

**COURSE DATA****Data Subject**

Code	33562
Name	Labour law I
Cycle	Grade
ECTS Credits	6.0
Academic year	2021 - 2022

Study (s)

Degree	Center	Acad. Period
1309 - Degree in Labour Relations and Human Resources	Faculty of Social Sciences	1 Second term

Subject-matter

Degree	Subject-matter	Character
1309 - Degree in Labour Relations and Human Resources	10 - Labour law	Obligatory

Coordination

Name	Department
GARCIA RUBIO, MARIA AMPARO	76 - Labour and Social Security Law

SUMMARY

The subject *Labour Law I* is compulsory and worth 6 ECTS credits. It takes place in the second semester of the first academic year of the Labour Relations and Human Resources degree. This subject will be delivered after students have completed the subject *Information Tools and Techniques, Organization of Study and Documentation* (first semester) and acquired the essential methodological knowledge to assimilate and develop the theoretical and practical knowledge specific to the degree. The subject *Basic Legal Elements in Labour Relations* provides students with a basis for subjects inside the field of Labour Law and Social Security.

This subject is part of the module of core subjects aimed at teaching students the basic regulation on relations (individual, collective, social protection or procedural) that may arise within both dependent labour and employed labour, and it takes place simultaneously with the subject *Trade Union Law*, through which students will be introduced to the study of collective relations at the workplace. On the other hand, the subject provides a base for other subjects such as *Labour Law II, Legislation on Security at the*



Workplace, Social Security Law I and II and Labour Procedural Law.

Students must bear in mind that legal disciplines are not independent from each other or autonomous matters. All previous knowledge is useful for the understanding of new concepts; in addition, law-related subjects will prove especially useful when introducing new concepts related to the field of Labour Law and Social Security. *Labour Law I* is specifically aimed at introducing students to the study of legal institutions within labour relations from an individual approach (employer-employee relation) and continues with the subject *Labour Law II*. The subject's specific contents deal with the identification of the existence of a labour relation, the concepts of "employed person" and "self-employed" person and the analysis of "halfway" situations such as special labour relations and economically independent autonomous/freelance. Secondly, the subject takes an approach on the figure of the entrepreneur and the problems derived from the new forms of business organization (groups of companies, contracts, agency work) and the responsibilities derived from the work contract beyond its signatory parties. In the third place, the subject focuses on the essential and formal recruitment requirements and the different contractual models existent in our labour regulation. Finally we will learn about the particular characteristics regarding the recruitment of specific collectives (foreigners, women, disabled persons, minors).

PREVIOUS KNOWLEDGE

Relationship to other subjects of the same degree

There are no specified enrollment restrictions with other subjects of the curriculum.

Other requirements

Relationship with other subjects of the same degree

No enrolment restrictions have been specified.

OTHER TYPES OF PREREQUISITES

The completion of the subject Basic Legal Elements is advisable, since it will introduce indispensable juridical concepts for the remaining law-related subjects, and information, study and research tools and techniques in order to learn about their use and application on legal documents.

OUTCOMES

1309 - Degree in Labour Relations and Human Resources

- Students must have acquired knowledge and understanding in a specific field of study, on the basis of general secondary education and at a level that includes mainly knowledge drawn from advanced textbooks, but also some cutting-edge knowledge in their field of study.



- Students must be able to apply their knowledge to their work or vocation in a professional manner and have acquired the competences required for the preparation and defence of arguments and for problem solving in their field of study.
- Students must have the ability to gather and interpret relevant data (usually in their field of study) to make judgements that take relevant social, scientific or ethical issues into consideration.
- Students must be able to communicate information, ideas, problems and solutions to both expert and lay audiences.
- Students must have developed the learning skills needed to undertake further study with a high degree of autonomy.
- Be able to learn independently and develop initiative and entrepreneurship.
- Be able to organise and plan.
- Be able to manage information and to write and formalise reports and documents.
- Be able to analyse, synthesise and reason critically.
- Be able to solve problems, apply knowledge to practice and develop motivation for quality.
- Be able to communicate orally and in writing.
- Be able to use new information and communication technologies.
- Be able to work in a team.
- Respect and promote the principles of fundamental rights, gender equality, equal opportunities and non-discrimination, democratic values and sustainability.
- Know and apply the principles of the professional code of ethics.
- Know and apply the regulatory framework of labour relations.
- Know and be able to analyse the principles, spheres and procedures of action of social and labour-related political institutions.
- Be able to interrelate the knowledge from the different academic disciplines that analyse the work environment.
- Analyse and evaluate the factors that determine inequalities in the world of work.
- Analyse and evaluate the decisions of the agents that participate in labour relations.
- Be able to select and manage social and labour information and documentation.
- Be able to advise on and deal with employment and hiring matters.
- Know and apply the basic regulatory framework of private contracting and company law to the business field.

LEARNING OUTCOMES



Upon successful completion of this subject, students must be able to:

- Differentiate an employment contract from other legal documents which regulate employment. Through the identification of the field of Labour Law, students will achieve a deeper knowledge and understanding of the different branches of Law.
- Give advice on the management of the need of workers from a legal labour perspective, considering aspects such as labour consequences derived from the productive externalization, the election of an adequate contractual modality, the possibilities derived from the stipulation of a probationary period, foreign employees, non-discrimination regulations, etc. This calls for an extensive knowledge on labour regulations and the ability of understanding and reasoning legal texts.
- Carry out a juridical analysis of real, socio-occupational situations. Be able to evaluate the interests at stake regarding individual labour relations and the applicable legal regulations. In order to achieve this, students must base their analysis on the following:
 - The sources of Labour Law (legislation and collective agreements) and their interpretation (use, reading and understanding of judiciary decisions).
 - Employment contract as a contract subject to general regulations related to recruitment (Civil Code) and special regulations regarding the work contract (Workers' Statute and other labour regulations).
 - The existing socio-occupational context in our country.
- Draft legal and labour basic documents (especially contracts).
- Evaluate the objectives pursued by the legal regulations in a critical way (this is, identify the model of labour relations existent in our legal system) as well as the tools provided to labour regulations by the legislator in order to guarantee its efficiency.

In the later courses of the Degree, as well as through postgraduate studies, students will be able to deepen in the attainment and extension of these objectives.

DESCRIPTION OF CONTENTS

1. THE CONTRACT OF EMPLOYMENT: THE WORKER

- I. Historical introduction to Labour Law.
- II. The substantive subjects of the contract of employment.
 - A) Constitutive function of individual autonomy: analysis of the contract of employment.
 - B) Legal qualification problems and qualification elements.
- III. Excluded and special labour relations.
- IV. Autonomous work and autonomous dependent work.



2. THE WORKING CONTRACT (2): THE ENTREPRENEUR AND LABOUR REGULATIONS. EXTENSION OF CORPORATE LIABILITY. THE SITUATIONS OF THE COMPANY.

- A) The entrepreneur as a physical person.
- B) The entrepreneur as a legal person. Types of legal person.
 - I. The company, the workplace and the autonomous productive unit.
 - II. Problems in the identification of the entrepreneur and allocation of corporate liability.
 - a. Business groups.
 - b. Contract and sub-contract of works and services.
 - c. Illegal assignment/transfer of workers.
 - III. Temporary work agencies.
 - a. Concept and legal regime.
 - b. The availability contract.
 - c. Relationship between workers and temporary work agencies
 - d. Relationship between workers and EC.
 - IV. Business transfer.
 - A) The object of transfer.
 - B) Transfer procedures.
 - a) Inter vivos acts
 - b) Succession (mortis causa changes)
 - C) The range of business subrogation: obligations of the transferee.
 - D) The right of notification and collective responsibility of assignor and assignee.

3. THE CONTRACT OF EMPLOYMENT (III): OTHER ELEMENTS.

4.

5.

6.



WORKLOAD

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	60,00	100
Study and independent work	35,00	0
Preparing lectures	15,00	0
Resolution of case studies	35,00	0
Resolution of online questionnaires	5,00	0
TOTAL	150,00	

TEACHING METHODOLOGY

The base of the subject is the students' personal work, both individual and in group, and combines theoretical and practical activities with tutoring lessons and additional activities describes below:

A) Expositive-type lessons (lectures, seminars and oral presentations):

1. Lectures will introduce students to the general configuration of the main legal institutions and their objectives. They will also deal with general normative and interpretative criteria.
2. Seminars and workshops will lead to discussions on different aspects of the subject so that students can learn about legal and politic problems within institutions through individual or group work.
3. Assignments proposed by the teachers enable students to improve their information research and drafting skills and use them for case-solving. Through oral and written presentations they will acquire expository skills, essential for a jurist.

B) Practical activities, specifically case-solving, class assignments, IT applications, workshops or practical activities outside the class.

Through real problem-solving, students will learn about real legal methodology (argumentative criteria) as well as about problem management (preparation of related documentation). Analysis consists of the use of IT tools related to information gathering and document management.

C) Tutoring lessons. Independently from individual or group tutoring, collective tutoring lessons will take place, where the teacher or the students will suggest a topic about which to discuss, ask questions or solve doubts. Exercises may also be corrected and revised.

D) Work, study and evaluation activities. Individual and group work is essential for the activities mentioned above. It includes the activities proposed in class, previous preparation of class material through reading and question answering, practical activities, self-evaluation tests, attendance and tutoring lessons.

Study time will take place before and after the activities so the concepts are understood and assimilated.



Regarding IT tools, both students and teachers will make use of Aula Virtual for communication. Students will be introduced to employment services in the Internet (www.redtrabaja.es) and applications such as Contrat@. This way, they will become familiar with them and will learn about the possibilities available online in the field of labour relations.

EVALUATION

The evaluation system will be as follows:

a) Oral or written tests, consisting of one or two exams including theoretical, practical, objective or semi-objective questions, case-solving and/or short answer questions will make up 70% of the final grade. General criteria of evaluation will be the following:

- Adequacy of answer to question: concretion, precision and legal justification.
- Composition and spelling: spelling mistakes can reduce the grade and even lead to exam failure.
- Terminological and technical precision.
- Coherence and internal logic of answer argumentation.

** passing the final exam is a necessary condition for passing the course.

b) Continuous assessment through assessment of practical and theoretical activities submitted throughout the semester, active participation and engagement of the student in the teaching-learning process, as well as abilities and skills shown during the development of activities.

** Continuous assessment is worth 30% of the grade. Anyways, it will only be considered if students pass the final exam.

REFERENCES

Basic

- AA.VV ((Dir. GOERLICH PESET, J.M.). Derecho del Trabajo, Edit. Tirant Lo Blanch, Valencia.
- Cualquier otro manual actualizado sobre Derecho del Trabajo puede ser utilizado aunque no se ajuste plenamente al contenido de la asignatura.
- Legislación Laboral y de Seguridad Social. Edit. Aranzadi. Pamplona.
- Estatuto de los Trabajadores. Edit. Tirant Lo Blanch. Valencia.



- Legislación Laboral. Edit. Tecnos, Madrid.
- Legislación social básica. Edit. Civitas, Madrid.
- Estatuto de los Trabajadores. Edit. Tecnos, Madrid.
- <http://www.noticias.juridicas.com/>
- <http://www.boe.es>

Additional

- Base de datos WESTLAW
- Base de datos de IUSTEL
- Base de datos TIRANTONLINE
- Base de datos NAUTIS

ADDENDUM COVID-19

This addendum will only be activated if the health situation requires so and with the prior agreement of the Governing Council

English version is not available

1. Contenidos

Se mantienen los contenidos de la asignatura, si bien, en función de su naturaleza, se procederá a su distribución entre los diferentes tipos de sesiones en que se organice la docencia híbrida o a distancia.

2. Volumen de trabajo y planificación temporal de la docencia

Se mantienen las distintas actividades, con las horas de dedicación en créditos ECTS marcadas en la guía docente original. En caso de que sea necesario recurrir a la docencia híbrida o a distancia en función de imperativos sanitarios, las sesiones y actividades programadas se desarrollarán, como regla general, en las fechas y horas establecidas por la autoridad académica competente.

3. Metodología docente

Si es posible en atención a los criterios establecidos por las autoridades sanitarias y académicas, la docencia se desarrollará de forma presencial en su totalidad conforme a las previsiones de la Guía.

En caso de que haya que recurrir a formas de docencia híbrida, las lecciones magistrales podrán desarrollarse a distancia, preferentemente por medio de videoconferencias síncronas. Si las herramientas informáticas lo permiten, las sesiones correspondientes podrán realizarse en presencia de una parte de los estudiantes y con acceso en streaming para el resto.



Los tiempos de presencia física de los estudiantes, de acuerdo con los criterios establecidos por la autoridad académica, se dedicarán a actividades aplicadas y tutorías colectivas. En función de las disponibilidades, se permitirá igualmente el acceso en streaming para el resto de estudiantes.

Si a lo largo del curso la situación sanitaria impusiera que la totalidad de la docencia sea on line, en función de las características de la materia, las disponibilidades informáticas de los componentes de cada grupo y el efectivo funcionamiento de las herramientas informáticas, las lecciones magistrales deberán realizar preferentemente mediante videoconferencias BBC síncronas. Si esto no fuera posible, podrán ser sustituidas por subida de materiales en el AV, o transparencias locutadas. Para las actividades aplicadas, que se subirán a través del AV, se garantizará la interacción entre profesores y estudiantes, mediante videoconferencias BBC o el uso de foros o chats del AV.

En todo caso, aparte la atención personalizada a través de la herramienta AV o del correo electrónico, se establecerá un sistema de tutorías colectivo, a través de sesiones de BBC o chats o foros de la AV.

4. Evaluación

Se mantienen íntegramente los criterios fijados en la guía docente, tanto respecto a la ponderación entre evaluación continua y prueba final como a los requisitos mínimos de puntuación de una y otra. Queda garantizada la posibilidad de conseguir la nota de la totalidad de la evaluación continua en el caso de que el estudiante no pueda concurrir presencialmente por imperativos sanitarios.

La prueba final se desarrollará de forma presencial de acuerdo con las previsiones de la guía docente. Para el caso de que, en algún momento, por imperativos sanitarios, la evaluación presencial no fuera posible, se realizará a distancia una prueba objetiva de preguntas teórico-prácticas de respuesta múltiple con descuento de errores, un examen de preguntas de desarrollo o un examen oral, a través de las herramientas informáticas disponibles.

5. Bibliografía

Se mantiene la bibliografía existente en la guía docente. Si la situación sanitaria implicara el cierre de las bibliotecas, se facilitará material de apoyo a través del aula virtual.