

Legal Organisation of Employment Health and Safety

Code: 100493

ECTS Credits: 6

Degree	Type	Year	Semester
2500258 Labour Relations	OB	3	2

The proposed teaching and assessment methodology that appear in the guide may be subject to changes as a result of the restrictions to face-to-face class attendance imposed by the health authorities.

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: Yes

Teachers

Elizabeth del Rio Cumbreño

Prerequisites

In order to carry out this subject correctly, it is necessary to have previously passed the subjects of "Labor Law I", "Labor Law II" and "Labor Law III", since all of them offer basic training in relation to the framework. labor relations law without which the configuration and dynamics of occupational risk prevention cannot be properly understood or analyzed.

Objectives and Contextualisation

The main objectives of the subject are that the student understands both the legal framework of the right to occupational safety and health, as well as the main jurisprudential and administrative criteria used in resolving legal conflicts that arise in the matter.

The course aims to provide students with the necessary conceptual tools to address the analysis of the following issues:

- 1.- The reason for the prevention of occupational risks.
- 2.- The subjects that participate in the prevention of labor risks.
- 3.- The modalities of organization of the preventive activity.
- 4.- The rights and obligations in preventive matters.
- 5.- Responsibilities for non-compliance with safety and health regulations

Skills to be acquired and learning outcomes

The results of the learning carried out must fundamentally allow to acquire competences in:

- 1.- the domain and knowledge of the legislation in matter of security and health
- 2.- the interpretation made by the judicial bodies of the same
- 3.- the application carried out by the different agents involved, such as employers, workers and the public administration.

In relation to the mentioned competences, the students will develop their capacity to look for in the legal norms the applicable regulatory precepts to each concrete case. He will also understand the legal precepts, interpret them and finally interrelate them to provide a solution to the problems raised.

Competences

- Applying the information and communication technologies to the different areas of action.
- Clearly expressing ideas or facts in a compelling way.
- Drawing up and formalising reports and documents.
- Preparing, drawing up and formalising the general written documents in administrative and judicial processes.
- Students must be capable of persuading others to agree with their point of view.
- Working autonomously.
- Working effectively in teams.

Learning Outcomes

1. Applying the information and communication technologies to the different areas of action.
2. Clearly expressing ideas or facts in a compelling way.
3. Drawing up and formalising reports and documents.
4. Students must be capable of persuading others to agree with their point of view.
5. Understanding the meaning and proceedings of every formality and the means of challenge of every assumption.
6. Working autonomously.
7. Working effectively in teams.

Content

SUBJECT 1. INTRODUCTION.

- 1.1. Purpose and meaning of the Right to Safety and Health at Work.
- 1.2. The system of sources of the Right to Safety and Health at Work: an overview.
- 1.3. The scope of application of preventive regulations. Inclusions and exclusions: Penitentiary and military establishments, the armed forces and security forces. Self-employed.
- 1.4. The role of Public Administrations in the management of prevention policy. Special reference to the Labor and Social Security Inspectorate.

SUBJECT 2. THE PREVENTION OF OCCUPATIONAL RISKS IN THE COMPANY.

- 2.1. The right of workers to effective protection.
- 2.2. The obligations of the worker.
- 2.3. The business duty of protection: logic and general characteristics.
- 2.4. Accidents at work and occupational diseases

2.5. The basic scheme of business action in preventive matters: evaluation, planning, execution and control.

SUBJECT 3. THE ORGANIZATION AND MANAGEMENT OF THE PREVENTIVE ACTIVITIES.

3.1 The integration of prevention in the company.

3.2 Risk assessment.

3.3 Planning of preventive activity.

3.4 Modalities of management of the preventive activity.

SUBJECT 4. THE RIGHTS AND OBLIGATIONS IN MATTER OF SAFETY AND HEALTH AT WORK (I).

4.1. The obligation to provide adequate work equipment and personal means of protection.

4.2. Obligations in emergency situations and in cases of serious and imminent risk.

4.3 The obligations of information and training of workers.

4.4. The obligation to monitor the health of workers.

4.5. The obligation of documentation and notification.

4.6. The obligation to coordinate preventive activity.

SUBJECT 5. THE RIGHTS AND OBLIGATIONS IN MATTER OF SAFETY AND HEALTH IN THE WORK (II).

5.1. The protection of especially sensitive workers.

5.2. Maternity protection.

5.3. The protection of minors.

5.4. Protection in cases of temporary employment and workers in the service of temporary work companies.

SUBJECT 6. THE CONSULTATION, THE PARTICIPATION AND THE COLLECTIVE NEGOTIATION IN THE FIELD OF THE PREVENTION.

6.1. The rights of consultation and participation of workers. 6.2. The mechanisms of specialized participation.

6.2.1. Prevention delegates.

6.2.2. The health and safety committee.

6.2.3. Other specialized participation formulas.

SUBJECT 7. THE RESPONSIBILITY IN PREVENTIVE MATTER.

7.1. Administrative responsibility

7.2. Criminal liability

7.3. Labor responsibility

7.4. Social Security liability

7.5. Civil liability

7.6. Rules for coordinating responsibilities.

SUBJECT 8. SECTORIAL REGULATIONS AND SPECIFICITIES OF THE REGULATIONS OF SAFETY AND HEALTH AT WORK.

8.1. The regulation of safety and health in specific sectors of activity. In particular, the construction sector, mining and maritime sector.

8.2. The particularities of safety and health at work in Public Administrations. 8.2.1. Inclusions and exclusions. Consultation, participation and collective bargaining.

8.2.2. The regime of responsibilities.

Methodology

The teaching methodology and the evaluation may undergo some modification depending on the restrictions on attendance imposed by the health authorities.

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

1. DIRECTED ACTIVITIES

The directed activities are all those that are developed in the classroom, in the schedules foreseen for the asignatura and under the direction of the professor. They can be theoretical or practical in their different forms.

1.1. Theoretical classes

They consist of the presentation by the teacher of various aspects of the syllabus, taking as a basis the applicable regulations and the schemes that have previously been provided through the Teaching Space of the subject within the Virtual Campus. For the correct follow-up of the theoretical classes, it is essential that all students have a duly updated collection of regulations during the theoretical classes.

1.2. Practical classes

They are engaged in the execution of nine practical activities, each of which will involve work outside the classroom and face-to-face work in the classroom. Both will involve the performance of a series of tasks of various formats: identification and study of the regulatory framework of a given institution, research, reading and understanding of jurisprudence, search for collective agreements, resolution of practical cases , drafting of legal documents, public defense of legal positions, etc. The planning of the practical activities will be carried out on the basis of the documentation provided by the teachers.

The practical activities will be structured in three major thematic blocks:

1) the organization and management of prevention in the company

2) the rights and obligations in preventive matters

3) responsibilities arising from non-compliance with regulations

Each thematic block will include three practical activities that will be executed in the classroom individually or in groups of 3 to 6 students and an evaluation activity on the questions treated in the framework of each thematic block.

Groups of 3 to 6 students will be formed at the initiative of the students at the beginning of the semester and in their absence according to the teacher's criteria.

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 subjected to some process of supervision or follow-up by the latter.

In this way, the necessary tutorials will be able to be carried out in order to supervise the evolution of the student or the group of students in the preparation of the practical activities and the resolution of practical cases and will redirect his work to end and effects of To achieve the set teaching objectives.

On the other hand, through the system of tutorials it will also be possible to supervise the autonomous activities entrusted to the students in order to reinforce the follow-up of the theoretical classes.

3. AUTONOMOUS ACTIVITIES

Autonomous activities are all those in which students organize their time and effort autonomously, either individually or in groups, 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 exam.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
-	5	0.2	4, 2, 3
-	10	0.4	1, 5, 6
-	15	0.6	5, 6
-	18	0.72	1, 5, 4, 3
-	22	0.88	1, 4, 2, 3, 6
-	24	0.96	5
Type: Supervised			
-	10	0.4	1, 4, 6, 7
Type: Autonomous			
-	40	1.6	5, 6

Assessment

1. ORDINARY EVALUATION

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

1.1 Continuous evaluation of practical activities.

It requires to attend the practical classes and to deliver the documentation that in each case is requested.

A test-type evaluation will be carried out in each of the three individual thematic blocks.

In addition, students will solve a practical case regarding the three thematic blocks in groups of 3 to 6 students that must be delivered to the teacher and will be considered for the purposes of continuous assessment in the terms that will be explained at the beginning of the course.

The dates of the three activities of evaluation and of the delivery of the practical case will do public to the beginning of the semester through the Teaching Space of the Virtual Campus.

The mark corresponding to the continuous assessment of the practical activities will be the arithmetic mean of the grades obtained in the practical assessment activities in the terms that will be explained at the beginning of the course.

1.2 Ordinary theoretical final exam.

All students can apply, regardless of whether or not they have participated in the practical activities of continuous assessment and the average mark they have obtained in them.

It will consist of solving 40 test-type questions or seven / eight short questions, including in both cases questions covered during the practical activities.

In the case of test-type questions, each of them will be graded on 1 point and the sum will be divided by 40. Incorrect questions may be penalized.

As for the short questions, each of them will be graded from 0 to 10 points. The grade of the exam will be obtained from the average resulting from the total score obtained divided by seven / eight.

1.3 Qualification of the subject through the ordinary evaluation.

The score obtained in the continuous evaluation of the practical activities will have a value of 50% of the qualification of the subject. The score of the final theoretical exam will have a value of 50% of the qualification of the subject.

In order to be able to add the score corresponding to the continuous evaluation of the practical activities, the mark of the final theoretical exam must be at least 4 points out of 10. If this minimum is not reached, the grade will be "suspended". and the numerical value corresponding to the theoretical examination expressed in parameter 0-10.

The final grade of the course will be obtained by making the corresponding average and will be considered passed if a minimum of 5 points out of 10 is achieved.

2. REVALUATION

It consists of a theoretical exam and, for some students, also a practical exam. It will be open to students who opt directly for this assessment system and those who have not passed through the regular assessment system.

2.1 Theoretical exam. It will consist of solving 40 test-type questions or seven / eight short questions, including in both cases questions covered during the practical activities.

In the case of test-type questions, each of them will be graded on 1 point and the sum will be divided by 40. Incorrect questions may be penalized.

As for the short questions, each of them will be graded from 0 to 10 points. The grade of the exam will be obtained from the average resulting from the total score obtained divided by seven / eight.

2.2 Practical exam. It will consist of the resolution conveniently based on law, of a practical case with the thematic content corresponding to the subject object of examination, similar to those that have been solved during the practical activities submitted to continuous evaluation. For the resolution of this part, only a collection of labor regulations may be available as support material. This part of the exam will have a value of 50% of the grade.

Only those who have obtained a grade of less than 5 points out of 10 through the practical activities of continuous assessment will have to take the practical exam. People who have obtained a grade equal to or higher than 5 points will be retained as a grade of practical part.

2.3 The final grade of the exam will be obtained by making a weighted average of the score obtained in both parts. The subject will be passed when this average is equal to or higher than 5, as long as the grade of the theoretical part is equal to or higher than 4. If the grade of the theoretical part does not reach this minimum, the grade will be "suspended" and the numerical value corresponding to the theoretical exam expressed in parameter 0-10.

Note that affects the whole section of Assessment: A student who copies or tries to copy an exam will have a 0 in the subject and will lose the right to re-assessment. A student who submits a practice in which there is evidence of plagiarism or who cannot justify the arguments of their practice will get a 0 and receive a warning. In case of repetition of the behavior, the student will suspend the subject (0) and will lose the right to recovery.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
-	-	4.5	0.18	1, 5, 4, 2, 3, 6, 7
-	-	1.5	0.06	2, 3, 6

Bibliography

- Social Practice, within the "Westlaw" databases
- SALA FRANCO, Tomás: Law of the prevention of labor risks, Tirant lo Blanch, Valencia, updated edition
- LOPEZ GANDÍA, Juan and BLASCO LAHOZ, José Francisco: Course of prevention of labor risks, Tirant lo Blanch, updated edition