

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

<b>Code</b>	33564
<b>Name</b>	Social security law I
<b>Cycle</b>	Grade
<b>ECTS Credits</b>	6.0
<b>Academic year</b>	2022 - 2023

**Study (s)**

<b>Degree</b>	<b>Center</b>	<b>Acad. year</b>	<b>Period</b>
1309 - Degree in Labour Relations and Human Resources	Faculty of Social Sciences	3	First term

**Subject-matter**

<b>Degree</b>	<b>Subject-matter</b>	<b>Character</b>
1309 - Degree in Labour Relations and Human Resources	11 - Social security law	Obligatory

**Coordination**

<b>Name</b>	<b>Department</b>
TATAY PUCHADES, MARIA CARMEN	76 - Labour and Social Security Law

**SUMMARY**

*Social Security Law I* is aimed at introducing students into the environment of the legal elements of social security. These elements show the obligation of public powers to maintain a system of social protection that guarantees citizens the necessary assistance and benefits to cope with complex situations (Art. 41 of the Spanish Constitution) and the reciprocal engagement of the protected individuals to comply with the obligations derived from the protection of the system.

Said protection takes place through inclusion in the system of Social Security, which fulfils professional criteria (membership of a specific Social Security regime as a consequence of the type of activity carried out) and personal criteria (nationality, residence).

The legal system, regulation and inspection of Social Security and the management of the system of Social Security must be assumed by the public powers. The latter must be undertaken by their respective ministerial departments and the principles of simplification, rationalization, cost economy, financial solidarity and cash unit, social efficiency and decentralization through the managing entities of Social Security. The collaboration of workers and entrepreneurs is possible both individually or through the



### Social Security Mutual Fund for Accidents at Work and Occupational Diseases.

The subject then deals with the study of the formalization of the legal aspects in Social Security through the so-called framework acts: affiliation, register and discharge of workers; register of entrepreneurs and financial sources for the regimes that make up the Social Security system. It has opted for an allocation system, for the regimes which make up the Social Security system, as its financing model. This includes the situations and contingencies under each of them, with the existence of a single stabilization fund for the whole of the Social Security system, whose aim is to assist the needs created by deviations between income and outcome; and regarding pensions caused by permanent disability or death derived from labour-related accidents or occupational illness. In this case, the Social Security Mutual Fund for Accidents at Work and Occupational Diseases or the company must assume the liability. The financing model will then be the capitalization of the pension amount, fundamental object of the study of contribution and collection regulation of the Social Security.

Finally, the subject will deal with the study of basic principles and regulations concerning the protective action of Social Security understood as the set of services offered to the citizens as a consequence of risks or contingencies, divided into common and professional (labour-related), together with the financial sources of the Spanish Social Security system, which has opted for shared financing as the method for regimes that make it up. There is a single stabilization fund, whose aim is to meet the needs caused by deviations between income and expenditure. On the other hand, when pensions are the result of permanent disability or death derived from working causes, or labour-related illnesses, for which the Mutual Funds for Labour-Related Accidents and Occupational Diseases or the companies are liable, the financing model is capitalization of the pension amount. The basic object of study will be the regulation of Social Security contributions and collection.

We will take a close approach to the concepts of accidents at work and occupational diseases and the study of the Social Security allowances, which are granted subject to confirmation that they meet the necessary conditions and requirements. These can be of various types: contributory and non-contributory.

## 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 following subject is advisable: Basic Legal Elements in Labour Relations; Labour Law I and Labour Law II since their contents should serve as a basis and reference for the present subject.



## **COMPETENCES (RD 1393/2007) // LEARNING OUTCOMES (RD 822/2021)**

### **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 social security and complementary social protection.
- 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 social security and complementary social protection matters.

## **LEARNING OUTCOMES (RD 1393/2007) // NO CONTENT (RD 822/2021)**

- Knowledge of the different types of national and international sources of Social Security Law, as well as their interpretation by the Supreme and Constitutional Courts.
- Knowledge of the applicable criteria to the inclusion or exclusion of citizens in the Social Security application system and for the inclusion of workers in the different regimes that make up the Social Security system.
- Knowledge of the legal aspects applicable to the different forms of management of the Social Security system.
- Knowledge of the framework policies, which cause protected individuals to join or leave the Social Security system.
- Knowledge and distinction between the financing systems in Social Security, especially focusing on the Spanish system and the acts which lead to the payment of contributions by the individuals included in said system.
- Knowledge and distinction between the legal concepts and the legal system of professional and common contingencies, especially focusing on work-related accidents and occupational diseases.
- Knowledge of the different types and general characteristics of Social Security allowances, especially those regarding the study of general requirements of all allowances and guarantees, articulated on a basis of a full perception of allowances.

## **DESCRIPTION OF CONTENTS**

### **1. CONCEPT AND SOURCES OF SOCIAL SECURITY**

- INTRODUCTION. Techniques for the protection of needs. Social Insurance and Social Security.
- EVOLUTION OF SOCIAL SECURITY IN SPAIN.
- SOURCES OF SOCIAL SECURITY. International regulations; community Law. Constitution. Legal regulations; the General Social Security Law.

### **2. THE FIELD OF APPLICATION OF SOCIAL SECURITY**

- SUBJECTIVE ENVIRONMENT OF THE SPANISH SOCIAL SECURITY SYSTEM.
- PERSONAL AND TERRITORIAL CRITERIA.
- PROFESSIONAL CRITERIA. STRUCTURE OF THE PROFESSIONAL LEVEL. General Regime and special regimes. Special systems.
- FIELD OF APPLICATION OF THE GENERAL REGIME. Inclusions. Exclusions.
- FIELD OF APPLICATION OF THE SPECIAL REGIMES.



### **3. SOCIAL SECURITY MANAGEMENT.**

- I. SOCIAL SECURITY MANAGEMENT. Management entities. Common services.
- II. COLABORATION IN SOCIAL SECURITY MANAGEMENT. Mutual Funds for Labour-Related Accidents and Occupational Diseases of Social Security. Collaborating companies; obligatory collaboration; voluntary collaboration.

### **4. FRAMEWORK POLICIES IN SOCIAL SECURITY**

- I. FRAMEWORK POLICIES.
- II. COMPANY REGISTER.
- III. AFFILIATION.
- IV. REGISTER.
- V. DISCHARGE.
- VI. SPECIFICITIES IN SPECIAL REGIMES.

### **5. SOCIAL SECURITY FINANCING**

- I. SOCIAL SECURITY FINANCING. Financing systems and financial resources. Reserve fund.
- II. GENERAL PENSION CONTRIBUTION TO SOCIAL SECURITY. Liable and subject individuals. Object. Development. Special cases.
- III. COLLECTION OF CONTRIBUTIONS. Collection management. Liable individuals. Prescription. Collection periods.
- IV. SPECIFICITIES IN SPECIAL REGIMES

### **6. PROTECTIVE ACTIONS OF SOCIAL SECURITY (I): PROTECTED CONTINGENCIES**

### **7. PROTECTIVE ACTIONS OF SOCIAL SECURITY (II): LEGAL REGIME OF ALLOWANCES**



## WORKLOAD

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	60,00	100
Development of group work	5,00	0
Development of individual work	10,00	0
Study and independent work	30,00	0
Readings supplementary material	10,00	0
Preparing lectures	15,00	0
Preparation of practical classes and problem	10,00	0
Resolution of case studies	10,00	0
<b>TOTAL</b>	<b>150,00</b>	

## TEACHING METHODOLOGY

The teaching-learning process of the subject Social Security Law I will combine lectures with participation methods in order to engage students and encourage teacher-student and student-student interaction.

For this reason, lessons will be theoretical and practical (although work is distributed into theoretical and practical lessons), with the presentation of contents by the teacher and their practical application to real or fictitious cases.

## EVALUATION

Individual and group work carried out during the course regarding the acquisition of both specific skills and general knowledge will be assessed.

One or more of the following elements will be used in the grading process:

- Written examinations including objective and semi- objective type tests, problem resolution, brief answer questions, essays, case solving or similar.
- Oral examinations including oral tests, interviews, debates, oral presentations in class or similar.
- Observation: application of observation scales and attitude register of students regarding the development of tasks and activities related to the competences.
- Participation tools: those which imply the student assessment of the teaching-learning methodology.



In any case, evaluation processes and criteria will be specified, as well as their results and their relationship with the final grade.

The grading system will be expressed through numerical grading as established in the applicable legal system.

At least 25% of the final grade will be the result of continuous assessment, and up to 75% will be the result of the final examination. In any case, it is mandatory to pass the written examination in order to take into consideration the grade obtained in continuous assessment.

## REFERENCES

### Basic

- BLASCO LAHOZ, J. F. y LÓPEZ GANDÍA, J. Curso de Seguridad Social, ed. Tirant Lo Blanch, Valencia, última edición.
- Ley General de la Seguridad Social. Concordado con la jurisprudencia de los Tribunales Constitucionales y Supremo, ed. Tirant Lo Blanch, Valencia (ultima edición).
- <http://www.seg-social.es>
- AA. VV (Dir. R.Roqueta Buj I J. García Ortega). Derecho de la Seguridad Social, ed. Tirant Lo Blanch, Valencia, última edición.

### Additional

- AA.VV. El accidente de trabajo y la enfermedad profesional, ed. Tirant Lo Blanch, Valencia, 2015
- LÓPEZ GANDÍA, J. y TOSCANI GIMÉNEZ, D. La reforma de las Mutuas, ed. Bomarzo, Albacete, 2015
- AA. VV. (dir. J. L. MONEREO, C. MOLINA, y M. N. MORENO) Tratado práctico a la legislación reguladora de los accidentes de trabajo y enfermedades profesionales. Régimen jurídico de la prevención, aseguramiento, gestión y responsabilidad, ed. Comares, Granada, 2006.
- LÓPEZ GANDÍA, J. y AGUDO DÍAS, J. Nueva Regulación de las enfermedades profesionales, ed. Bomarzo, Albacete, 2007.
- AA. VV. (dir. J. L. MONEREO, C. MOLINA y M. N. MORENO) Las contingencias comunes protegidas por la Seguridad Social. Estudio de su régimen jurídico, ed. Comares, Granada, 2008.
- ARAGÓN GÓMEZ, C. La compatibilidad de las prestaciones del sistema de Seguridad Social y el trabajo, ed. Lex Nova, 2013



- MOLINA NAVARRTE, C. Globalización, movilidad transnacional y prestaciones de Seguridad Social, ed. Bomarzo, Albacete, 2013.
- NAVAS-PAREJO, A. Obligaciones y responsabilidades de los trabajadores en materia de Seguridad Social, ed. Lex Nova, Valladolid, 2013
- TARANCÓN PÉREZ, E. y ROMERO RÓDENAS, M. J. Prestaciones básicas del Régimen General de la Seguridad Social, ed. Bomarzo, Albacete, 2013.
- - MIGUEL PAJUELO, F. y TRILLO GARCÍA, A. Seguridad Social, inscripción de empresas, afiliación y recaudación. Un análisis del Sistema y su gestión, ed. Lex Nova, Valladolid, 2014
- SANCHEZ PÉREZ, J. La configuración jurídica del accidente de trabajo, ed. Laborum, Murcia, 2014