

Employment Law III

Code: 100498
ECTS Credits: 6

| Degree | Type | Year | Semester |
|--------------------------|------|------|----------|
| 2500258 Labour Relations | OB | 2 | 2 |

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Teaching groups languages

You can check it through this [link](#). To consult the language you will need to enter the CODE of the subject. Please note that this information is provisional until 30 November 2023.

Teachers

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Prerequisites

In order to carry out a correct follow-up of this subject it is necessary to have previously passed the subjects "Labour Law I" and "Labour Law II", given that both offer basic training in relation to the legal framework of individual and collective labour relations without which the issues dealt with in "Labour Law III" cannot be properly understood and analysed.

Objectives and Contextualisation

The main objective of this course is to provide knowledge and understanding of the different changes, both objective and subjective, that may occur in the individual employment relationship (functional mobility, geographical mobility, substantial changes in working conditions, change of employer, suspensions and leave of absence), as well as the circumstances that may lead to their termination.

Competences

- Consulting and managing in terms of employment and labour recruitment.
- Recognising the issues related to labour market, social security, and the implementation of legislation and jurisprudential criteria to the assumptions shown in practice.
- Students must be capable of deciding, sharply taking decisions and judging.
- Working autonomously.

Learning Outcomes

1. Describing the assumptions of subjective and objective modification of industrial relations.
2. Identifying the subjective and objective modification of industrial relations.
3. Solving the practical issues related with suspension and extinction of industrial relations by applying the legislation and jurisprudence.
4. Solving the problems related to the suspension and extinction of industrial relations.
5. Students must be capable of deciding, sharply taking decisions and judging.
6. Working autonomously.

Content

LESSON 1. THE MODIFICATION OF THE LABOR RELATIONSHIP (I). CHARACTERIZATION. FUNCTIONAL MOBILITY

1. Modification of the employment relationship: Introduction

- 1.1. Concept
- 1.2. Types
- 1.3. Legal regime

2. Functional mobility

- 2.1. Concept
- 2.2. Modalities
 - 2.2.1. Within the same professional group.
 - 2.2.2. Between different occupational groups or occupational categories. Higher and lower functions.
 - 2.2.3. Change of functions not agreed or not included in the previous points.
- 2.3. Legal regime of each one of the modalities.

LESSON 2. MODIFICATION OF THE EMPLOYMENT RELATIONSHIP (II). GEOGRAPHICAL MOBILITY

1. Concept and typology
2. Displacement: legal regime
3. Transfer: legal regime

LESSON 3. MODIFICATION OF THE EMPLOYMENT RELATIONSHIP (III). SUBSTANTIAL MODIFICATION OF WORKING CONDITIONS

1. Concept and typology
2. Substantial modification of working conditions: legal regime.
3. The modification or non-application of the working conditions provided for in statutory collective bargaining agreements.

LESSON 4. THE MODIFICATION OF THE EMPLOYMENT RELATIONSHIP (IV). SUCCESSION OF COMPANIES

1. Concept

Legal regime

LESSON 5. THE SUSPENSION OF THE EMPLOYMENT RELATIONSHIP AND LEAVES OF ABSENCE

1. The suspension

- 1.1. Concept
- 1.2. Assumptions

- 1.3. Classification
 - 1.3.1. In the interest of the employee
 - In the interest of the employer 1.3.3.
 - 1.3.3. In the interest of both parties 1.4.
- 1.4. Legal regime of each case of suspension 1.4.1.

2. Leaves of absence

- 2.1 Concept
- 2.2. Typology
- 2.3. Legal regime

LESSON 6. THE TERMINATION OF THE LABOR RELATIONSHIP (I). GENERAL LINES. TERMINATION BY WILL OF THE EMPLOYEE

THE EXTINCTION

- 1. Concept of termination
- 2. Typology
- 3. Termination of the employment relationship at the employee's will.
 - 3.1. Resignation
 - 3.2. Abandonment
 - 3.3. Gender violence
 - 3.4. Causal termination

LESSON 7. TERMINATION OF THE EMPLOYMENT RELATIONSHIP (II). TERMINATION BY THE WILL OF BOTH PARTIES AND FOR REASONS BEYOND THE PARTIES' CONTROL.

- 1. The termination of the employment relationship by the joint will of both parties.
 - 1.1. Mutual agreement
 - 1.2. Causes stipulated in the contract
 - 1.3. Expiration of the agreed time or completion of the work or service covered by the contract.
- 2. Termination of the employment relationship due to causes beyond the control of the parties.
 - 2.1. Death of the employee.
 - 2.2. Permanent disability of the employee.
 - 2.3. Retirement of the employee

Death, retirement or permanent disability of the employer.

LESSON 8: TERMINATION OF THE LABOR RELATIONSHIP (III): DISCIPLINARY DISMISSAL

- 1. Concept and causes
- 2. Legal regime

LESSON 9: TERMINATION OF EMPLOYMENT (IV): OBJECTIVE, COLLECTIVE AND FORCE MAJEURE FIRING

1. Dismissal for objective causes
 - 1.1. Concept and causes
 - 1.2. Legal regime
2. Collective dismissal
 - 2.1. Concept and causes
 - 2.2. Legal regimeProcedure: special reference to the consultation period.
3. Dismissal due to force majeure
 - 3.1. Concept
 - 3.2. Legal regime

Methodology

The learning process of the students in the framework of this subject will be organized from the three types of training activities that are set out below:

1. TARGETED ACTIVITIES

The directed activities are all those that are developed in the classroom, in the schedules foreseen for the subject and under the direction of the teacher. They can be theoretical or practical.

1.1. Theoretical classes

They consist of a presentation by the lecturer of various aspects of the syllabus, based on the applicable regulations and the dossiers previously provided through the Teaching Space of the subject within the Virtual Campus, which will include schemes and other materials of interest for the analysis of each of the subjects (extracts from judgments, fragments of collective agreements, etc.). For the correct monitoring of the theoretical classes, it is essential that all students have the dossier corresponding to the subject dealt with and a duly updated compilation of labour regulations during the theoretical classes.

Within the framework of the theoretical classes, small-format activities will also be carried out periodically (reading and analysis of documents, elaboration of brief diagrams, resolution of questionnaires, tests, etc.), which in some cases will be carried out individually and others in groups. The objective of these activities will be the deepening of questions previously raised by the teacher.

1.2. Practical classes

They are dedicated to the execution of nine practical activities, each one of which will imply a previous work outside the classroom and a presential work in the classroom. As much as the other will suppose the accomplishment of a series of tasks of diverse format: identification and study of the normative framework of a certain institution, reading and comprehension of jurisprudence, investigation of collective agreements, resolution of practical cases, etc. The planning of practical activities will be carried out mainly on the basis of the book *Materiales para el aprendizaje del Derecho del Trabajo* (5th Edition), UAB Publications Service, 2012.

The practical activities will be structured in three main thematic blocks: 1) the modification of the employment relationship; 2) the suspension of the employment relationship; and 3) the extinction of the employment relationship. Each thematic block will include three practical activities and an individual evaluation activity on the set of issues dealt with in the framework 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, the practical activities will be carried out obligatorily in groups of

3 or 4 people, which will be conformed 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 the case may be. The evaluation activities will be individual in all cases.

2. SUPERVISED ACTIVITIES

The supervised activities are those that are carried out outside the classroom, based on the instructions given by the teacher, and are subsequently subject to some process of supervision or monitoring by the teacher. As has already been shown, the previous work involved in practical activities generates a series of tasks of different formats that have to be carried out outside the classroom and are subsequently supervised and verified through the classroom work proposed within the framework of the same activity. Through the theoretical classes, other supervised activities may be proposed as a complement to the small format activities referred to above.

3. AUTONOMOUS ACTIVITIES

Autonomous activities are all those in which students organize their time and effort autonomously, either individually or in a group, such as research and study of bibliography, elaboration of schemes 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.

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 classes | 18 | 0.72 | 1, 3, 5, 6 |
| Theoretical classes | 24 | 0.96 | 1, 4, 5 |
| Type: Supervised | | | |
| Case Study Resolutions | 15 | 0.6 | 1, 5, 6 |
| Preparation of legal documents | 10 | 0.4 | 6 |
| Preparation of summaries and diagrams | 20 | 0.8 | 1, 4, 6 |
| Search and analysis of legal documentation (jurisprudence, bibliography, regulations, administrative resolutions, etc.) | 15 | 0.6 | 1, 3, 4 |
| Type: Autonomous | | | |
| Study | 40.5 | 1.62 | 1, 4, 6 |

Assessment

1. ORDINARY EVALUATION SYSTEM

This system combines the continuous evaluation of the practical part and a theoretical exam.

1.1 Continuous practical evaluation.

Only those persons who have attended at least 80% of the classes will be able to take the exam, otherwise they will have to take the single evaluation.

The grade corresponding to the continuous evaluation of the practical activities will be the one obtained in a PRACTICAL CASE, with five questions of objective answers, with a value of 2.5 POINTS and in a BASIC PRACTICAL TEST - V/F - with a value of 2.5 POINTS.

The wrong answer means deducting half of the correct answer.

1.2 Theoretical examination

Only those persons who have attended at least 80% of the classes will be able to take the exam, otherwise they will have to be examined by means of the single evaluation.

It will consist of five objective questions. VALUE: 5 POINTS.

The wrong answer means deducting half of the correct answer.

1.3 Grading of the subject

The score obtained through the practical continuous evaluation will have a value of 50% of the grade of the subject. The score of the theoretical exam will have a value of 50% of the grade of the subject.

It is necessary to pass each part with a minimum grade of 2.5 points. Only in this case, the grades obtained in both parts can be added together.

If this minimum score is not reached in one of the parts: the grade that will be introduced in the minutes will be "failed" and the numerical value will be the one corresponding to the failed part, expressed in the parameter 0-10.

Consequently, the passing of the subject will be obtained once 2.5 points have been obtained in each of the parts, and, only in that case, both scores will be added together, being the minimum grade a 5 out of 10.

2. RE-EVALUATION

2.1. Theoretical examination.

Only those persons who have attended at least 80% of the classes will be able to take this exam, otherwise they will have to be examined by means of a single evaluation.

It will consist of the resolution of five questions with objective answer options. Each question is worth 1 point. The theoretical exam will have the value of 50% of the grade, being necessary to achieve at least 2.5 points.

Each wrong answer means deducting half of a correct answer.

2.2. Practical exam.

Only those persons who have attended at least 80% of the classes will be able to take this exam, otherwise they will have to take the exam by means of a single evaluation.

It will consist of answering 5 questions of objective answer on a practical case. Value: 2.5 points. and to carry out a basic practical test - V/F- . Value: 2.5 points.

Each wrong answer means deducting half of a correct answer.

This part of the exam will have a value of 50% of the grade and a minimum score of 2.5 out of 5 points must be reached in order to be added to the grade obtained in the theoretical exam, which also requires a minimum grade of 2.5 points to be added to the practical exam.

Only those who have obtained a grade lower than 2.5 out of 5 points, through the continuous practical evaluation, will have to take the practical exam. Those who have obtained a grade equal to or higher than 2.5 points, this grade will be maintained as the grade for the practical part.

2.3. The final grade of the exam will be obtained from the sum of the score obtained in the two parts, theoretical and practical, provided that in each part a minimum score of 2.5 points out of 5 is reached.

The subject is passed when, in both parts, 2.5 points are reached and, consequently, this sum is equal or higher than 5 points.

If in any of the parts the minimum grade of 2.5 points is not reached, the grade that will be recorded in the minutes will be "failed" and the numerical value will be the one corresponding to the part that did not reach the 2.5 points, expressed in parameter 0-10.

THE SINGLE EVALUATION may be taken by students who meet the requirements established in the regulations of the Faculty and provided that the faculty of the subject is aware of the choice of this modality in a timely manner.

A.- ORDINARY CALL

Students will take

1.- Eliminatory multiple-choice exam. 3 points. Minimum score to reach: 2 points.

Each wrong answer reduces half of the score of a correct answer.

2.- Students who pass the previous exam, will have to take

2.1. An oral exam on the program of the subject. 5 points

2.2. A practical case of objective answers. 2 points. Each wrong answer reduces half the score of a correct answer.

B.- EXTRAORDINARY CALL

To attend it, it is required to have achieved a minimum grade of 3 points in the ordinary call of the single evaluation.

Type of evaluation: the same as in the ordinary call and in the objective answers, each wrong answer reduces half of a correct answer.

3. DATES OF THE EXAMS

The dates will be determined by the Faculty of Law and will be published on its web page, specifically in the Academic Information section.

NOTE: The person who copies or tries to copy in an exam will have a 0 in the subject and will lose the right to the reevaluation. The person who submits a practice in which there are indications of plagiarism or who cannot justify the arguments of his practice will get a 0 and will receive a warning. In case of repetition of the behavior, the student will fail the course (0) and will lose the right to the recovery.

Assessment Activities

| Title | Weighting | Hours | ECTS | Learning Outcomes |
|---|-----------|-------|------|-------------------|
| Evaluation activities carried out as part of the practical activities | 50 % | 3.5 | 0.14 | 3, 5, 6 |

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|-----------------------------|------|-----|------|---------|
| Ordinary theoretical exam | 50 % | 1.5 | 0.06 | 1, 2, 4 |
| Subsidiary practical exam | 50 % | 1 | 0.04 | 5, 6 |
| Subsidiary theoretical exam | 50 % | 1.5 | 0.06 | 1, 2, 4 |

Bibliography

1. Manuals

Recommended: MARTÍN VALVERDE, A., RODRÍGUEZ-SAÑUDO, F. and GARCÍA MURCIA, J.: Labour Law, Tecnos, Madrid (last edition)

MERCADER UGUINA, J.R.: Lessons in labour law, Tirant lo blanch, Valencia (last edition)

2. Normative compilations

Recommended:

- BOE Labour Law Code:

https://www.boe.es/biblioteca_juridica/codigos/codigo.php?id=289_Codigo_Universitario_de_Derecho_del_Trabajo

- Basic social legislation, Civitas (latest edition)

- Labour and Social Security Legislation, Aranzadi (latest edition)

Software

No programs are required.