

Employment Sanctions Law

Code: 100497
ECTS Credits: 6

2024/2025

| Degree | Type | Year |
|--------------------------|------|------|
| 2500258 Labour Relations | OT | 4 |

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Teachers

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Teaching groups languages

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

Prerequisites

It does not require previous specific knowledge or requirements.

Objectives and Contextualisation

The subject intends that the student acquires the knowledge of the penal responsibility in the labor scope and administrative sanctioner. It wants to promote the acquisition of the concepts related to the administrative requirement of the labor order, with special reference to the inspection of work and Social Security and the infractions and sanctions in labor matters. From the formative perspective the subject pretends that the student acquires the concepts and the terminology proper of the scope of the Labor Law penalties.

Competences

- Drawing up and formalising reports and documents.
- Preparing, drawing up and formalising the general written documents in administrative and judicial processes.
- Students must be capable of deciding, sharply taking decisions and judging.
- Working autonomously.

- Working effectively in teams.

Learning Outcomes

1. Drawing up and formalising reports and documents.
2. Students must be capable of deciding, sharply taking decisions and judging.
3. Understanding the meaning and proceedings of every formality and the means of challenge of every assumption.
4. Working autonomously.
5. Working effectively in teams.

Content

SANCTIONER LAW OF THE LABOR.

FIRST PART: GENERAL QUESTIONS

1. Common principles of the sanctioning law. Principles of the rule of law. The principle of legality guarantees. Differences between crime and administrative illegality. Structure of the criminal norm. White criminal rules. The object of the protection of criminal norms: kinds of legal goods.
2. The definitions of crime: legal and dogmatic. Different crime structures: Result, activity and danger crimes.
3. Forms of criminal responsibility: 1) Intentional and reckless responsibility. 2) responsibility for omission. 3) Iter criminis: preparatory acts, tentative and consummated crime. 4) Autorship and participation. Penal responsibility of juridical persons. Reference to compliance program.
4. The consequences of crime: classes of penalties. Security measures. System for physical persons and juridical persons. Another questions: Prescription. Civil liability

SPECIAL PART: CRIMES RELATING TO THE COMPANY AND THE WORKERS.

5. Crimes against the rights of workers (I): 1) Criminal law, company and workers rights. 2) Classification. 3) Imposition of illegal work conditions. 4) Criminal labor discrimination. 5) Criminal protection of freedom of association and right to strike. 6) Criminal responsibility of administrators and managers.
6. Crimes against the rights of workers (II). Against individual legal goods too: 1) Illegal labor traffic. 2) Crimes against health and safety at work. 3) Fraudulent migrations.
7. Stalking in the workplace: 1) Labor mobbing of the hierarchical superior. 2) Sexual stalking in the labor place. 3) Sexual stalking in the civil service field. 4) Reference to crimes against foreign citizens and trafficking of human beings.

INFRINGEMENTS AND SANCTIONS IN THE LABOR FIELD.

8. 1) Sanctioning power of the Administration. 2) Background. 3) Texto Refundido de Infracciones y Sanciones en el Orden Social. RDL 5/2000.- 3.1 General disposition.- 3.1.1 The social administrative infraction.- 3.2.1 Subjects. 3.1.3. Concurrence with the criminal jurisdiction.- 3.1.4. The social administrative infraction prescription. -3.2. General rules on sanctions. 3.2.1 The gradation of the sanction: amount, recidivism and sanctioning powers.
9. La Labor Inspection (Inspección de trabajo). International scope and in Spain.- Organization and composition.- Functions and faculties, assistance and co-operation with the Labor Inspection.
10. The labor infringement: concept and classes.- Labor infractions according to the matter: of labor relations, prevention of risks, occupation, temporary employment agencies. Sanctions for labor violations
11. Infringement in matters of Social Security (Seguridad Social). Types of infractions according to the responsible subjects: self-employed and similar workers, workers, beneficiaries and claimants of benefits, infractions of the MATEP, of the companies that collaborate voluntarily in the management. Penalties for infractions in matters of Social Security.
12. Infringements in matters of migratory movements.- Immigration.- In matters of Cooperatives.- Sanctions on foreign affairs and cooperatives.- The obstruction to the inspection performance.- Sanctions for obstruction.
13. Basic principles of the sanctioning procedure.- Structure of the procedure.- The previous inspection activity: development, duration and consequences.- The infraction certificate.- Resources, execution of resolutions and collection.

Activities and Methodology

| Title | Hours | ECTS | Learning Outcomes |
|--------------------------------------|-------|------|-------------------|
| Type: Directed | | | |
| Preparation of written work | 10 | 0.4 | 1, 2, 3, 4 |
| Resolution of practical cases | 5 | 0.2 | 1, 2, 3, 4 |
| Search of legal documentation | 2.5 | 0.1 | 2, 3, 4 |
| Theoretical classes | 22.5 | 0.9 | 2, 3, 4 |
| Type: Autonomous | | | |
| Evaluation | 5 | 0.2 | 1, 2, 3, 4 |
| Study and work outside the classroom | 100 | 4 | 1, 2, 3, 4 |

1) Directed activities (theoretical and practical classes). 2) Supervised activities: Teacher-led classroom work 3) Autonomous activities

During the health risk the virtual classes and the classroom alternate weekly. The methodology may change due to sanitary norms.

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

Continous Assessment Activities

| Title | Weighting | Hours | ECTS | Learning Outcomes |
|---|-----------|-------|------|-------------------|
| Final examen of content | 50% | 2 | 0.08 | 1, 3, 4 |
| Group work and presentation of practices and debats | 50% | 3 | 0.12 | 1, 2, 3, 4, 5 |

Continous evaluation

Resolution of practical cases. Comments of sentences or text :50%

Synthesis examination 50%

Single evaluation

The single evaluation will be carried out on the day of the final test, with the same activities of the continuous evaluation. The reassessment will take place on the set day with the same criteria as the continous assesement

In order to re-evaluate it is necessary to have completed the assessment activities, whether they are part of the continuous assessment system or a single assessment.

Regarding the case of NON-ASSESSABLE STUDENTS: students will be assessed provided that they have completed a set of activities, the weight of which is equivalent to at least 2/3 of the total grade for the course. If the value of the activities carried out does not reach this threshold, the lecturer of the course may consider the student as not assessable (art. 266.9 UAB academic regulations).

Bibliography

Applicable law:

Código penal (2024). Spanish Criminal Code

Texto Refundido de Infracciones y Sanciones en el Orden Social RDLeg. 5/2000 de 4 de agosto.

RD. 928/98 de 14 de mayo: Procedimiento para la imposición de sanciones en el orden social.

Ley Ordenadora de la Inspección de Trabajo y Seguridad Social L. 23/2015

Recommended bibliography

VICENTE MARTÍNEZ, Rosario de: Derecho penal del trabajo: los delitos contra los derechos de los trabajadores y contra la Seguridad social. Tirant lo blanch, Valencia 2020, disponible en línea a la biblioteca UAB

https://csuc-uab.primo.exlibrisgroup.com/permalink/34CSUC_UAB/1eqfv2p/alma991000270519706709

TERRADILLOS BASOCO, Juan María: *Delitos contra los derechos de los trabajadores: veinticinco años de política legislativa errática*, Estudios Penales y Criminológicos, Vol 41 (2021), disponible en línea en acceso abierto

<https://revistas.usc.gal/index.php/epc/article/view/6718>

CAVAS MARTINEZ, Faustino-LUJAN ALCARAZ, José. Infracciones y sanciones en el orden social. Laborum, 2009

DURENDEZ SAEZ, Ignacio. El procedimiento administrativo sancionador del orden social. Aranzadi

Software

The subject does not require any specific software

Language list

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

PROVISIONAL