

Employment Law III

Code: 100498
ECTS Credits: 6

Degree	Type	Year	Semester
2500258 Labour Relations	OB	2	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

In order to carry out a correct follow-up of this subject it is necessary to have previously passed the subjects "Labour Law I" and "Labour Law II", given that both offer basic training in relation to the legal framework of individual and collective labour relations without which the issues dealt with in "Labour Law III" cannot be properly understood and analysed.

Objectives and Contextualisation

The main objective of this course is to provide knowledge and understanding of the different changes, both objective and subjective, that may occur in the individual employment relationship (functional mobility, geographical mobility, substantial changes in working conditions, change of employer, suspensions and leave of absence), as well as the circumstances that may lead to their termination.

Competences

- Consulting and managing in terms of employment and labour recruitment.
- 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 deciding, sharply taking decisions and judging.
- Working autonomously.

Learning Outcomes

1. Describing the assumptions of subjective and objective modification of industrial relations.
2. Identifying the subjective and objective modification of industrial relations.

3. Solving the practical issues related with suspension and extinction of industrial relations by applying the legislation and jurisprudence.
4. Solving the problems related to the suspension and extinction of industrial relations.
5. Students must be capable of deciding, sharply taking decisions and judging.
6. Working autonomously.

Content

UNIT 1. MODIFICATIONS OF LABOUR RELATIONS (I). OVERVIEW AND FUNCTIONAL MOBILITY

1. Changing the employment relationship: introduction

1.1. Concept

1.2. Fundamentals

1.3. Classes

1.4. Effects

2. Functional mobility.

2.1. Concept and rationale.

2.2. Modalities: enumeration and configuration.

2.2.1. Within the same occupational group.

2.2.2. Between different professional groups or professional categories. Top functions and bottom functions.

2.2.3. Change of functions not agreed upon or included in the previous points.

Reasons, limits, procedure and effects of each of the modalities.

UNIT 2. MODIFICATIONS OF LABOUR RELATIONS (II). GEOGRAPHICAL MOBILITY

1. Concept and type

2. Weak or non-substantial geographical mobility: requirements and effects

3. Displacement: requirements and effects

4. Transfer: type, requirements and effects

UNIT 3. MODIFICATIONS OF LABOUR RELATIONS (III). SUBSTANTIAL CHANGE TO WORKING CONDITIONS

1. Concept and type

2. The substantial modification to working conditions foreseen for art. 41 TRLET: type, requirements, procedure and effects

3. The modification or non-application of the working conditions provided for in statutory collective agreements (art. 82.3 of the TRLET): assumptions, requirements and procedure.

UNIT 4. MODIFICATIONS OF LABOUR RELATIONS (IV). BUSINESS SUCCESSION

1. Concept and rationale

2. Procedure

3. Responsibilities

4. Effects

UNIT 5. SUSPENSION OF LABOUR RELATIONS AND LEAVE OF ABSENCE

1. Concept, rationale and effects

2. Cases of suspension of the employment relationship

2.1. Classification

2.1.1. In the interests of the worker

2.1.2. In the interests of the employer

2.1.3. In the interests of both parties

2.2. Configuration, procedure and effects of each case of suspension

3. Leave of absence

3.1. Concept and type

3.2. Legal regime of the different typologies

UNIT 6. TERMINATION OF LABOUR RELATIONS (I). GENERAL ASPECTS AND TERMINATION AT THE EMPLOYEE'S REQUEST

1. Concept

2. Type: general comparison of the cases of termination of the employment relationship

3. Termination of the employment relationship at the employee's request

3.1. Resignation

3.2. Abandonment

3.3. Gender-based violence

3.4. Causal termination

UNIT 7. TERMINATION OF LABOUR RELATIONS (II). TERMINATION AT THE WILL OF BOTH PARTIES AND FOR REASONS BEYOND THE CONTROL OF THE PARTIES

1. The termination of the employment relationship at the joint will of both parties

1.1. Mutual agreement

1.2. Causes stipulated in the contract

1.3. Expiry of the agreed time or completion of the work or service which is the subject of the contract

2. The termination of the employment relationship for reasons beyond the control of the parties

2.1. Death of the worker. Permanent disability of the worker

2.3. Employee retirement

2.4. Death, retirement or permanent disability of the employer

UNIT 8: TERMINATION OF LABOUR RELATIONS (III): DISCIPLINARY DISMISSAL

1. Concept and rationale
2. Causes
3. Procedure
4. Qualification (justified, unfair, null/void) and effects

UNIT 9: TERMINATION OF LABOUR RELATIONS (IV): OBJECTIVE, COLLECTIVE AND FORCE MAJEURE DISMISSAL

1. Dismissal for objective reasons
 - 1.1. Concept and rationale
 - 1.2. Causes
 - 1.3. Procedure
 - 1.4. Classification (justified, unfair, null/void) and effects
2. Collective dismissal
 - 2.1. Concept and delimitation with objective dismissal
 - 2.2. Causes
 - 2.3. Procedure: the occupancy regulation procedure
 - 2.4. Effects
3. Force majeure dismissal
 - 3.1. Concept
 - 3.2. Procedure and effects

Methodology

The learning process of the students in the framework of this subject will be organized from the three types of training activities that are set out below:

1. TARGETED ACTIVITIES

The directed activities are all those that are developed in the classroom, in the schedules foreseen for the subject and under the direction of the teacher. They can be theoretical or practical.

1.1. Theoretical classes

They consist of a presentation by the lecturer of various aspects of the syllabus, based on the applicable regulations and the dossiers previously provided through the Teaching Space of the subject within the Virtual Campus, which will include schemes and other materials of interest for the analysis of each of the subjects (extracts from judgments, fragments of collective agreements, etc.). For the correct monitoring of the theoretical classes, it is essential that all students have the dossier corresponding to the subject dealt with and a duly updated compilation of labour regulations during the theoretical classes.

Within the framework of the theoretical classes, small-format activities will also be carried out periodically (reading and analysis of documents, elaboration of brief diagrams, resolution of questionnaires, tests, etc.), which in some cases will be carried out individually and others in groups. The objective of these activities will be the deepening of questions previously raised by the teacher.

1.2. Practical classes

They are dedicated to the execution of nine practical activities, each one of which will imply a previous work outside the classroom and a presential work in the classroom. As much as the other will suppose the accomplishment of a series of tasks of diverse format: identification and study of the normative framework of a certain institution, reading and comprehension of jurisprudence, investigation of collective agreements, resolution of practical cases, etc. The planning of practical activities will be carried out mainly on the basis of the book *Materiales para el aprendizaje del Derecho del Trabajo* (5th Edition), UAB Publications Service, 2012.

The practical activities will be structured in three main thematic blocks: 1) the modification of the employment relationship; 2) the suspension of the employment relationship; and 3) the extinction of the employment relationship. Each thematic block will include three practical activities and an individual evaluation activity on the set of issues dealt with in the framework of each block. The dates of the three evaluation activities will be made public at the beginning of the semester through the Teaching Space of the Virtual Campus.

In the part corresponding to the previous work, the practical activities will be carried out obligatorily in groups of 3 or 4 people, which will be conformed at the initiative of the students at the beginning of the semester. In the part corresponding to classroom work, the practical activities will be carried out in groups or individually, as the case may be. The evaluation activities will be individual in all cases.

2. SUPERVISED ACTIVITIES

The supervised activities are those that are carried out outside the classroom, based on the instructions given by the teacher, and are subsequently subject to some process of supervision or monitoring by the teacher. As has already been shown, the previous work involved in practical activities generates a series of tasks of different formats that have to be carried out outside the classroom and are subsequently supervised and verified through the classroom work proposed within the framework of the same activity. Through the theoretical classes, other supervised activities may be proposed as a complement to the small format activities referred to above.

3. AUTONOMOUS ACTIVITIES

Autonomous activities are all those in which students organize their time and effort autonomously, either individually or in a group, such as research and study of bibliography, elaboration of schemes or summaries, etc. Within the framework of this subject, the essential part of the autonomous activities is linked to the follow-up of the theoretical classes and to the preparation of the final theoretical examination.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Practical classes	18	0.72	1, 3, 5, 6
Theoretical classes	24	0.96	1, 4, 5
Type: Supervised			
Case Study Resolutions	15	0.6	1, 5, 6
Preparation of legal documents	10	0.4	6

Preparation of summaries and diagrams	20	0.8	1, 4, 6
Search and analysis of legal documentation (jurisprudence, bibliography, regulations, administrative resolutions, etc.)	15	0.6	1, 3, 4
Type: Autonomous			
Study	40.5	1.62	1, 4, 6

Assessment

1. REGULAR EVALUATION SYSTEM

This system combines the continuous evaluation of the practical activities and the resolution of a final theoretical exam.

1.1 Continuous evaluation of practical activities.

The grade corresponding to the continuous evaluation of the practical activities will be the arithmetic mean of the grades obtained in the three practical evaluation activities that will be carried out during the semester.

1.2 Ordinary Final Theoretical Examination.

All students can apply, regardless of whether or not they have participated in the Practical Activities of continuous assessment. It will consist of the resolution of eight short questions, some of which may correspond to issues dealt with through the practical activities. Each of the examination questions will be graded from 0 to 10 points. The test score will be obtained from the average of the total score divided by eight.

1.3 Qualification of the subject with the ordinary evaluation system.

The score obtained through the continuous evaluation of the practical activities will have a value of 50% of the grade of the subject. The score of the final theoretical examination will have a value of 50% of the grade of the subject. In order to be able to add the score corresponding to the continuous evaluation of the practical activities it is essential that the score of the final exam be at least 4 points out of 10. If this minimum score is not reached the grade will be "suspended" and the numerical value corresponding to the theoretical exam expressed in parameter 0-10.

The final grade of the subject will be obtained by means of the corresponding average and will be considered passed if a minimum of 5 points out of 10 is reached.

2. RE-EVALUATION

It consists of a theoretical examination and, for some people, also a practical examination. Students who opt directly for this evaluation system and also those who have not passed the subject through the ordinary evaluation will have access to it.

2.1 Theoretical examination

It will consist of the resolution of eight short questions, some of which may correspond to issues addressed through practical activities. Each question will be scored from 0 to 10 points and the score will be obtained from the corresponding average. This part of the exam will have a value of 50% of the grade.

2.2 Practical examination

It will consist of a practical case resolution with the thematic content corresponding to the subject under consideration, similar to those that have been resolved during the practical activities subject to continuous evaluation. This part of the review will have a value of 50 per cent of the note.

The practical examination should only be carried out by persons who have obtained a score of less than 5 out of 10 through the Practical activities of continuous evaluation. People who have obtained a score equal to or higher than 5 points will have that score maintained as a practical department score.

2.3 The final grade of the examination will be obtained by making the weighted average of the score obtained in the two parts. If the grade of the theoretical part does not achieve this minimum, the grade will be suspense and the numerical value will be that corresponding to the theoretical examination expressed in parameter 0-10.

3. DATES OF THE EXAMINATIONS

These will be determined by the Faculty of Law and will be published on its website, specifically in the section on Academic Information.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Evaluation activities carried out as part of the practical activities	50 %	3.5	0.14	3, 5, 6
Ordinary theoretical exam	50 %	1.5	0.06	1, 2, 4
Subsidiary practical exam	50 %	1	0.04	5, 6
Subsidiary theoretical exam	50 %	1.5	0.06	1, 2, 4

Bibliography

1. Manuals

- MARTÍN VALVERDE, A., RODRÍGUEZ-SAÑUDO, F. and GARCÍA MURCIA, J.: Labour Law, Tecnos, Madrid (last edition)
- MERCADER UGUINA, J.R.: Lessons in labour law, Tirant lo blanch, Valencia (last edition)

2. Normative compilations

- Basic social legislation, Civitas (latest edition)
- Labour and Social Security Legislation, Aranzadi (latest edition)

3. Bibliography for practical classes

- PÉREZ AMORÓS, F. and SOLÀ MONELLS, X. (Directors): Materiales para el aprendizaje del Derecho del Trabajo (adapted to the EHEA), "Materiales" collection number 193 (6th last edition), UAB Publications Service, 2015.

4. Web links

The main web links that will have to be used in the framework of this course correspond to the following databases

"aranzadi", "Tirant on line" and "La Ley", which can be consulted free of charge by all students of this University, provided that they access it from the UAB Library Service website (University section, provided that they access it from the UAB Library Service website ("Databases" section, located within the "Resources" tab).

It is also necessary to consult other links that will be indicated by the responsible teacher, such as for example:

www.mtas.es Ministry of Labour and Immigration.

www.gencat.cat/treball. Department of Labour of the Generalitat of Catalonia.

www.ilo.org. International labour organisation.

