

Social Security Law

Code: 102293
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OT	4	0

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

Prerequisites

Prerequisites

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 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 are 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.

Competences

- Arguing and laying the foundation for the implementation of legal standards.
- Drawing up and formalising works, reports, documents, rulings.
- Drawing up legal texts (contracts, judgements, sentences, writs, rulings, wills, legislation...).
- Explaining the legislative reforms and jurisprudential changes.
- Identifying and solving problems.
- Integrating the importance of Law as a regulatory system of social relations.
- Mastering the computing techniques when it comes to obtaining legal information (legislation databases, jurisprudence, bibliography...) and in data communication.
- Memorising and utilising legal terminology.
- Properly analysing the issues related to equality between men and women.
- Searching, interpreting and applying legal standards, arguing every case.
- Students must be capable of communicating their points of view in a compelling way.
- Students must be capable of learning autonomously and having an entrepreneurial spirit.
- Students must be capable of making decisions.
- Students must be effective in a changing environment and when facing new tasks, responsibilities or people.
- Use different information and communication technologies.
- Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Learning Outcomes

1. Applying the principle of inalienability of labour rights.
2. Defining the content and utility of the regulatory and jurisprudential newsletters and databases used in the occupational framework.
3. Describing in a practical way the minimum and essential content of the legal-occupational documents: employment contracts, collective agreements, or communications between employer and employee, among others.
4. Describing the databases of Spanish public administrations and European and international organizations, as well as knowing how to gain access to the news these institutions might provide.
5. Detecting the assumptions where the collective bargaining, unilateral pacts or unilateral decisions of the entrepreneur damage the equality between men and women in the workplace.
6. Detecting when an equality plan is significantly efficient to achieve equality in the work place.
7. Drawing up and formalising works, reports, documents, rulings.
8. Drawing up said documents with an appropriate content and style.
9. Enumerating the means (collective bargaining, social concertation) used for individuals and groups to create the Labour Law.
10. Explaining and identifying the content and scope of that terminology to others.
11. Identifying and solving problems.
12. Identifying the databases of commercial nature and knowing how to use them correctly.
13. Identifying the issues and aspects that should be reformed, and properly integrating them with the current part of the legal system or the jurisprudence and/or judicial doctrine.
14. Identifying the several individuals and social groups and their different interests on the scope of Labour Law: employers, entrepreneurs, trade unions, employers' associations, company representatives.
15. Identifying the transitional or derogatory arrangements of the legal-occupational standards and applying them in a proper way, in combination with the principle of most beneficial condition.
16. Interpreting and comprehending labour regulatory texts, sentences of the labour court and collective agreements.
17. Interpreting the employment standards in the light of the general rules of interpretation and the pro operario principle.
18. Knowing the foundations of the legal areas of the industrial relations in the specific scenarios of public administrations.
19. Knowing the mechanisms that must be applied in every situation.
20. Students must be capable of communicating their points of view in a compelling way.
21. Students must be capable of learning autonomously and having an entrepreneurial spirit.

22. Students must be capable of making decisions.
23. Students must be effective in a changing environment and when facing new tasks, responsibilities or people.
24. Use different information and communication technologies.
25. Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Content

Content

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 affiator.

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).

2.3. Minimum vital income.

Social assistance and Social Security Services.

2.4. Protection by dependency

1. Beneficiary persons

2. Protective action: subjects and entities involved.

3. Content of the protective action.

Methodology

Statement

Teaching will be mixed: lectures will be online and seminars face-to-face.

Teaching and assessment methods may be submitted to change in case health authorities impose restrictions to access to campus.

The learning process of the students within the framework of this subject will be organized around the following three types of training activities

1. Targeted activities

The directed activities are all those that are developed in the classroom with the main protagonism of the teacher. Two main types of activities are carried out as directed activities:

Firstly, master classes. This is an activity in which the main role falls on the teacher and has an essentially theoretical character. They will consist of a presentation by the teacher of various aspects of the syllabus, taking as a basis the applicable regulations and the dossiers that are eventually provided through the Teaching Space of the subject within the Virtual Campus, which will include diagrams and other materials of interest for the analysis of each of the subjects (extracts from judgments, fragments of collective agreements, etc.).

Secondly, the practical classroom classes that are carried out with a shared protagonism of teacher and students. These activities will have a markedly practical character. They will consist of three macro-practical activities, each of which will involve previous work outside the classroom and classroom work. Both will involve a series of tasks of different formats: identification and study of the regulatory framework of a given institution, reading and understanding of case law, search for collective agreements, resolution and discussion of practical cases, preparation of legal documents, etc.

The practical activities will be structured in three big blocks or macroactivities, which will include diverse practical activities and an activity of evaluation on the set of questions treated in the framework of each block. In order to be able to carry out the evaluation activity, it will be essential to previously deliver the documents requested in each case in relation to the activities 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, some or all of the practical activities may be carried out in a small group that will be formed 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 determined. The same is provided for evaluation activities that could be done individually or in a group as determined by the teaching staff responsible for the group.

As for the schedule of supervised and supervised activities, this will be hung up before the start of classes.

The supervised activities will have a markedly practical character. They will consist of twelve practical activities, each of which will involve previous work outside the classroom and classroom work. Both will involve a series of tasks of different formats: identification and study of the regulatory framework of a given institution, reading and understanding of case law, search for collective agreements, resolution of practical cases, etc.

2. Supervised activities.

Supervised activities are those tutoring activities that can be carried out outside the classroom, individually or collectively, in order to help the students in the accomplishment of their tasks and in the understanding of the subject.

3. Autonomous activities.

Autonomous activities are all those in which students organise their time and effort autonomously, either individually or in a group, such as research and the study of bibliography, the preparation of diagrams 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			
Master classes	23	0.92	16
Practical classes	22	0.88	17, 20, 14, 15, 16, 11, 21, 22, 24
Type: Autonomous			
Examination	5	0.2	17, 10, 13, 16
Reading of texts: jurisprudence, articles and complementary documents	20	0.8	2, 16

Search of jurisprudence, bibliography and other materials	12	0.48	23, 4, 16, 11, 21
Study of the subject	50	2	17, 10, 13, 15, 16, 21
Writing of practical cases and cards	18	0.72	13, 15, 16, 11, 8, 7

Assessment

Statement

Teaching and assessment methods may be submitted to change in case health authorities impose restrictions to access to campus.

Evaluation

Regular evaluation system.

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

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 between 3 and 5 questions, some of which may correspond to questions dealt with through the practical activities. Each of the examination questions will be graded from 0 to 10 points. There will also be some test questions that will be reserved for specific subjects. This part of the exam will have a value of 50% of the grade. It will be obtained from the corresponding average.

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 5 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 course will be obtained with a corresponding average and will be considered passed if a minimum of 5 points out of 10 is reached. In the event that the theoretical part is passed with a grade equal to or greater than 5 and the continuous assessment grade does not allow passing the subject, the theoretical exam grade will be kept for reevaluation. Therefore, the student will only have to take the practical part of the reevaluation exam.

Re-evaluation.

It consists of a theoretical exam and, for some people, also a practical exam. 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 between 3 and 5 questions, some of which may correspond to questions dealt with through the practical activities. Each of the examination questions will be graded from 0 to 10 points. There will also be some test questions that will be reserved for specific subjects. 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. Persons who have obtained a score equal to or higher than 5 points will have that score maintained as a practical part 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. Attribution of the honor roll grade.

When several students have reached, in application of the above criteria, a maximum score of 10 points in the examination and it is not possible to attribute an honorary matriculation grade to all persons with this grade, the grade obtained in practice will serve as the decisive element.

A student who cheats or try to cheat an exam will have a 0 as a mark. A Student who submits a paper o practical in which there is evidence of plagiarism will have a 0 as a mark and will receive a warning. In case of repetition, the students will fail the subject.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Examination	50%	0	0	17, 1, 20, 18, 19, 2, 23, 3, 4, 6, 9, 10, 14, 13, 12, 15, 16, 11, 8, 7, 21, 22, 25, 24
Practice	50%	0	0	17, 18, 19, 15, 16, 11, 22
Practices (continuous evaluation)	50%	0	0	17, 20, 2, 3, 5, 10, 13, 15, 16, 11, 8, 7, 21, 22, 25

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