSINESS ASSOCIATION

1. Constitutional foundation and policy development
2. Business associations
 - 2.1 Concept, functions and typology
 - 2.2 Legal regime and financing
 - 2.3 Representativeness: concept, measurement criteria, grades and competencies

LESSON 9: LABOUR ADMINISTRATION

1. Administrative intervention in work relations.
2. Organisation and competences
 - 2.1 Organizational and functional structure of the labour administration: central, peripheral and institutional
 - 2.2 Labour and Social Security Inspection
 - 2.3 Labour administration of the Autonomous Communities
3. Sanctioning power: infractions and sanctions

LESSON 10: JURISDICTION OF THE SOCIAL ORDER

1. The social jurisdictional order
2. Work process
 - 2.1 Configuration: principles and parts
 - 2.2 Avoidance of the judicial resolution of cases

- 2.3 Start, development and completion
- 3. Means of challenge resolutions

Methodology

The centre of the learning process is the work of the students, who learn by working. The mission of the teachers is helping them in this task by providing them with information and showing them the sources where it can be obtained.

The development of the teaching of the subject and the training of the students is based on the following activities:

1. Directed activities

1.1 Master classes: where the students achieve the conceptual bases of the subject and of the normative and jurisprudential legal framework. Master classes are those activities in which less interactivity is required of the student body and are conceived as a fundamentally unidirectional method of transmitting knowledge from the teaching staff to the student body.

2. Supervised activities:

2.1 Practical classes: where the students, in smaller groups, analyse and solve previously elaborated practical cases together with the teaching staff. The cases will be solved in class although in some cases their preparation will be done in writing before the class. The basis of the practical work is the understanding and critical application of the regulations and jurisprudence related to the essential content explained during the theoretical classes.

2.2. Elaboration of cards and practices in the classroom: These are activities that the students will develop in the classroom, with the supervision and support of the teaching staff. It consists in elaborating practical cases in the classroom, abstracts of judgments and/or regulations or the realization of schemes of some epigraphs of the subject.

3. Autonomous activities:

3.1. Elaboration of documents on practical activities, which will be delivered and analysed in class.

3.2. They are practical cases proposed sufficiently in advance by the teacher, taken from the workbook, or from the preparation of case law sheets, regulations or films or other documents.

3.3. Search of bibliography and instrumental jurisprudence for the resolution of practical cases. In some cases the students will have to do the autonomous search of the documentation.

Activities

Title	Hours	ECTS	Learning Outcomes
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Type: Directed

Lectures	27	1.08	6
Type: Supervised			
Elaborating summaries and cases in class	5	0.2	9, 5, 10
Practical classes	13	0.52	6, 7, 5, 10
Type: Autonomous			
Autonomous study	50	2	2, 6, 7, 10
Reading texts	24	0.96	6, 7, 10
Searching documents and bibliography	5	0.2	7, 10
Writting deliveries	15	0.6	7, 10

Assessment

SYSTEM FOR ASSESSING THE ACQUISITION OF SKILLS. SUBJECT QUALIFICATION.

1. ASSESSMENT SYSTEM: it combines the continuous assessment developed in the practical classes and the resolution of a final exam.

1.1 Continuous assessment of the practical classes.

There will be three practical units. In order to obtain the score in continuous assessment it is required to carry out the three evaluable practical units. The practical grade will be the average of the three grades obtained.

Each practical unit will be developed in two to three sessions (one session each week) and will require a regular attendance throughout the course. The first session or two sessions will be of preparation, in which the students will have to have elaborated the theoretical and practical development of the subject of study, for its debate and resolution of exercises in the classroom. There will be a second or third session that will consist in the ASSESSMENT of the practical unit, by means of the resolution of a practical case and/or of short questions or of a multiple choice test.

Each evaluable practical unit requires an approximate dedication of 15 hours of student work, in addition to the classroom time.

The three practical units will be developed throughout the semester, approximately: Practice Unit 1 in February/ March; Practice Unit 2 in March/April; Practice Unit 3 in April/ May.

In each teaching group, the specific date or week of the activities will be published on the virtual campus before the start of teaching, without prejudice to the fact that, exceptionally and due to force majeure, these activities may, with sufficient advance notice, be modified.

1.2 Final Examination.

It will consist of the resolution of ten questions. Each of the questions of the exam will be scored from 0 to 10

points.

1.3 Qualification of the subject with the system of continuous assessment and final examination. The score obtained in the continuous evaluation of the practical units will have a value of 50% of the grade of the subject. The exam score will be the remaining 50% of the subject grade.

When the continuous assessment has been passed and a minimum of 4 points out of 10 have been obtained in the examination, the final grade of the subject will be obtained making the corresponding average. The subject will be passed if a minimum average of 5 out of 10 is obtained.

Attention:

-When the grade of the theoretical examination is lower than 4, the final grade will be Failed and it will not be possible to make the average with the practical grade. The numerical grade will be the grade obtained in the final exam.

-In order to pass, at least four of the theoretical questions must be passed. If not, the maximum mark of the exam and final mark will be 4'5.

-If the theoretical grade exceeds the practical grade, the average will not be calculated, so that the final grade will be equivalent to that obtained in the theoretical exam, as long as the practical grade is equal to or higher than 5.

2. REASSESSMENT SYSTEM: the acquisition of competences is evaluated by means of an examination.

2.1 Reassessment of the student body that has obtained a score of 5 or higher in the continuous evaluation of practices, who did not take or failed the final examination. You can take a re-evaluation exam, with the same criteria as the evaluation test.

Attention

-When the score of the theoretical examination is lower than 4, the final grade will be suspended and it will not be possible to make the average with the practical grade. The numerical grade will be the grade obtained in the final exam.

-In order to pass, at least four of the theoretical questions must be passed. Otherwise, the maximum mark of the exam and final will be 4'5.

2.2 Reassessment of students who have not taken continuous assessment or who have obtained a score of 5 or lower in the system of continuous assessment of practices. There will be a theoretical and practical examination consisting of two parts:

a) A theoretical part consisting of the resolution of ten questions. This part of the exam will have a value of 50% of the total grade.

b) A practical part that will consist in the resolution, based on law, of a practical case with the corresponding thematic content of the subject under examination.

This part of the exam will have a value of 50 per cent of the grade.

The final grade of the examination will be obtained by averaging the score obtained in the two parts and must

be equal to or higher than 5.

Attention:

-When the grade of the theoretical exam is lower than 4, the final grade will be failed and it will not be possible to make the average with the practical grade. The numerical grade will be the grade obtained in the theoretical reassessment exam.

-In order to pass, at least four of the theoretical questions must be passed. Otherwise, the maximum mark of the exam and final mark will be 4'5.

Grade review system:

-Exams and reassessment: the teacher will set a review date and time by posting a note on the virtual campus and/or by verbal information on the day of the exam.

-Assessment activities during the semester: students interested in reviewing their grades should contact the teacher by email within the period indicated in the publication of marks to set the date and time of review. The teacher may decide to group applicants in a day and time set for him / her.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Continuous assessment activities developed in class	50%	9	0.36	3, 9, 5, 10, 11
Written exam	50%	2	0.08	1, 2, 4, 6, 7, 8, 10

Bibliography

General bibliography:

- Compendio de Derecho del Trabajo (Tomo I - Fuentes y Relaciones colectivas): Albiol Montesinos, Ignacio; Camps Ruiz, Luis Miguel; López Gandía, Juan y Tomás Sala Franco. Valencia, Tirant lo Blanch, latest edition
- Compendio de Derecho del trabajo (Tomo II - Contrato Individual): Albiol Montesinos, Ignacio; Camps Ruiz, Luis Miguel; López Gandía, Juan y Tomás Sala Franco. Valencia, Tirant lo Blanch, latest edition
- Curso de Derecho del Trabajo: Ramírez Martínez, Juan Manuel; García Ortega, J.; Goerlich Peset, José María; Pérez de los Cobos, Francisco y Sala Franco, Tomás. València, Tirant lo Blanch, last edition
- Derecho del Trabajo: Alonso Olea, Manuel; Casas Baamonde, María Emilia. Madrid, Civitas. latest edition
- Derecho del Trabajo: Martín Valverde, Antonio; Rodríguez-Sañudo, Fermín y García Murcia, Joaquín. Madrid, Tecnos, latest edition
- Derecho del Trabajo: Montoya Melgar, Antonio. Madrid, Tecnos, latest edition.
- Derecho del Trabajo: Palomeque López, Manuel Carlos. Madrid, Centro de Estudios Ramon Areces, latest edition
- Derecho del Trabajo: Gala Durán, Carolina; Beltrán de Heredia Ruiz, Ignasi (dirs.). Barcelona. Huygens, latest edition

Bibliography for practical classes:

- PÉREZ AMORÓS, Francesc y SOLÀ MONELLS, Xavier (Dirs.): *Materials per a l'aprenentatge del Dret del Treball (Adaptats a l'Espai Europeu d'Educació Superior)*, Col·lecció Materials número 193, Servei de Publicacions de la UAB, latest edition

A specific bibliography for each lesson can be consulted in the book.

Regulations:

Basic social legislation. Civitas, latest edition

Labour and Social Security Legislation. latest edition

Labour and Social Security Legislation. latest edition

Web links:

<http://www.empleo.gob.es/index.htm> Ministry of Labour, Migration and Social Security.

www.treballiaferssocials.gencat.cat Department of Labour, Social Affairs and Families (Generalitat de Catalunya)

www.ilo.org. International Labour Organization.

Aranzadi Database Libraries. Its use will be commented in class.