

Employment Law I

Code: 100489
ECTS Credits: 6

2024/2025

Degree	Type	Year
2500258 Labour Relations	FB	1

Contact

Name: David Gutierrez Colominas

Email: david.gutierrez@uab.cat

Teachers

Francisco Javier Bosch Casas

Jessica Andrea Romero Fuentes

Teaching groups languages

You can view this information at the [end](#) of this document.

Prerequisites

There are no prerequisites. Obtaining the skills / learning outcomes of Civil Law (1st year, 1st semester) and Constitutional Law (1st semester, first semester) is a necessary basis for a proper legal understanding of Labor Law I. The course will be taught from the perspective of the Sustainable Development Goals.

Objectives and Contextualisation

Obtain knowledge of the basic legal notions of Labor Law. The subject is the basis from which Labor Law II and III, Social Security Law, Trade Union Law and other legal subjects related to the general scope of labor relations will be studied. It is proposed as basic content to delimit which are the legal relations regulated by Labor Law, to know the normative system of the discipline and to delimit which are the subjects of labor relations.

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.
- 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 persuading others to agree with their point of view.
- Working autonomously.
- Working effectively in teams.

Learning Outcomes

1. Analysing the concepts of worker, entrepreneur, trade union and management. Solving the problems presented in the practical cases.
2. Analysing the differences between labour legislation and labour law. Determine the issues arisen during the development of trade unionism.
3. Analysing the matters and solving labour problems by applying the legislation and jurisprudential criteria.
4. Describing the ideological assumptions of legislation and labour law.
5. Drawing up and formalising reports and documents.
6. Identifying the sources of the Labour Law.
7. Organising and managing the available time.
8. Relating the pre-liberal antecedents of the labour regulation with the interventionism of industrial relations.
9. Students must be capable of persuading others to agree with their point of view.
10. Working autonomously.
11. Working effectively in teams.

Content

LESSON 1. CONCEPT, CHARACTERISTICS AND FUNCTION OF LABOR LAW. DELIMITATION (I)

1. Introductory concept of Labor Law
2. Characters and function
3. Delimitation of the object of the relations regulated by Labor Law. General features

LESSON 2. DELIMITATION (II). SUBSTANTIAL ELEMENTS OF THE LABOR RELATIONSHIP

1. Delimitation of the object: voluntary work, for hire, subordination and salary compensation
2. Exclusions and inclusions
3. Related assumptions
4. Self-employment: ordinary regime and in economic dependence

LESSON 3. SOURCES OF LABOR LAW (I)

1. Hierarchy of standards
2. Sources of Labor Law. State sources
3. Spanish Constitution and Labor Law
4. Laws and other regulations
5. European and international sources

LESSON 4. SOURCES OF LABOR LAW (II). OTHER REGULATORY INSTRUMENTS OF THE LABOR RELATIONSHIP

1. The collective agreement
2. The custom
3. The value of case law

4. The autonomy of the will. Manifestations and limits
5. The power of organization and direction. Manifestations and limits
6. Application and interpretation

LESSON 5 SUBJECTS OF LABOR RELATIONS (I)

1. Workers
 1. Concept
 2. Typology
3. The employer or "entrepreneur"
 1. Concept and typology
 2. Company and workplace
 3. Business group
5. Temporary employment (referral Labour Law II)

LESSON 6 SUBJECTS OF LABOR RELATIONS (II)

1. The trade union: concept, typology, representativeness
2. Constitutional configuration and legal development of freedom of association
 1. Individual and collective freedom of association
 2. Subjective scope: inclusions, limitations and exclusions
 3. Right of affiliation, right of non-affiliation, right of union activity (referral Labour Law II)
4. Employers union: concept, typology, representativeness

LESSON 7 LABOR ADMINISTRATION AND JURISDICTION

1. Labour Law. Administrative and judicial guardianship
2. State Employment Agency and other agencies
3. Access to employment. Job intermediation (referral Labour Law II)

Activities and Methodology

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Practical classes	19.5	0.78	1, 2, 3, 4, 5, 6, 7, 10, 11
theory	19.5	0.78	1, 3, 4, 6
Type: Supervised			
Final tutorial	6	0.24	1, 3, 6
Material research	5	0.2	3, 6, 11
Summarization and schemes. Research and analysis of legal documents (literature, regulations, jurisprudence, etc.) aimed at the preparation of the evaluable practices	20	0.8	1, 2, 3, 5, 6, 7, 11
Writting deliveries	10	0.4	7, 10
Type: Autonomous			

Autonomous study	40	1.6	2, 6, 7, 10
Drafting/resolution of a part of the deliverables for evaluable practices	15	0.6	1, 3, 5, 6, 7, 10
Reading texts	10	0.4	6, 7, 10

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 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, one essential part of autonomous activities is linked to completing, analyzing and studying the contents of the theoretical classes and preparing 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.

Assessment

Continuous 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, 3, 4, 5, 6, 9, 11
Written exam	50%	2	0.08	1, 2, 4, 6, 7, 8, 10

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

Students will be assessed as long as they have carried out a set of activities the weight of which is equivalent to a minimum of 2/3 of the total qualification of the course. If the value of the activities carried out does not reach this threshold, the teacher of the course may consider the student as not assessable.

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. 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.

Bibliography

1. GENERAL BIBLIOGRAPHY: At the beginning of the course, 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 edicion, 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, last edicion, 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 \(BASES DE DADES DE DRET\)](#): [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](#)

In view of the legal reforms, the consultation and study of the matter must be carried out with the current wording of the laws. In the use of manuals, only the last edition is valid, with the updates indicated by the teacher. Completely inadvisable to use materials from previous courses.

Software

The subject does not require any specific software

Language list

Name	Group	Language	Semester	Turn
(PAUL) Classroom practices	1	Spanish	second semester	morning-mixed
(PAUL) Classroom practices	2	Spanish	second semester	morning-mixed
(PAUL) Classroom practices	51	Spanish	second semester	afternoon
(TE) Theory	1	Spanish	second semester	morning-mixed
(TE) Theory	2	Spanish	second semester	morning-mixed
(TE) Theory	51	Spanish	second semester	afternoon