

Labour Law and New Technologies

Code: 100512
ECTS Credits: 6

Degree	Type	Year	Semester
2500258 Labour Relations	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

Name: Antoni Roig Batalla
Email: Antoni.Roig@uab.cat

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

Prerequisites

It is recommended to have passed the subject Constitutional Law beforehand

Objectives and Contextualisation

The right to data protection is perhaps the most relevant right related to information and communication technologies (ICTs), along with the right to privacy and freedom of expression.

In labour law, a large number of personal information about the professional life of the workers are collected, such as degrees, positions and compensation, as well as other personal aspects such as family life, marital status, DNI and name of children, among others. In addition, sensitive information about trade union affiliation, usually serving to discount the union quota, and health data such as casualties and illnesses, are often also stored. This allows you to create a personal profile that deserves to be protected. This course aims at describing the general principles applicable to legal problems related to fundamental rights at workplace, as well as possible protective measures and their effectiveness.

The common situations of risk for the fundamental rights are:

- Selection processes
- Business controls, with biometric technology, monitoring and video surveillance
- Interception of communications and navigation on the Internet
- Sensitive data

The question to answer in this course is none other than the level of real protection of the fundamental rights of workers in the company. Possible solutions will often be regulatory, but we will occasionally mention other complementary options, such as Privacy Enhancing Technologies.

Competences

- Identify the foundations of the main legal and organisational areas in the field of human work.

Learning Outcomes

1. Knowing the foundations of the legal areas of industrial relations in the specific scenario of immigration and transnational mobility.

Content

UNIT 1. FUNDAMENTAL RIGHTS AND NEW TECHNOLOGIES Fundamental rights and Constitution. Fundamental rights of workers.

UNIT 2. UNION FREEDOM AND THE NEW TECHNOLOGIES Right of the unions to use the electronic mail of the company. Conditions and restrictions.

UNIT 3. THE PROTECTION OF PERSONAL DATA OF THE WORKER Databases in the company. Union fees and medical data. UNIT

4. RIGHT TO PRIVACY IN THE COMPANY Video surveillance, Control of navigation. RFID tags, biometric access and location monitoring.

UNIT 5. SECRET OF COMMUNICATIONS AT WORK The control of the worker's email. Professional and personal mail. Reasonable use and collective agreements.

UNIT 6. FREEDOM OF EXPRESSION AT WORK Critics within the company. Critics in social networks.

UNIT 7. DISCRIMINATION DUE TO NEW TECHNOLOGIES AND DIGITAL DISCONNECTION

Selection process and at work

Digital disconnection

Methodology

Time

Monday 8h30 to 11h45

There will be a break of 15 minutes at 10a.m.

Attendance to class is not compulsory

Classroom activated on the virtual Campus

Continuous Evaluation

3 exercises in class, on materials indicated on the virtual campus. The materials may be brought into practice. They will be corrected and will be returned (50% of the total).

Intermediate exam about a sentence of the first units, which has not been seen in class. You can take the materials to the partial (see date on the virtual campus, 25% of the final grade)

Final Exam Final exam about a sentence of any topic, which has not been addressed before.

The materials can be brought to the final exam (see academic calendar, 25% of the final grade)

Revaluation

View dates on the virtual campus

Annotation: Within the schedule set by the centre or degree programme, 15 minutes of one class will be reserved for students to evaluate their lecturers and their courses or modules through questionnaires.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Academic Lessons	22.5	0.9	
Exams and activities	5	0.2	
Type: Supervised			
Study and preparation of activities at home	22.5	0.9	
Type: Autonomous			
Study and preparation of activities at home	95	3.8	

Assessment

Continuous Evaluation

3 exercises in class, on materials indicated on the virtual campus. The materials may be brought into practice. They will be corrected and will be returned (50% of the total).

Intermediate exam about a sentence of the first units, which has not been seen in class. You can take the materials to the partial (see date on the virtual campus, 25% of the final grade)

Final Exam Final exam about a sentence of any topic, which has not been addressed before.

The materials can be brought to the final exam (see academic calendar, 25% of the final grade)

Revaluation View dates on the virtual campus

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Activities at classroom	50%	2	0.08	1
Final Exam	25%	1	0.04	1
Half-period exam	25%	1	0.04	1
Second-chance exam	50%	1	0.04	1

Bibliography

General References

PRECIADO DOMÉNECH, Carlos Hugo, Breve historia dle Trabajo y los derechos fundamentales, Ed. Bomarzo, 2018.

VALDÉS DAL-RÉ, Fernando, El constitucionalismo laboral europeo y la protección multinivel de los Derechos laborales fundamentales, Ed. Bomarzo, 2016.

GARCÍA MURICA, Joaquín (director=, Derechos del trabajador y libertad de empresa. 20 casos de jurisprudencia constitucional, Ed. Aranzadi, 2013.

ROIG, Antoni, Derechos fundamentales y tecnologías de la información y de las comunicaciones, Ed. Bosch, Barcelona, 2010.

WOLTERS KLUWER España, Documentos sobre el impacto de las nuevas tecnologías en la gestión de las personas y en las relaciones laborales. Códigos telemáticos. Registro horario y derecho a la desconexión. Analítica de personas. Retención del talento. Compliance y whistleblowing, 2020.

Concrete references

APARICIO ALDANA, R.K., Derecho a la intimidad y a la propia imagen en las relaciones laborales, Thompson Reuters Aranzadi, 2016.

CAMPAL MARTÍNEZ, Ángel Mariano, "La libertad sindical y el uso de las nuevas tecnologías de la información y la comunicación en el ejercicio de las libertades de expresión e información por los representantes de los trabajadores, Revista General del Derecho del Trabajo y de la Seguridad Social, núm. 27, 2011.

CANDAMIO BOUTUMEIRA, José Juan, *Desconexión digital. Paso a paso. Todas las claves de la desconexión digital en el ámbito laboral y elaboración de un protocolo regulador*, Ed. Colex, A Coruña, 2021.

GONZÁLEZ DEL RIO. José María, *El derecho a la intimidad del trabajador en el nuevo contexto laboral*, Tirant lo Blanch, Valencia, 2021.

MERCADER UGUINA, Jesús R., Protección de datos en las relaciones laborales, Ed. Francis Lefebvre, 2018.

PRECIADO DOMÉNECH, Carlos Hugo, El derecho a la protección de datos en el contrato de Trabajo, Ed. Aranzadi, 2017.

TRUJILLO PONS, Francisco, *La "Desconexión digital" en el ámbito laboral*, Tirant lo Blanch, Valencia, 2020.

More materials and works will be referred during the lessons

Software

No software