

## Employment Law II

Code: 100499  
ECTS Credits: 6

**2025/2026**

Degree	Type	Year
Labour Relations	OB	2

### Contact

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### Teaching groups languages

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

### Prerequisites

There are no prerequisites. However it is essential to have previously passed the the first-year course (second semester) "Employment Law I" (ELI). The teaching of the subject will take into account the perspective of the Sustainable Development Goals.

#### TEACHING STAFF

Group 1: Theory: Oriol Cremades Chueca.

Group 11: Oriol Cremades Chueca.

Group 12: To be determined.

Group 51: Theory: Oriol Cremades Chueca.

Group 511: Oriol Cremades Chueca.

### Objectives and Contextualisation

Consolidating the knowledge of the foundations of labour law acquired at ELI and and acquire the ability to apply the regulatory instruments of the legal regime of the Individual Employment Relationship (first part). Includes various contents, among which the following stand out:

- Access to work. Classes and types of employment contracts.
- Productive decentralization and labour law. Subcontracting, legal transfer of employees (temporary employment agencies) and illegal transfer of employees.
- Rights and duties of the parties in the employment contract.
- Equality and fundamental rights in the employment contract.
- Legal framework of working time. Rights to work-life balance for employees.
- Legal framework for remuneration and salary. Equal pay between women and men for work of equal value.

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

## 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. ACCESS TO EMPLOYMENT AND THE EMPLOYMENT CONTRACT: PARTIES, FORMATION, AND ACCESSORY AGREEMENTS OF THE EMPLOYMENT CONTRACT.*

1. Access to employment.
2. Concept, definition, and subjects of the employment contract (reference to ELI).
3. Capacity to work.
4. Hiring foreign nationals.
5. Formation of the employment contract
  - 5.1 Capacity, purpose, cause, and consent in the employment contract.
  - 5.2 Validity and nullity of the employment contract.

5.3 Form in the employment contract. Presumption of existence of the employment contract. The basic copy of the employment contract.

5.4 Condition and term.

5.5 The trial period.

6. Accessory agreements to the employment contract

6.1 Exclusive dedication agreement.

6.2 Company permanence agreement.

6.3 Post-contract non-competition agreement.

*LESSON 2. TYPES AND MODALITIES OF EMPLOYMENT CONTRACTS (I): INDEFINITE AND TEMPORARY CONTRACTS.*

1. Permanent contracts

1.1 The common or ordinary permanent contract.

1.2 The discontinuous permanent contract.

2. Temporary contracts

2.1 Common principles and standards of temporary contracts.

2.2 Types of temporary contracts

2.2.1 Contracts based on production circumstances

2.2.1.1 Occasional and unforeseeable situations.

2.2.1.2 Occasional and foreseeable situations.

2.2.2 Substitution contracts.

*LESSON 3. MODALITIES AND TYPES OF EMPLOYMENT CONTRACTS (II): TRAINING CONTRACTS AND OTHERS*

1. Training contracts

1.1 Training employment contracts vs. internships.

1.2 Internships.

1.3 Training employment contracts

1.3.1 Common principles and standards of training employment contracts.

1.3.2 Typology

1.3.2.1 The training employment contract with alternating work.

1.3.2.2 The training employment contract for obtaining professional internships.

2. The part-time contract.

3. The replacement contract.

4. Remote work and teleworking.

## *LESSON 4. BUSINESS FRAGMENTATION AND PRODUCTIVE DECENTRALIZATION AND LABOUR LAW*

1. Advantages and risks of business fragmentation and productive decentralization.
2. Multi-service companies and the platform economy (mass subcontracting and on-demand contracting).
3. Main responses to business fragmentation and productive decentralization in Spanish Labour Law
  - 3.1 Contracts and subcontracts for works and services.
  - 3.2 Assignment of employees.
    - 3.2.1 Illegal assignment of employees.
    - 3.2.2 Legal assignment of employees and temporary work agencies (TWA).
  - 3.3 Transfer of Undertakings (referral to ELIII).

## *LESSON 5. PERFORMANCE OF WORK AND RIGHTS AND DUTIES OF THE PARTIES.*

1. Professional classification systems. Professional framework.
2. The rights and duties of the employee.
  - 2.1 Basic rights.
  - 2.2 Duty of work and duty of obedience.
  - 2.3 Duty of diligence: due Performance, collaboration, and contribution to improved productivity.
  - 2.4 Duty of good faith.
  - 2.5 Prohibition of Unfair competition and/or post-Contract non-Competition agreement.
  - 2.6 Full-Time employment agreement and permanence agreement (referral).
3. The employer's powers.
  - 3.1 Basis of the employer's powers.
  - 3.2 Management, control, and disciplinary powers: concept, substantive and procedural limits of their exercise.
4. The Employer's duties
  - 4.1 Duty of effective employment and timely remuneration.
  - 4.2 Duty of promotion and professional training of employees.
  - 4.3 The employer and the fundamental Rights of the employee.
    - 4.3.1 Decent and non-discriminatory treatment.
    - 4.3.2 Promotion of equality between women and men in the company and equality plans.
    - 4.3.3 Equality and non-discrimination of LGBTI and transgender people.
    - 4.3.4 Right to privacy, right to personal data protection, and right to confidentiality of communications.
    - 4.3.5 Other fundamental rights. Guarantee of indemnity.
    - 4.3.6 Channels for reporting regulatory violations, the fight against corruption, and whistleblower protection.
5. Occupational health and safety rights and obligations of employers and employees.

*LESSON 6. WORKING TIME AND NON-WORKING TIME.*

1. Working hours and schedule. Daily work record. Irregular work distribution.
2. Overtime. Supplementary hours (remission).
3. Night work and night workers. Shift work.
4. Temporary interruptions in employment.
5. Reduction and adjustment of working hours.
6. Weekly rest. Labor holidays. Work calendar. Annual vacation.
7. Right to digital disconnection from work.

*LESSON 7. REMUNERATION AND SALARY: CONCEPTS, SETTING, TYPOLOGY, AND STRUCTURE.*

1. The concept of remuneration vs. the concept of salary. The salary assumption. Non-salary concepts.
2. Salary
  - 2.1 Gross salary vs. net salary.
  - 2.2 The establishment of the salary amount
    - 2.2.1 Minimum inter-professional salary
    - 2.2.2 Equal pay for equal work regardless of gender.
    - 2.2.3 Double salary scales.
    - 2.2.4 Compensation and absorption.
  - 2.3 Types.
  - 2.4 Salary structure: base salary and supplements.
3. The protection of salary claims
  - 3.1 Late payment surcharge.
  - 3.2 Insolvency and non-insolvency situations.
  - 3.3 Unseizability.
  - 3.4 Wages Guarantee Fund ('FOGASA').

**Activities and Methodology**

Title	Hours	ECTS	Learning Outcomes
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Type: Directed

Practical classes	22	0.88	1, 2, 12, 11, 4, 6, 7, 3, 5, 10, 14
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theory

Type: Supervised

write a paper	10	0.4	2, 8, 6, 5, 10, 14
Final tutorial	1	0.04	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
reading legal texts	10	0.4	2, 8, 6, 13
Study	40	1.6	8, 6, 10, 13, 14

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.

## 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, 2, 8, 12, 11, 6, 7, 3, 5, 10, 13, 14
Theoric exam	50%	2	0.08	1, 4, 6, 7, 3, 9, 10

Fraudulent conduct: the copying or attempt to copy or fraud, both active and passive and by any conduct or means, 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.

The student will be evaluable as long as he/she has carried out a set of activities whose weight is equivalent to a minimum of 2/3 of the total grade of the subject. If the value of the activities performed does not reach this threshold, the teacher of the course will consider the student as not evaluable.

### USE OF ARTIFICIAL INTELLIGENCE (AI)

Restricted use: for this subject, the use of Artificial Intelligence (AI) technologies is only allowed for support tasks, such as bibliographic or information searches, text correction, or translations. The student must clearly identify which parts have been generated using this technology, specify the tools used, and include a critical reflection on how these have influenced the process and the final result of the activity. Lack of transparency in the use of AI in activities will be considered academic dishonesty and may lead to partial or total penalties, or more severe sanctions in cases of seriousness. Likewise, the teaching staff may indicate situations or contexts where no use of AI is allowed.

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 be obtained in each. If this requirement is not met, the note will be the average obtained, with a maximum of 4.4 points.

#### Single assessment 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 teaching, the responsible teacher will detail the aspects for their use based on the following materials and criteria.

Recommended bibliography (the mandatory one, if applicable, will be specified by the responsible teacher of each group):

- Cruz Villalón, Jesús: Compendio de Derecho del Trabajo, Ed. Tecnos, Madrid, last edition.
- Goertich Peset, José María (Dir.): Derecho del trabajo, Ed. Tirant lo Blanch, last edition. Available in the digital library of the UAB.
- Martín Valverde, Antonio & García Murcia, Joaquín: Derecho del Trabajo, Ed. Tecnos, last edition.
- Mercader Uguina, Jesús (Dir.): Lecciones de Derecho del Trabajo, Ed. Tirant lo Blanch, última edición. Available in the digital library of the UAB.
- Montoya Melgar, Alfredo: Derecho del Trabajo, Ed. Tecnos, last edition.

For the basic labour law regulations, please consult the "General Legal Library" of the BOE (Official State Bulletin), which is freely accessible and permanently updated. For the subject labour law in the [ELECTRONIC UNIVERSITY CODES COLLECTION](#), download the [UNIVERSITY CODE OF LABOUR LAW](#).

For other regulations, judicial rulings, collective agreements, and other legal documentation of interest, you have a wide [catalog of electronic resources \(BATABASES OF LAW\)](#) accessible from the [library's website](#). You can access it from the UAB Campus and also from outside the campus. In the latter case, you may need to access to [ARE+](#).

Recommended for labour law: *Aranzadi Institutions*, *VLex*, *La Ley Digital*, and *Tirant Virtual Library*.

In view of the regulatory reforms, the consultation and study of the subject must be done with the current wording of the rule. For manuals and compilations of regulations, only the latest edition is valid, along with the updates indicated by the faculty. It is strongly discouraged to use materials (notes, etc.) from previous courses.

## Software

No specific software will be used.

## Groups and Languages

Please note that this information is provisional until 30 November 2025. You can check it through this [link](#). To consult the language you will need to enter the CODE of the subject.

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