

Employment Law III

Code: 100498
ECTS Credits: 6

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Degree	Type	Year
2500258 Labour Relations	OB	2

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Teaching groups languages

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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.
- 2.2. Modalities
 - 2.2.1. Within the same professional group. 2.2.2.
 - 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.
- 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 regime
 Procedure: special reference to the consultation period.
3. Dismissal due to force majeure
 - 3.1. Concept
 - 3.2. Legal regime

Activities and Methodology

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

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.

Assessment

Continous 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

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

This subject, in accordance with current UAB regulations, has two assessment systems: continuous assessment and single assessment. Students will only be able to take an exam using the single assessment system when they make their application to the Academic Management of the Faculty in due time and form, and it is granted. Likewise, it will be an essential requirement to inform the teaching staff of its concession.

1. ORDINARY ASSESSMENT SYSTEM : CONTINUOUS ASSESSMENT

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

A.- FIRST SITTING

A.1. Continuous assessment (practical block)

Only those students who have attended at least 80% of the classes will be allowed to sit the exam.

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

The wrong answer means deducting half of the correct answer.

A.2. Continuous assessment (theoretical examination)

Only those persons who have attended at least 80% of the classes and have completed all the evaluation activities of the practical block may take the exam.

This examination shall consist of five questions with objective answers. THE EXAMINATION SHALL BE WORTH 5 MARKS.

A wrong answer will result in a deduction of half of the correct answer.

A.3. Marking

The mark obtained through the practical continuous assessment will be worth 50% of the grade for the subject. The score for the theory exam will be worth 50% of the course grade.

It is necessary to pass each part of the course (theory and practical) and all the evaluation activities in order to pass the course. Only in this case, the marks obtained in each of the two parts can be added together.

If this minimum score is not reached in one of the parts (theory or practical), the grade that will be entered in the report will be "failed" and the numerical value will be that corresponding to the failed part, expressed in the parameter 0-10.

Students who do not carry out any of the assessable activities will be graded as "not assessable".

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

B.- SECOND CALL FOR EXAMINATION called RE-ASSESSMENT of the ordinary evaluation modality: "continuous evaluation".

B.1. Theoretical exam.

Only students who have attended at least 80% of the classes will be able to take this exam. It will consist of the resolution of five questions with objective answer options. Each question is worth 1 point. The theory exam accounts for 50% of the mark, and a minimum of 2.5 points must be obtained.

Each wrong answer is deducted half of a correct answer.

B.2. Practical examination.

Only those persons who have attended at least 80% of the classes will be able to take this exam.

It will consist of a practical case study with 5 questions with objective answers. Value 2.5 points. and 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 be worth 50% of the mark and a minimum mark of 2.5 out of 5 points must be achieved in order to be added to the mark obtained in the theory exam, which also requires a minimum mark of 2.5 points in order to be added to the practical exam.

Persons who have obtained a mark equal to or higher than 2.5 points shall have this mark retained as their mark for the practical part.

B.3. The final grade of the exam will be obtained from the sum of the marks obtained in the two parts, theoretical and practical, provided that in each part a minimum score of 2.5 points out of 5 is achieved, and in turn, in the practical block, each of the practical activities is passed.

The course will be passed when, in both parts, 2.5 points are reached and, consequently, this sum is equal to 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 that corresponding to the part that did not reach the 2.5 points, expressed in parameter 0-10.

2. EXTRAORDINARY ASSESSMENT MODALITY: "SINGLE ASSESSMENT".

The single assessment may be carried out by students who meet the requirements established in the Faculty's regulations, who have formalised their request with the Faculty's Academic Management and who have been approved in accordance with the regulations in force. It will be essential to communicate this circumstance to the teaching staff of the subject in due time and form.

A.- FIRST SITTING

Students will take

1.- TEST type exam. 3 points.

Each wrong answer will reduce half of the score of a correct answer.

2.- ORAL exam on the subject syllabus. 5 points

3.- PRACTICAL CASE STUDY of objective answers. 2 points.

Each wrong answer reduces half of the mark for a correct answer.

It is necessary to pass each of the three parts in order to be able to add up the marks.

B.- SECOND SITTING

In order to take it, it is necessary to have achieved a minimum grade of 3 points in the ordinary single assessment session.

Type of evaluation: the same as in the ordinary exam session.

It is required to pass each of the three parts to be able to make the sum of the grades.

4. DATES OF THE EXAMS

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

NOTE: Anyone who copies or attempts to copy in an exam will receive a 0 in the subject and will lose the right to re-evaluation. The person who submits a practical in which there are indications of plagiarism or who cannot justify the arguments of their practice will get a 0 and will receive a warning. If the behaviour is repeated, the student will fail the course (0) and will lose the right to retake the course.

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.

Language list

Name	Group	Language	Semester	Turn
(PAUL) Classroom practices	11	Spanish	second semester	morning-mixed
(PAUL) Classroom practices	12	Spanish	second semester	morning-mixed
(PAUL) Classroom practices	51	Spanish	second semester	afternoon
(PAUL) Classroom practices	52	Spanish	second semester	afternoon
(TE) Theory	1	Spanish	second semester	morning-mixed

PROVISIONAL