

Employment Sanctions Law

Code: 100497
ECTS Credits: 6

Degree	Type	Year	Semester
2500258 Labour Relations	OT	4	1

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

Teachers

Mercedes Garcia Aran
Maria Jesus Guardiola Lago
Judith González Villamor

Prerequisites

It does not require previous specific knowledge or requirements.

Objectives and Contextualisation

The subject intends that the student acquires the knowledge of the penal responsibility in the labor scope and administrative sanctioner. It wants to promote the acquisition of the concepts related to the administrative requirement of the labor order, with special reference to the inspection of work and Social Security and the infractions and sanctions in labor matters. From the formative perspective the subject pretends that the student acquires the concepts and the terminology proper of the scope of the Labor Law penalties.

Competences

- 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 deciding, sharply taking decisions and judging.
- Working autonomously.
- Working effectively in teams.

Learning Outcomes

1. Drawing up and formalising reports and documents.

2. Students must be capable of deciding, sharply taking decisions and judging.
3. Understanding the meaning and proceedings of every formality and the means of challenge of every assumption.
4. Working autonomously.
5. Working effectively in teams.

Content

SANCTIONER LAW OF THE LABOR.

FIRST PART: GENERAL QUESTIONS

1. Common principles of the sanctioning law. Principles of the rule of law. The principle of legality guarantees. Differences between crime and administrative illegality. Structure of the criminal norm. White criminal rules. The object of the protection of criminal norms: kinds of legal goods.
2. The definitions of crime: legal and dogmatic. Different crime structures: Result, activity and danger crimes.
3. Forms of criminal responsibility: 1) Intentional and reckless responsibility. 2) responsibility for omission. 3) Iter criminis: preparatory acts, tentative and consummated crime. 4) Authorship and participation. Penal responsibility of juridical persons. Reference to compliance program.
4. The consequences of crime: classes of penalties. Security measures. System for physical persons and juridical persons. Another questions: Prescription. Civil liability

SPECIAL PART: CRIMES RELATING TO THE COMPANY AND THE WORKERS.

5. Crimes against the rights of workers (I): 1) Criminal law, company and workers rights. 2) Classification. 3) Imposition of illegal work conditions. 4) Criminal labor discrimination. 5) Criminal protection of freedom of association and right to strike. 6) Criminal responsibility of administrators and managers.
6. Crimes against the rights of workers (II). Against individual legal goods too: 1) Illegal labor traffic. 2) Crimes against health and safety at work. 3) Fraudulent migrations.
7. Stalking in the workplace: 1) Labor mobbing of the hierarchical superior. 2) Sexual stalking in the labor place. 3) Sexual stalking in the civil service field. 4) Reference to crimes against foreign citizens and trafficking of human beings.

INFRINGEMENTS AND SANCTIONS IN THE LABOR FIELD.

8. 1) Sanctioning power of the Administration. 2) Background. 3) Texto Refundido de Infracciones y Sanciones en el Orden Social. RDL 5/2000.- 3.1 General disposition.- 3.1.1 The social administrative infraction.- 3.2.1 Subjects. 3.1.3. Concurrence with the criminal jurisdiction.- 3.1.4. The social administrative infraction prescription. -3.2. General rules on sanctions. 3.2.1 The gradation of the sanction: amount, recidivism and sanctioning powers.
9. La Labor Inspection (Inspección de trabajo). International scope and in Spain.- Organization and composition.- Functions and faculties, assistance and co-operation with the Labor Inspection.
10. The labor infringement: concept and classes.- Labor infractions according to the matter: of labor relations, prevention of risks, occupation, temporary employment agencies. Sanctions for labor violations
11. Infringement in matters of Social Security (Seguridad Social). Types of infractions according to the responsible subjects: self-employed and similar workers, workers, beneficiaries and claimants of benefits, infractions of the MATEP, of the companies that collaborate voluntarily in the management. Penalties for infractions in matters of Social Security.
12. Infringements in matters of migratory movements.- Immigration.- In matters of Cooperatives.- Sanctions on foreign affairs and cooperatives.- The obstruction to the inspection performance.- Sanctions for obstruction.
13. Basic principles of the sanctioning procedure.- Structure of the procedure.- The previous inspection activity: development, duration and consequences.- The infraction certificate.- Resources, execution of resolutions and collection.

Methodology

- 1) Directed activities (theoretical and practical classes).
- 2) Supervised activities: Teacher-led classroom work
- 3) Autonomous activities

During the health risk the virtual classes and the classroom alternate weekly. The methodology may change due to sanitary norms.

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			
Preparation of written work	10	0.4	3, 1, 2, 4
Resolution of practical cases	5	0.2	3, 1, 2, 4
Search of legal documentation	2.5	0.1	3, 2, 4
Theoretical classes	22.5	0.9	3, 2, 4
Type: Autonomous			
Evaluation	5	0.2	3, 1, 2, 4
Study and work outside the classroom	100	4	3, 1, 2, 4

Assessment

Resolution of practical cases. Comments of sentences or text :50%

Synthesis examination 50%

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Final examen of content	50%	2	0.08	3, 1, 4
Group work and presentation of practices and debates	50%	3	0.12	3, 1, 2, 4, 5

Bibliography

Bibliographie:

Código Penal español

Ley de In fracciones y Sanciones en el Orden Social

Recomended bibliographie

TERRADILLOS BASOCO, Juan. Lecciones y materiales para el estudio del derecho penal. Derecho Penal. Parte especial, Iustel 2012

MUÑOZ CONDE, Francisco- GARCIA ARAN, Mercedes. Derecho Penal. Parte General. 11ª ed. (2022) Tirant lo Blanch

MUÑOZ CONDE-Francisco. Derecho penal. Parte especial (20ª ed.) Tirant lo Blanch

CAVAS MARTINEZ, Faustino-LUJAN ALCARAZ, José. Infracciones y sanciones en el orden social. Laborum, 2009

DURENDEZ SAEZ, Ignacio. El procedimiento administrativo sancionador del orden social. Aranzadi

Software

The subject does not require any specific software