

**Employment and Social Security Law I**

Code: 102292  
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OB	3	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: Yes  
Some groups entirely in Spanish: Yes

**Teachers**

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Helena Ysas Molinero

**Prerequisites**

There are no prerequisites.  
Group 02 is taught in Catalan  
Groups 01,51 and 70 are taught in Spanish

**Objectives and Contextualisation**

Labour Law I is a subject taught in the first term of the third year of studies. This is a subject that allows the student to acquire the structural elements of a subject that is continued in the second term in the course Labour Law II.

Labour Law I has the academic utility of establishing the basic conceptual bases of the sources of the labour legal system, delimiting its object and its individual and collective subjects.

From a training perspective, Labour Law I aims to achieve a number of objectives for the student, among which the following are particularly noteworthy:

- Identify the purpose, sources and principles of labour law.
- To differentiate between the various subjects who interact in the field of Labour Law.
- Identify collective labour rights, participation, negotiation and conflict, with special attention to freedom of association, its subjective scope and its content.

**Competences**

- Apprehending the necessary mechanisms in order to know, assess, and apply the legislative reforms as well as to follow the changes produced in a concrete subject.

- Arguing and laying the foundation for the implementation of legal standards.
- Defending and promoting the essential values of the social and democratic State of Law.
- 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.
- Negotiating and mediating between different people or institutions in the context of a conflict (between public administrations-administrators, family and child protection related conflicts, between business-workers and their representatives, parties to a case..).
- Present information in a way that is appropriate to the type of audience.
- 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 demonstrating a critical awareness of the analysis of the legal system and development of legal dialectics.
- 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. Acting in a conflict situation posed as practical work.
2. Analysing the situation by comparing several collective agreements and watching the historical evolution of these situations.
3. Applying in combination the principles of hierarchy and most favourable law.
4. Applying the principle of inalienability of labour rights.
5. Defining the content and utility of the regulatory and jurisprudential newsletters and databases used in the occupational framework.
6. Defining the main interpretation and implementation principles of the Labour Law.
7. 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.
8. 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.
9. Describing the mechanisms and legal principles used to balance the relations produced in the scope of implementation of Labour Law.
10. 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.
11. Detecting when an equality plan is significantly efficient to achieve equality in the work place.
12. Drawing up said documents with an appropriate content and style.
13. Enumerating the means (collective bargaining, social concertation) used for individuals and groups to create the Labour Law.
14. Explaining and identifying the content and scope of that terminology to others.
15. Gathering good business related practices.
16. Identifying and solving problems.
17. Identifying the databases of commercial nature and knowing how to use them correctly.
18. 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.
19. 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.

20. 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.
21. Interpreting and comprehending labour regulatory texts, sentences of the labour court and collective agreements.
22. Interpreting the employment standards in the light of the general rules of interpretation and the pro operario principle.
23. Knowing the foundations of the legal areas of industrial relations in the specific scenario of Francoism and the Spanish transition to democracy.
24. Knowing the foundations of the legal areas of industrial relations in the specific scenario of immigration and transnational mobility.
25. Knowing the foundations of the legal areas of industrial relations in the specific scenario of new technologies and freedom of speech and information.
26. Knowing the mechanisms that must be applied in every situation.
27. Present information in a way that is appropriate to the type of audience.
28. Students must be capable of communicating their points of view in a compelling way.
29. Students must be capable of learning autonomously and having an entrepreneurial spirit.
30. Students must be capable of making decisions.
31. Students must be effective in a changing environment and when facing new tasks, responsibilities or people.
32. Understanding the specific situations in a collective agreement.
33. Use different information and communication technologies.
34. Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

## Content

### LESSON 1. TRAINING PROCESS AND PURPOSE OF LABOUR LAW

1. Process of historical and legal training in Labour Law.
2. Delimitation of the object: Voluntary work performed under subordination and dependence
  - 2.1 Substantive budgets: voluntary, external, subordination and salary retribution
  - 2.2 Adjective budgets: inclusions and exclusions
3. Related cases: execution of works, provision of services and others
4. Self-employment. Modalities. Legal regime.

### LESSON 2. SUBJECTS OF THE EMPLOYMENT RELATIONSHIP

1. The worker
  - 1.1 Concept
  - 1.2 Typology
  - 1.3 Foreign workers
2. The entrepreneur
  - 2.1 Concept
  - 2.2 Typology
  - 2.3 Business interposition: contracts, subcontracts and the assignment of workers
3. The company and the workplace
  - 3.1 The employment concept of a company
  - 3.2 The workplace
  - 3.3 Enterprise groups
4. The temporary employment agency
  - 4.1 Concept, requirements and public control
  - 4.2 Legal regime of the employment contract
  - 4.3 Provision contract. Worker and user company relations

### II. SOURCES OF LABOUR LAW AND THEIR APPLICATION

#### LESSON 3 STATE AND AUTONOMOUS SOURCES

1. Sources of labour law: regulatory powers and labour standards
2. Constitution and Labour Law
  - 2.1 Constitutionalisation of labour rights
  - 2.2 Labour content of the 1978 Constitution: systematization and guarantees
  - 2.3 Fundamental human rights and labour law. In particular the right to non-discrimination on grounds of sex.
3. The laws

4. Regulatory standards

5. Regulatory powers of the Autonomous Communities

#### LESSON 4 INTERNATIONAL AND COMMUNITY SOURCES

1. Internationalization of labour law: international labour standards, typology and internal efficiency

2. The International Labour Organization

2.1 Origins, principles and objectives

2.2 Organizational and functional structure

2.3 The normative role of the ILO: Conventions, Recommendations and Resolutions

3. The European Union

3.1 Economic and social origins, principles and objectives

3.2 The regulatory role of the EU: treaties, regulations and directives

3.3 Community social policy and content of Community social law

4. Other international organizations and their normative action in labour matters.

#### LESSON 5 PROFESSIONAL AND OTHER SOURCES

1. Collective autonomy: configuration, subjects and manifestations

2. Collective bargaining: configuration, subjects and manifestations

3. Collective agreements:

3.1 Concept

3.2 Typology and nature

3.3 Effectiveness

4. The labor custom

5. General principles of law

6. The jurisprudence

7. The supplementary right

#### LESSON 6 APPLICATION OF LABOUR STANDARDS

1. Hierarchy of labour standards and principles of interpretation and application

2. Interpretation of labour standards and pro-worker principle

3. Principles for the application of labour standards

3.1 Concurrence of rules and principle of a more favourable rule

3.2 Temporary succession of rules and most beneficial condition principle

3.3 Principle of the inalienability of workers' rights

4. Application of the rules in time and space

#### III. COLLECTIVE LABOUR LAW

#### LESSON 7 FREEDOM OF ASSOCIATION: GENERAL ASPECTS AND INDIVIDUAL FREEDOM OF ASSOCIATION

1. Concept and legal regulation of freedom of association

2. Individual Freedom of Association: Concept

3. Collective Freedom of Association: Concept

4. Individual freedom of association

4.1 Subjective scope: inclusions, exclusions and limitations

4.2 Content: Positive and negative trade union membership rights and the right to trade union activity

#### LESSON 8 COLLECTIVE FREEDOM OF ASSOCIATION: TRADE UNIONS. THE PROTECTION OF FREEDOM OF ASSOCIATION

1. The union

1.1 Concept and functions

1.2 Typology

1.3 Legal regime: constitution, status, financing, functioning and responsibilities

2. Trade union representativeness

2.1 Concept and rationale

2.2 Criteria for determining trade union representativeness: state, regional and sectoral levels

2.3 Representation and trade union action

3. Protection of freedom of association

#### LESSON 9 BUSINESS PARTNERSHIPS

1. The right of business association: constitutional regime and its normative regulation

2. Business associations

2.1 Concept, functions and typology

2.2 Legal framework: constitution, organisation and operation

3. Representativeness: concept, criteria for determination and recognized attributions

## LESSON 10 GENERAL CONFIGURATION AND REGULATION OF PARTICIPATION

### 1. General settings

#### 1.1 Workers' participation: trade union representation and action

#### 1.2 Participation in the enterprise: systems and degrees

#### 1.3 Institutional participation: systems and degrees

### 2. Constitutional regime and regulatory development

### 3. The unitary representation of workers in the company: personnel delegates and works councils

#### 3.1 Areas of implementation

#### 3.2 Organizational structure and electoral procedure

#### 3.3 Functions and powers

#### 3.4 Guarantees for the performance of its functions

### 4. Trade union representation of workers in the company: trade union sections and trade union delegates

#### 4.1 Areas of implementation

#### 4.2 Organizational structure

#### 4.3 Functions and powers

#### 4.4 Guarantees for the performance of its functions

### 5. Other representative bodies. Special consideration in matters of health and safety in the company: prevention delegates and health and safety committees

### 6. The right of assembly. Assembly of workers

### 7. Institutional participation.

## LESSON 11 COLLECTIVE BARGAINING AND COLLECTIVE AGREEMENTS

### 1. Collective bargaining: concept, characteristics and foundations

### 2. Constitutional recognition and policy development

### 3. Types of negotiable agreements: statutory collective agreements, extra-statutory collective agreements and company agreements

### 4. The statutory collective agreement

#### 4.1 Concept, classes and efficiency

#### 4.2 Negotiating units: scope, negotiating parties and their negotiating capacity and legitimacy

#### 4.3 Content: delimiter, normative and obligatory. The role of the gender equality plans.

#### 4.4 Negotiation procedure: initiative, communications, constitution of the negotiating committee, deliberation, adoption of agreements, registration, deposit and publication

#### 4.5 Legality check

#### 4.6 Implementation issues: validity, duration, interpretation and concurrence of agreements

#### 4.7 Adhesion and extension

### 5. Extra-statutory collective agreements

#### 5.1 Concept and rationale

#### 5.2 Classes

#### 5.3 Legal regime. Efficiency

### 6. Company agreements and pacts

### 7. Social concertation: negotiated legislation, social pacts and framework agreements

## LESSON 12 RIGHT TO STRIKE, LOCKOUT AND COLLECTIVE BARGAINING PROCEDURE

### 1. The Collective Work Conflict: Concept and Classes

### 2. The strike

#### 2.1 Concept

#### 2.2 Constitutional recognition and normative regulation

#### 2.3 Ownership, modalities, purposes and limits

#### 2.4 Procedure and exercise of the right to strike

#### 2.5 Effects

### 3. The lockout

#### 3.1 Concept

#### 3.2 Constitutional recognition and normative regulation

#### 3.3 Ownership and causes

#### 3.4 Procedure

#### 3.5 Effects

## IV. LABOUR ADMINISTRATION AND SOCIAL JURISDICTION

## LLIÇÓ 13. LABOUR ADMINISTRATION AND SOCIAL JURISDICTION

### 1. L'administració laboral.

#### 1.1. Organisation and competences

- 1.2 Organic and functional structure of the labour administration: central, peripheral and institutional
- 1.3 Labour and Social Security Inspectorate
- 1.4 Labour administration of the Autonomous Communities
- 1.5. Potestat sancionadora: infraccions i sancions
- 2. Social jurisdiction
- 2.1 Jurisdictional bodies of the social order
- 2.2 Extension and limits of social jurisdiction.

## Methodology

### Learning process

The learning process is based on the student's Work, and it is the teacher's mission to help them in this task by providing information and showing them the sources where it can be obtained. The development of the teaching of the subject and the student's learning is based on the following activities:

#### 1. Directed activities:

1.1 Master classes: where the student reaches the conceptual bases of the subject and its legal, normative and jurisprudential framework. The master classes are the activities in which less interactivity is required of the student and are conceived as a fundamentally unidirectional method of transmitting knowledge from the teacher to the student.

1.2 Practical classes: students, individually or in small groups, analyse and solve practical cases together with the teacher.

The resolution and debate of the practical cases requires a previous Work of the students, which will consist in the preparation of the basic conceptual elements of the matter to treat and the integral resolution of a case to deliver it and/or to debate it in the classroom. This activity will be oriented to the preparation of the students for the accomplishment of the 4 practical activities of evaluation (obligatory to do and to approve 3).

The basis of the practical Work is the understanding and critical application of the regulations and jurisprudence related to the content of the subject explained in the theoretical classes.

#### 2. Supervised activities:

They will consist of tracking the subject and resolving questions, using tutors in a individual way or in group.

#### 3. Self-employed activities:

3.1 Search and reading of bibliography, regulations and jurisprudence complementary to the contents of the theoretical classes.

3.2 Practical cases that are elaborated and resolved in the classroom.

3.3 Preparation of summary sheets of sentences or regulations. Drawing up of diagrams of some sections of the syllabus.

3.4 Search and reading of bibliography and jurisprudence instrumental for the resolution of practical cases.

3.5 Evaluable practical cases that are elaborated prior to the resolution in the classroom.

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			
Practical targeted activities	19.5	0.78	22, 3, 4, 6, 9, 13, 14, 19, 18, 20
Theoretical classes	19.5	0.78	1, 28, 5, 31, 7, 8, 10, 11, 17, 21, 16, 12, 29, 30, 34, 33
Type: Supervised			
Tutorial	5	0.2	22, 1, 5, 31, 8, 10, 11, 17, 21, 16, 12, 29, 34, 33

Type: Autonomous

Assessment	5	0.2	22, 28, 24, 6, 21
Study	40	1.6	22, 3, 4, 6, 9, 13, 14, 19, 18, 20, 21
preparation of the activities covered in the seminars	50	2	

## Assessment

### 1. Regular assesment system

The regular assesment system combines the continuous assesment based on seminars with a final written exam.

#### 1.1 Continuous assement of seminars

The mark of the continuous assesment comes from the mark obtained in the set of assesment activities explained above. In this regard, the three block assesment will have the value of 35% of the overall mark, and student participation in class will have the value of 15 per 100 of the overall mark.

#### 1.2 Final written exam

Fisrt of all, in order to do the final exam, students mus have perform two seminar block assesment before. The exam will have at least 5 questions and no more than 10 questions. The mark obtained at the final exam will have the value of 50 per 100 of the overall mark

#### 1.3 Marks in the regular assesment system

The overall mark of Labour Law I it is the average of the mark obtained at the continuous assesment and the one obtained at the final exam. Anyway the mark obtained at the exam must reach, at least, to 5 points in order to average whith the mark obtained in the continuous assesment.

If the average reaches a minimum of 5 points out of 10, the subject will be considered passed through the ordinary assessment. If not it will be possible to go to the re-assesment to perform the part or parts of the assesment, where a minimum score of 5 points has not been obtained before.

### 2. Reassesment.

Students who have taken part in the regular evaluation -by participating in at least three of the assesment activities proposed in the ordinary evaluation System, including the exam--, can do the reassesment activities.

The theoretical re-evaluation exam will have the same characteristics as the ordinary written exam. The practical assesment will consist of the resolution of a practical case.

The grade of the subject in the re-evaluation will be obtained by making the arithmetic mean between two marks: the one obtained in the theoretical re-assessment exam (or in its case in the ordinary final written exam) and the mark obtained in the practical re-assessment exam ( or the final mark of the continuous evaluation in seminars).

Any way, it is necessary that the mark of the theoretical exam is at least 5 points out of 10. If this minimum is not reached the grade will be "failed".

If the arithmetic mean reaches a minimum of 5 points out of 10, the subject will be considered passed through the re-evaluation.

Fraudulent Behaviour

A student who cheats or tries to cheat in an exam will be given a 0. A student who submits a paper or a practical exercise in which evidence of plagiarism can be identified will be given a 0 and will receive a warning.

## Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
EVALUATION	50	2.5	0.1	22, 3, 4, 26, 6, 9, 13, 14, 19, 18, 20, 21
REEVALUATION	50/100	2.5	0.1	22, 1, 28, 5, 31, 7, 8, 10, 11, 17, 21, 16, 12, 29, 30, 34, 33
continuous evaluation of seminars	50	6	0.24	22, 1, 2, 3, 4, 28, 24, 25, 23, 26, 5, 6, 31, 7, 9, 8, 10, 11, 32, 13, 14, 19, 18, 17, 20, 21, 27, 16, 15, 12, 29, 30, 34, 33

## Bibliography

Recommended bibliography (the compulsory one, if is required) will be specified by the teacher in charge of each group:

- Alonso Olea, Manuel, Casas Baamonde, María Emilia: Derecho del Trabajo, Ed. Civitas, latest edition.
- Camps Ruiz, Luis Miguel i Ramírez, Juan Manuel: Derecho del trabajo: Ed. Tirant lo Blanch, latest edition. Available at the UAB digital library.
- Cruz Villalón, Jesús: Compendio de Derecho del Trabajo, Ed. Tecnos, Madrid, latest edition.
- Goertich Peset, José María: Derecho del trabajo, Ed. Tirant lo Blanch, 8º ed., 2020. Available at the UAB digital library.
- Martín Valverde, Antonio, Rodríguez-Sañudo, Fermín i García Murcia, Joaquín: Derecho del Trabajo, Ed. Tecnos, latest edition.
- Mercader Uguina, Jesús.: Lecciones de Derecho del Trabajo, Ed. Tirant lo Blanch, latest edition. Available at the UAB digital library.
- Montoya Melgar, Alfredo: Derecho del Trabajo, Ed. Tecnos, latest edition.
- Ramírez Martínez, Juan Manuel: Curso básico de Derecho del trabajo y de la seguridad social, Ed. Tirant lo Blanch, latest edition. Available at the UAB digital library.

Normativa:

Código Universitario de Derecho del Trabajo, Boletín Oficial del estado,  
[https://www.boe.es/biblioteca\\_juridica/codigos/codigo.php?id=289&modo=2&nota=0&tab=2](https://www.boe.es/biblioteca_juridica/codigos/codigo.php?id=289&modo=2&nota=0&tab=2)

Legislación social básica. Ed. Civitas, latest edition

Legislación laboral y de Seguridad Social. Ed. Tecnos, latest edition

Legislación laboral y de Seguridad Social. Ed. Aranzadi, latest edition

## Software

The subject does not require any specific software.