

History of Social Law and Labour Institutions

Code: 103500
ECTS Credits: 6

Degree	Type	Year	Semester
2500258 Labour Relations	FB	1	1

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: No

Teachers

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Prerequisites

No prerequisite is required.

Objectives and Contextualisation

It is a subject of the first year, first semester, therefore, of basic training. Its contextualization takes place from the origin and development of the legal regulation of the main labor institutions such as: the employment contract, freedom of association, collective bargaining and collective conflicts. Also within the framework of the birth and development of trade unions and business associations and the initial training of the collective bargaining system.

The subject provides the theoretical knowledge related to the construction of the political, legal and social system of contemporary Spain, to understand our current system. Within this framework, students are able to understand critically the historical trajectory of legislation and labor institutions. It is also about linking the past social right to the present and understanding the legal concepts as well as their historical evolution.

The subject by its own nature incorporates the gender perspective, to understand the androcentric legal model that is built with the first social norms. The presence of working women, their contribution to the family economy and how they are subject to regulation by the legislator is something present throughout the whole agenda.

The objectives of the subject, therefore, are:

- 1) Have theoretical knowledge of the career of labor law and understand the analysis of historical facts.
- 2) Know the past realities as critical research methods
- 3) Understand the legal concepts of each historical period analyzed as well as the institutions created within the framework of each of the stages under study.
- 4) Demonstrate the acquisition of theoretical knowledge through written and oral reflection.

5) Evaluate the gender perspective in the beginning of the labor legislation and in the consolidation of the labor law institutions.

Competences

- Contextualising the social events from a (geographical, historical, economic, ecological, sociopolitical or cultural) global point of view.
- Drawing up and formalising reports and documents.
- Identify the foundations of the main legal and organisational areas in the field of human work.
- Identifying, analysing and solving complex problems and situations from an (economic, historical, legal, psychological, and sociological) interdisciplinary perspective.
- Organising and managing the available time.
- Students must be capable of persuading others to agree with their point of view.
- Students must demonstrate they comprehend the relation between social processes and industrial relations dynamics.
- Verbally communicating and defending a project.
- Working autonomously.
- Working effectively in teams.

Learning Outcomes

1. Analysing the differences between labour legislation and labour law. Determine the issues arisen during the development of trade unionism.
2. Describing the ideological assumptions of legislation and labour law.
3. Drawing up and formalising reports and documents.
4. Identifying the historical training of rules and legal institutions in the shaping the industrial relations.
5. Memorising the regulations and institutions of the main legal areas and the relationships between the social processes.
6. Organising and managing the available time.
7. Relating the pre-liberal antecedents of the labour regulation with the interventionism of industrial relations.
8. Reviewing the historical evolution of normative groups.
9. Students must be capable of persuading others to agree with their point of view.
10. Verbally communicating and defending a project.
11. Working autonomously.
12. Working effectively in teams.

Content

ITEM 1 . INTRODUCTION. FREEDOM OF INDUSTRY AND FREEDOM OF COMMERCE

- 1.1. The guilds and their disappearance: freedom of industry and commerce
- 1.2 Liberal dogma and freedom of work
- 1.3. The general regulation of salaried work in the Civil Code
- 1.4. The special regulations of the merchant's assistants and their regulation in the Commercial Codes

ITEM 2. THE WORKERS' ASSOCIATION (1839-1887)

- 2.1. The right of workers' association
- 2.2. Royal Order of October 28, 1939, of the creation of Mutual Relief Societies
- 2.3. Collective labor conflict as unlawful punishment in the criminal codes of 1848 and 1870
- 2.4. The treatment of the right of association in the Constitutions of 1869 and 1876
- 2.5. The legal recognition of the right of association in the General Law of Associations of 1887

ITEM 3. THE SOCIAL QUESTION AND SOCIAL REFORM. The STATE INTERVENTION (1873-1903)

- 3.1. Elements of the social question
- 3.2. The Benot Law of July 24, 1873
- 3.3. The Law of July 26, 1878 on dangerous work of children
- 3.4. Background of the Social Reforms Commission (CRS): the Sociological Congress of Valencia
- 3.5. The Commission of Social Reforms (1883)

- 3.5.1. Provincial and Local Commissions of Social Reforms (1884). Interventionism: questionnaire, study, documentation and information as precedent of the normative state action
- 3.6. Rerum Novarum de León XIII (1891)
- 3.7. Interventionism in labor relations
- ITEM 4. THE LAWS CALLED "EDUARDO DATO" (1900)
 - 4.1. The Work Accidents Act of 1900
 - 4.1.1. The new concepts
 - 4.1.2. The employer's responsibility
 - 4.1.3. Prevention of occupational hazards
 - 4.1.4. The new judicial channels
 - 4.2. The Law of March 13, 1900 on the working conditions of women and children
- UNIT 5. The INSTITUTE OF SOCIAL REFORMS (1903)
 - 5.1. The project of the Institute of Labor of José Canalejas (1902)
 - 5.2. Institute of Social Reforms (1903)
 - 5.3. The Law of Sunday Rest (1904)
 - 5.4. The Regulation for Labor Inspection (1906)
 - 5.4.1. Body of Labor Inspectors
 - 5.4.2. Competencies
 - 5.4.3. Development of Inspection
 - 5.5 The role of the Provincial and Local Boards of Social Reforms
 - 5.6. The National Institute of Forecast (1908)
 - 5.6.1. Background
 - 5.6.2. Autonomy and intervention
 - 5.6.3. Functions
 - 5.6.4. Subsidiary freedom regime
 - 5.7. The Law of the chair (1912)
 - 5.7.1. Comparative influence
 - 5.7.2. Physiological reasons
 - 5.7.3. Content
 - 5.7.4. Normative evolution
 - 5.8. Law of July 11, 1912 prohibiting night work of women in workshops and factories
- ITEM 6. THE COLLECTIVE WORK CONFLICTS IN THE MAURA LAWS (1908-1909)
 - 6.1. The process towards the legalization of collective labor disputes
 - 6.2. The "Long Government" of Antonio Maura (1907-1909)
 - 6.3. The Maura laws regulating collective labor disputes
 - 6.3.1. The Law of May 19, 1908, on Councils of Conciliation and Industrial Arbitration
 - 6.3.2. The Law of April 27, 1909, said of "Strikes and Protests"
- ITEM 7. THE INDUSTRIAL COURTS (1908-1912)
 - 7.1. The Law of May 19, 1908
 - 7.1.1. Competencies
 - 7.2. The Law of July 22, 1912
 - 7.2.1. The novelties of the Law of July 22, 1912
 - 7.2.2. The process before the Industrial Court
- ITEM 8. THE REGULATORY LAWS OF THE IMMIGRATION QUESTION (1907-1939)
 - 8.1. The Emigration Law of 1907 and its Regulations of 1908
 - 8.1.1. The Context of Social Reform
 - 8.1.2. The Paternalistic Guardianship
 - 8.1.3. Scientific interventionism
 - 8.2. The migratory regime
 - 8.2.1. The Higher Council of Emigration
 - 8.2.2. The Local Emigration Boards
 - 8.2.3. The Emigration Inspection
 - 8.3. The reform of the migratory regime: the revised text of the Emigration Law of 1924, its regulations and complementary provisions
 - 8.3.1. The Creation of the Ministry of Labor
 - 8.3.2. The Provincial and Local Patronages of Social Action and Emigration
 - 8.3.3. The General Directorate of Social Action and Emigration
 - 8.3.3. The General Inspection of Emigration

ITEM 9. THE CRISIS OF 1917 AND THE EXTENSION OF LABOR LEGISLATION (1917-1923)

- 9. 1. General characteristics of the legislation 1917-1923
- 9.2. The Canadian Strike in Barcelona
- 9.3. The extension of labor legislation
 - 9.3.1. The maximum legal working day
 - 9.3.2. Compulsory social security and other contingencies
- 9.4. Bases and corporatist essay of professional representations
 - 9.4.1. Bases and evolution
 - 9.4.2. Corporatist essay
 - 9.4.3. The Catalan joint formulas
- 9.4. Main social-labor standards

ITEM 10. THE DICTATORSHIP OF PRIMO DE RIVERA (1923-1931)

- 10.1. Introduction and features
- 10.2. Unions and collective conflicts
- 10.3. Social action
- 10.4. The articulation of national work in corporate groups
 - 10.4.1. Precedents
 - 10.4.2. Corporatism and new order
 - 10.4.3. The National Corporate Organization: functions of corporate bodies
- 10.5. The codification of labor legislation

ITEM 11. THE TRANSFORMATION OF LABOR LAWS IN LABOR LAW IN THE SECOND SPANISH REPUBLIC (1931-1936)

- 11.1. The Second Spanish Republic
- 11. 2. The republican-socialist biennium and the reform in social matters (1931-1933)
 - 11.2.1. Constitution and development of the constitutional program
 - 11.2.1.1. Constitution of 1931
 - 11.2.1.2. Development of the constitutional program
 - 11.2.1.3. Labor Contract Law, November 21, 1931
 - 11.2.2. The professional representation: the Law of Mixed Juries, of November 27, 1931 and the Law of Professional Associations, of April 8, 1932
 - 11.2.3. The legal regulation of the labor market
 - 11.2.4. The legal solution to agrarian problems
- 11.3. The radical-cedista biennium
- 11.4. The Popular Front Government

Methodology

The teaching of the subject will be mixed: the master classes will be virtual and the classroom seminars / practices will be face-to-face. Also, teaching methodology and evaluation may experience some modification depending on the restrictions imposed by the health authorities.

The development of the teaching of the subject and the training of students is based on the following activities:

(I) Directed: those that are carried out in theory classes (40.5 hours).

Teachers will make an analytical explanation of each of the study topics. Through the master lesson it is intended to transmit the basic knowledge of the Program, stimulate interest in historical analysis, and give answer to the doubts of the students in a collective way.

The students, in smaller groups, analyze and solve together with the professor historical-legal texts. In general, comments will be made in class, although their preparation can be done in writing before the class. The basis of the practical work is the understanding and critical application of historical regulations related to the essential content explained in the theoretical classes.

Its objective is to promote the acquisition of different transversal competences by students. To class will work different aspects of the Program from an empirical point of view, through the use of legal texts, that each student will have previously worked with the readings or materials indicated. It will work and will improve reading comprehension, critical information research, writing, individual and team work.

(II) Supervised: obligatory tutoring for the students (4.5 hours).

(III) Autonomous: external work of students (100 hours).

Individual work of the students based on readings and the search for information.

The directed work is complemented by individual and group work. The objective of this activity is to promote

independence of the student in the learning process and provide analytical tools that encourage your critical capacity

Tutorials The learning process will be supervised by the teachers through tutorials. the teachers will be at your disposal in the hours previously established for it, to answer questions and follow the general evolution of the course.

Virtual Campus or Moodle Classroom of the subject

In classroom teaching, the Virtual Campus is a useful tool that allows students to have access to a complementary space through which they can access different teaching materials that the teacher considers important to deepen the contents of the subject.

The set of activities will be specified in each group in the classroom moodle, activated the first week of the course. In this space, the schedule of both evaluable and non-assessable activities will be specified in a precise manner. The fixed dates are irremovable, without prejudice to the fact that exceptionally and for reasons of force majeure can be modified, with sufficient notice.

(IV) Evaluation: 5 hours.

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			
Analysis of legal and historical texts	14	0.56	1, 2, 4, 5, 6, 7, 8, 11
Test exam	9	0.36	1, 2, 4, 5, 6, 7, 8, 11
master lecture	22.5	0.9	1, 2, 4, 5, 6, 7, 8, 11
Type: Supervised			
Tutorías	4.5	0.18	1, 2, 4, 5, 6, 7, 8, 11
Type: Autonomous			
Evaluation	5	0.2	1, 2, 4, 5, 6, 3, 7, 8, 11
Search of materials and bibliography	30	1.2	6, 8, 11
Study and preparation	45	1.8	1, 2, 4, 5, 6, 7, 8, 11
reading process	20	0.8	1, 2, 4, 5, 6, 7, 8, 11

Assessment

1. The continuous assessment system combines the attendance to the theoretical classes, the participation in the practical classes, the realization of the evaluable activities and the passing of the final exam. It is an essential requirement to pass the final test with a 5 so that it becomes average with the rest of evaluable activities.

- 1 written test (final exam) of 10 questions with a value of 50% of the total grade.
- evaluable activities with a value of 50% of the total rating. Practices will be carried out mainly in the classroom, and will consist of a text commentary (10% of the grade) and two knowledge assessment tests (20% each).

2. Conditions to be evaluated

Students can only be evaluated if they attend a minimum of 80% of the classes, perform a minimum of 80% of the individual work, group work and the test / s.

3. Requirements to pass the subject and re-evaluation.

Students must obtain a minimum grade of 5 in all four items of the assessment. If a student does not pass the evaluation for the individual, work group or the final test will be able to recover the day set for re-evaluation. Individual work and group work are recovered through one or more theoretical questions about the contents and subjects worked on in the respective activities.

To pass the subject through re-evaluation it is also necessary that students obtain a minimum grade of 5 in all the items. If this minimum grade is not obtained for each item, even if the arithmetic mean of the four assessment items exceeds 5, the final grade in the report will be failed with a grade of 4.5.

Given that this is a second chance, the maximum grade for tests and work recovered is 5.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Debates and/or analysis of legal and historical texts	10%-40%	0	0	1, 2, 4, 5, 6, 3, 7, 8, 11
Exam	50%	0	0	1, 2, 4, 5, 6, 7, 8, 11
Test exam (2)	10% - 40%	0	0	1, 10, 9, 2, 4, 7, 8, 12

Bibliography

Basic references:

CHAMOCHO CANTUDO, Miguel Ángel, RAMOS VÁZQUEZ, Isabel, Introducción jurídica a la historia de las relaciones de trabajo, Madrid, Dykinson, 2013.

ESPUNY TOMÁS, María Jesús, PAZ TORRES, Olga (Dir.), Esquemas de Historia del Derecho social y de las Instituciones laborales, Valencia, Tirant lo Blanch, 2011 (segunda edición).

Complementary references:

ESPUNY TOMÁS, María Jesús, El derecho del trabajo en la historia (www.upf.edu/iuslabor).

DE LA VILLA GIL, Luis Enrique, La formación histórica del derecho español del trabajo, Granada, Comares, 2003.

MARTÍN VALVERDE, Antonio, "La formación del Derecho del Trabajo en España", en AA.VV, La legislación social en la historia de España. De la revolución liberal a 1936, Madrid, Congreso de los Diputados, 1987, pp. XIII-CXIV.

MONTOYA MELGAR, Alfredo, Ideología y lenguaje en las leyes laborales de España (1873-1978), Madrid, Civitas, 1992.

Software

No required.