

Employment Law II

Code: 100499
ECTS Credits: 6

Degree	Type	Year	Semester
2500258 Labour Relations	OB	2	1

Contact

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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.

Prerequisites

There are no prerequisites. However it is essential to have previously passed the the first-year course (second semester) "Labor Law I"

Objectives and Contextualisation

The basic objective is to consolidate knowledge (DTI) and acquire the ability to apply the regulatory instruments of the legal regime of the Individual Employment Relationship (first part). It includes:

- Worker placement. Employment contracts
- Professional classification, rights and duties of the parties
- Equality and fundamental rights in the employment relationship
- Working time and related conciliation rights
- Salary. Equal salary for equal work

The achievement of learning results is a basic element so that students can overcome throughout (in the second semester) "Labor Law III"

Competences

- Applying the information and communication technologies to the different areas of action.
- Carrying out representation and negotiation roles in several fields of the industrial relations.
- Clearly expressing ideas or facts in a compelling way.
- Consulting and managing in terms of employment and labour recruitment.
- Drawing up and formalising reports and documents.

- Recognising the issues related to labour market, social security, and the implementation of legislation and jurisprudential criteria to the assumptions shown in practice.
- Self-motivating by undertaking specific training programs to acquire new knowledge.
- Students must be capable of deciding, sharply taking decisions and judging.
- Students must be capable of persuading others to agree with their point of view.
- Technically representing the people or entities of the administrative, fiscal, and procedural fields, and also of defence in labour courts.
- Verbally communicating and defending a project.
- Working autonomously.
- Working effectively in teams.

Learning Outcomes

1. Applying and using in teaching practice the mechanisms of the collective agreements.
2. Applying the information and communication technologies to the different areas of action.
3. Clearly expressing ideas or facts in a compelling way.
4. Describing regular processes and special processes.
5. Drawing up and formalising reports and documents.
6. Explaining the employment contract and its variations.
7. Explaining the methods of job placement and intermediation in the labour market.
8. Self-motivating by undertaking specific training programs to acquire new knowledge.
9. Solving the practical issues related with suspension and extinction of industrial relations by applying the legislation and jurisprudence.
10. Students must be capable of deciding, sharply taking decisions and judging.
11. Students must be capable of persuading others to agree with their point of view.
12. Verbally communicating and defending a project.
13. Working autonomously.
14. Working effectively in teams.

Content

LESSON 1. ACCES TO EMPLOYMENT. WORK CONTRACT (I): CONCEPT, ELEMENTS, CONTENT

Preliminary: Acces to employment

1. Work contract
 - 1.1 Concept, characters, elements
 - 1.2 Subjects (DT I)
2. Form and formalities
3. Validity and effectiveness
4. Content
5. Trial period in the work contract

LESSON 2. WORK CONTRACT (II): TYPOLOGY ACCORDING TO ITS DURATION

1. Indefinite and temporary hiring: general considerations
2. Work contracts of indefinite duration
 - 2.1 Ordinary indefinite work contract
 - 2.2 Fixed discontinuous work contract and other typologies
3. Work contracts of temporary causal duration

LESSON 3. WORK CONTRACT (III): OTHER TYPES AND MODALITIES

1. Training employment contracts
2. Part-time employment contracts
3. Other modalities and types of employment contracts

LESSON 4. WORK PROVISION. RIGHTS AND DUTIES

1. Professional classification systems. Professional framing
2. Site of provision. Remote work, teleworking, working at home
3. Rights and duties of the parties. Limitations
4. Dignity of the person, equality and fundamental rights in labor relations

LESSON 5. WORKING TIME

1. Concept and typologie
 - 1.1 Regular working time
 - 1.2 Special working times
 - 1.3 Overtime
2. Break time at work. Daily, weekly, annual
3. Work schedule
4. Reconciliation: reduction, adaptation, permits (leave of absence)

LESSON 6. SALARY (I): CONCEPT AND STRUCTURE

1. The salary
 - 1.1 Concept and form
 - 1.2 Modalities and salary systems
2. Equal salary for equal work
3. Salary structure
3. Extra-salary perceptions

LESSON 7. SALARY (II): FIXATION AND GUARANTEES

1. Setting the salary. Minimum interprofessional salary, collective agreement salary, individual agreements
2. Place, time and method of payment
3. Protection
4. Salary Guarantee Fund

Methodology

The learning process within the framework of this subject will be organized from the three types of training activities that are explained below:

Directed activities. They respond to a predetermined time schedule, which requires the teacher's direction and that take place in groups (master classes) or subgroups (classroom practices, seminars)

- Master classes. It is an activity where the main role falls on the teacher and is essentially theoretical. They will consist of the exposition of various aspects of the agenda, based on the applicable regulations and the materials that are eventually provided through the Virtual Campus.
- Practical classes. With a shared role between teachers and students, these activities will have a practical nature and will consist of the execution of three PRACTICAL UNITS, each of which will involve previous work outside the classroom (see supervised activities) and face-to-face work in the classroom based on the resolution and collective discussion of practical cases and / or preparation of legal documents, etc. In the part corresponding to the work in the classroom, the practical activities will be carried out in teams or individually, as determined.

Supervised activities. Those that, although they can be developed autonomously, require the more or less punctual intervention of the teaching staff (tutorials, etc.). They will be developed individually or in small teams and will be oriented to the preparation of evaluable practices. They will consist of the following typology (indicative): Preparation of summary sheets of judgments or regulations. Realization of conceptual diagrams of the epigraphs of the agenda. Search and reading of bibliography and instrumental jurisprudence for the resolution of practical cases.

Autonomous activities. They are all those in which the students organize their time and effort autonomously, either individually or in teams, such as research and study, drawing up diagrams or summaries. Also the resolution of practical cases/questions when it is carried out prior to the delivery and/or debate in the classroom. In this subject, an essential part of the autonomous activities is linked to completing, analyzing and studying the contents of the theoretical classes and preparing for the theoretical final exam.

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	19.5	0.78	1, 2, 12, 11, 4, 6, 7, 3, 5, 10, 14
theory	19.5	0.78	1, 4, 6, 9
Type: Supervised			
write a paper	10	0.4	2, 8, 6, 5, 10, 14
Final tutorial	6	0.24	4, 6, 7, 5
Material research	5	0.2	2, 3, 10, 13
Summarization and schemes. Research and analysis of legal documents (literature, regulations, jurisprudence, etc.) aimed at the preparation of the evaluable practices	20	0.8	2, 8, 12, 11, 6, 3, 5, 10, 14
Type: Autonomous			
Drafting/resolution of a part of the deliverables for evaluable practices	15	0.6	2, 8, 11, 6, 3, 5, 10, 14
Study	40	1.6	8, 6, 10, 13, 14
reading legal texts	10	0.4	2, 8, 6, 13

Assessment

Fraudulent conduct: Copying or attempting to copy in an exam will involve the qualification of 0 in the subject and the loss of a possible right to re-evaluation. The delivery of an evaluable practice in which there are signs of plagiarism or when, in the work in equipment, a false or inaccurate qualitative and/or quantitative co-authorship is recorded shall involve a 0 in that activity and a first warning. In case of repetition of the conduct the person or persons involved will suspend the subject (0) and lose the right to recovery

I. CONTINUOUS EVALUATION: combines the continuous evaluation of the practical classes and the resolution of a final exam.

1. Continuous evaluation of practical classes.

a) Three qualifying practical units will be made throughout the course. Each will have an evaluation activity. The final score of the activities will be the average of the three notes obtained (between 0 and 10 points). Before the beginning of the teaching, the specific date or week of performance will be published on the Virtual Campus, without prejudice to the exceptionally and for reasons of force majeure, these may, with sufficient notice and advance notice, be modified.

b) Development of practices. Each practical unit will be developed in principle in two/three sessions (one session each week) and will require regular attendance throughout the course. In each practice, the first sessions will be preparation, in which students must have developed in work teams the theoretical-practical development of the subject matter, for discussion and resolution of exercises in the classroom (team or individually). There will be a last session consisting of the EVALUATION of the practical unit, by resolving a case study and / or short questions or type test on the subject worked. This evaluation may have an individual resolution part and a team resolution part.

2. Final evaluation exam: shall consist of the resolution of five development questions on the subject matter covered in theoretical and practical teaching. Legal understanding and expression, as well as the ability to relate and apply the basic legal concepts of the subject, will be particularly valued. Each of the exam questions will be rated from 0 to 10 points. The score will be obtained from the corresponding average

3. Qualification of the subject with the system of continuous evaluation and final exam. Calculation of the subject grade if the score of the evaluation exam is equal to or greater than 4'5: the score obtained in the continuous evaluation of the practices will have a value of 50% of the grade and the score obtained in the final exam will be worth 50% of the grade. The subject will be approved with a minimum of 5 points out of 10.

Attention: where the final exam score is less than 4'5 out of 10, the grade of the subject will be suspense (note on 10 obtained in the evaluation exam).

II. RE-EVALUATION

ATTENTION: students who throughout the development of the subject have not taken assessable activities that together add up to 2/3 parts of the grade for the course, WILL NOT HAVE THE RIGHT TO RE-EVALUATION.

1. Student re-evaluation that has approved the practical units, have been presented to the final exam, but which has suspended the system of continuous evaluation. They are kept the practice note. They will do a re-evaluation exam, with the same content and qualification criteria applied in the continuous evaluation.

2. Re-evaluation of students who have not approved the practical units, have been presented to the final exam, but which has suspended the system of continuous evaluation

- For students entitled to re-evaluation, a theoretical-practical examination consisting of two parts shall be carried out: A theoretical part that will consist of the resolution of five development questions. Each question will be scored from 0 to 10 points and the note will be earned from the corresponding average. This part of the exam will be worth 50% of the grade (they do not keep the final evaluation exam note)
- A practical part consisting of the decision appropriately based on law, of a practical assumption with the thematic content corresponding to the subject matter under review. This part of the exam will be worth 50% of the grade.
- In this re-evaluation the final grade of the subject will be obtained by making the average of the score obtained in both parts. The subject will be approved when they have been independently passed (minimum note 5 out of 10) each of the two parts of the theoretical-practical examination. If one of the parties is not exceeded, the grade of the subject will be SUSPEND (note on 10 obtained in the suspended part).

III. SINGLE ASSESSMENT EXAM

Only for students who have requested it and it has been granted

Dates, time, classrooms: officially established by the Faculty

- Content: test (20% grade), five development questions (40% grade), resolution of a practical case with/without reference materials at the discretion of the teacher who will inform in advance (40% of the grade).
- Duration: 2h and 30m
- Qualification: each of the parts will be graded from 0 to 10. The indicated percentages will be applied to the score obtained in each part and the final grade will be obtained from 0 to 10. To pass the subject, a minimum

total grade must be obtained out of 5 out of 10. Also, in the part corresponding to the development questions and in the resolution of the practical case, must a minimum grade of 4.5 points been obtained in each. If this requirement is not met, the note will be the average obtained, with a maximum of 4.4 points.

Single assesment re-evaluation

- Only students who have taken the Single Assessment and have obtained a total grade equal to or greater than 3.5 points out of 10 will be entitled to reassessment.
- The score of any of the parts of the single assessment exam will not be kept.
- Content, criteria, qualification: the same ones that apply to the failed exam.

IV. REVIEW OF EVALUATION ACTIVITIES

Evaluation and re-evaluation exams, and single assessment exam: Teachers will set review day and time by posting a note on the virtual campus and/or through information on the day of the exam.

Continuous evaluation activities carried out throughout the semester: students interested in reviewing the grades should contact the teacher by email to set the day and time of review, within the period indicated in the publication of each of the notes.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
EVALUABLE PRACTICES. There will be done 3 trials (1 for every PRACTICAL UNIT. Approximate time 1h each)	50%	3	0.12	1, 2, 8, 12, 11, 6, 7, 3, 5, 10, 13, 14
Theoric exam	50%	2	0.08	1, 4, 6, 7, 3, 9, 10

Bibliography

Bibliography

1. GENERAL BIBLIOGRAPHY: the teaching staff responsible will detail the aspects for their use based on the following materials and criteria.

a) Required (assessment object in parts indicated by the teaching equipment): in electronic format accessible via internet

1. [Lecciones de Derecho del Trabajo Jesús R. Mercader Uguina, Tirant lo blanch, Valencia, last edition, on line](#)

b) Recommended: For a correct preparation of the subject (theory and practice) it is highly recommended to consult the manual. For information purposes, the reference of the other manuals that will serve as the basis for the preparation of the theoretical and practical teaching of the subject is indicated:

1. [GPS LABORAL. CARLOS L. ALFONSO MELLADO; GEMMA FABREGAT MONFORT, Tirant lo blanch, Valencia, last edition, on line](#)
2. Compendio de Derecho del Trabajo: Cruz Villalón; Jesús. Madrid, Tecnos, last edition
3. Derecho del Trabajo: Martín Valverde, Antonio, Rodríguez-Sañudo, Fermín & García Murcia, Joaquín. Madrid, Tecnos, last edition

4. Materials per a l'aprenentatge del Dret del Treball (Adaptats a l'Espai Europeu d'Educació Superior):
Pérez Amorós, Francesc & Solà Monells, Xavier (Dir): Col·lecció Materials, Servei de Publicacions de la UAB, 2015

2. Required law

Agencia Estatal Boletín Oficial del Estado. Biblioteca Jurídica Digital. [COLECCIÓN «CÓDIGOS ELECTRÓNICOS UNIVERSITARIOS»](#) : [Código Universitario de Derecho del Trabajo](#)

3. Regulations, court rulings, collective agreements and other legal documentation of interest

CONSULT: [catàleg de recursos electrònics \(BASES DE DADES DE DRET\)](#) acces: [web de la Biblioteca](#) or [Cercador](#). Also ARE link: <https://www-uab-cat.are.uab.cat/biblioteques/>

Recommended for labour law

1. [Aranzadi Instituciones](#)
2. [vLex](#)
3. [La Ley](#)
4. [Biblioteca Virtual Tirant](#)

How to access the regulations, manuals, judgments and databases

Once you have enrolled and started the course you will be able to see some explanatory videos in the Moodle Classroom of the subject ->

- [ACCÉS BIBLIOGRAFIA ON LINE](#)
- [BIBLIOGRAFIA ON LINE - MANUALS TIRANT ON LINE \(donar-se d'alta amb un compte per a la consulta, impressió limitada, etc\)](#)
- [ACCEDIR A SENTENCIES DES DE LES BASES DE DADES DE LA BIBLIOTECA](#)

In view of regulatory reforms, consultation and the study of the matter must be carried out with the current wording of the laws. For manuals only the last edition is valid, with updates indicated by the teacher. It is entirely unpredictable to use materials (points, etc) from previous courses.

Software

There will be not specific programs