

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

<b>Code</b>	33574
<b>Name</b>	Regulations framework and management of risk prevention in the workplace
<b>Cycle</b>	Grade
<b>ECTS Credits</b>	6.0
<b>Academic year</b>	2021 - 2022

**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	Second term

**Subject-matter**

<b>Degree</b>	<b>Subject-matter</b>	<b>Character</b>
1309 - Degree in Labour Relations and Human Resources	16 - Workplace risk prevention	Obligatory

**Coordination**

<b>Name</b>	<b>Department</b>
SALCEDO BELTRAN, MARIA DEL CARMEN	76 - Labour and Social Security Law

**SUMMARY**

The subject *Legal Framework and Management of Labour Risk Prevention*, a 6 ECTS credit and compulsory subject, takes place in the second quarter of the third academic year of the degree in Labour Relations and Human Resources. Its aim is to introduce the student into the study of the legal regulation of labour risk prevention, its role in the production world and in the establishment of working conditions. This course provides the essential knowledge on the legal aspects of labour risk prevention, as well as the chance to access higher levels of specialization.

This subject is part of the core subjects aimed at teaching students the basic regulation of relations (individual, collective, social protection or procedural) that may arise in both independent and paid work (covered in previous subjects).



Students learn about the legal aspects of labour risk prevention and take a closer approach on specific characteristics which are essential for the protection of the right to life and integrity of the worker at the workplace.

This relationship is key to providing students a comprehensive vision of the legal framework of the working world. Furthermore, this discipline must be understood in relation to the rest of dimensions present in the business world, such as economy, politics or sociology. It must also be understood in relation to non-legal issues, linked to security and health at the workplace (covered in depth in the subject *Labour Health*, which shares module and activities with the present subject).

## 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

In order to make the most out of the subject, it is advisable that students have enough knowledge on individual and collective labour law, as well as on the main legal institutions of social security.

## 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 the basics of occupational health and risk prevention.
- 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 occupational health and safety matters.
- Be able to plan and design occupational health and safety systems.
- Be able to apply the different techniques of social and occupational evaluation and audit.

## LEARNING OUTCOMES

1. Know the legal framework of labour risk prevention; international, supranational and national sources and evaluate the scope and meaning of the contractual nature of the preventive obligations.
2. Identify the obligations of entrepreneurs and workers concerning labour risks within the legal system, regardless of the legal nature of the regulations.
3. Be able to carry out basic assessment for employers and workers on labour risk prevention concerning general obligations, principles of preventive action, specific obligations and technical obligations of a universal nature or related to specific production sectors.



4. Conduct a legal analysis based on situations and problematic extracted from the socio-occupational reality. The aim of this exercise is to use their understanding and reasoning to evaluate the interests at stake and the legal regulations applicable to the composition of said interests.

In order to do this, students must relate these aspects to:

- The sources of the preventive legal system.
- The sources of individual and collective Labour Law (using legislation and collective agreements correctly) and their interpretation (use, reading and understanding of legal decisions).
- The legal framework of Social Security; basically its field of application and protected contingencies.
- The socio-occupational context.

5. Improve the skills to handle the sources of law and ability to build a pertinent and understandable reasoning and legal discourse.

6. Encourage the study of Law in a critical and purposeful way, recognizing the interests included in the preventive laws which are connected to the objectives pursued by the model of existing labour relations.

## DESCRIPTION OF CONTENTS

### 1. LEGAL FRAMEWORK IN LABOUR RISK PREVENTION

### 2. GENERAL CHARACTERISTICS OF ENTREPRENEUR AND WORKER OBLIGATIONS.

#### I. THE PROTECTION OBLIGATIONS OF THE ENTREPRENEUR: GENERAL CHARACTERISTICS.

1. Duty configuration.
2. Duty profiles or features.
3. Specific principles.

#### II WORKER OBLIGATIONS

### 3.



#### **4. EXTENSION OF OBLIGATIONS. PREVENTIVE ACTION AND COORDINATION OF BUSINESS ACTIVITIES. OBLIGATIONS OF THIRD PARTIES: PRODUCERS, PROVIDERS AND IMPORTERS.**

- I. GENERAL CHARACTERISTICS
- II. COORDINATION EVENTS
- III. ANALYSIS OF THE DIFFERENT SITUATIONS
- IV. SPECIAL ANALYSIS OF THE CONSTRUCTION SECTOR
- V. OBLIGATIONS OF THRID PARTIES: PRODUCERS, PROVIDERS AND IMPORTERS.

#### **5. SPECIAL GROUPS AT RISK**

- I. GENERAL CHARACTERISTICS
- II. WORKERS AT PARTICULARLY SENSITIVE RISK.
- III. MATERNITY PROTECTION.
- IV. CHID LABOUR.
- V. SPECIFIC PROTECTION OF TEMPORARY WORKERS AND WORKERS HIRED BY TEMPORARY EMPLOYMENT AGENCIES
  - 1. Temporary workers.
  - 2. Workers hired by temporary employment agencies.
    - A) Reasons of special protection.
    - B) Shared obligation of security.
    - C) Obligations of temporary employment agencies.
    - D) Obligations of the user company.

#### **6. PREVENTION SYSTEMS AND MANAGEMENT**

- I. ORGANIZATION OF RESOURCES FOR PREVENTIVE ACTIONS.
- II. PERSONAL ASSUMPTION OF THE ENTREPRENEUR ON PREVENTIVE ACTION.
- III. DESSIGNATION OF WORKERS FOR PREVENTIVE ACTION.
- IV. PREVENTION SERVICES
  - 1. Concept of prevention services.
  - 2. Types of prevention services.
    - A) Internal prevention services.
      - a) Concept.
      - b) Constitution.
      - a) Organization.
    - B) External prevention services.
      - a) Concept. Concerting preventive action.
      - b) Requirements.
      - c) Accreditation by the Labour Administration.
      - d) Material and human resources.
      - e) Functions and obligations.
      - f) The actions of Mutual Funds for Labour-related Accidents and Illnesses of Social Security such as





Prevention Systems.

C) Joint Prevention Services.

3. Functions and training of the Prevention Services members.

A) Basic level functions.

B) Intermediate level functions.

C) Higher level functions.

D) Authorization to develop and certify training activities.

V. CONTROL OF THE EFFICACY OF THE PREVENTION SYSTEM. AUDITS.

1. Concept.

2. Fields of application.

3. Requirements.

4. Authorization procedures.

## **7. CONSULTATION, PARTICIPATION, REPRESENTATION AND TRAINING.**

I. WORKER RIGHTS TO CONSULTATION, PARTICIPATION, REPRESENTATION AND TRAINING

II. WORKER RIGHTS TO CONSULTATION, REPRESENTATION AND TRAINING.

III. WORKER RIGHTS TO PARTICIPATION AND REPRESENTATION.

IV. PREVENTION DELEGATES.

1. Concept.

2. Competences and skills.

3. Rights.

4. Obligations: professional secrecy.

V. THE COMMITTEE OF SECURITY AND HEALTH

1. Concept and composition.

2. Competences and functions.

3. Functioning regime.

VI. WORKER RIGHTS TO TRAINING.

## **8. EXTERNAL CONTROL ORGANIZATIONS. INSTITUTIONAL ORGANIZATIONS.**

UNIT 7

EXTERNAL CONTROL ORGANIZATIONS. INSTITUTIONAL ORGANIZATIONS

I. THE ROLE OF PUBLIC ADMINISTRATION IN LABOUR RISK PREVENTION.

II. COMPETENT PUBLIC ADMINISTRATIONS REGARDING LABOUR ISSUES.

III. THE NATIONAL INSTITUTE FOR SAFETY AND HYGIENE AT WORK.

1. Concept and functions.

2. Structure.

IV. WORK INSPECTION AND SOCIAL SECURITY.

V. HEALTH ADMINISTRATION.

VI. NATIONAL COMMITTEE ON SAFETY, HYGIENE AND HEALTH PROTECTION AT WORK.

1. Concept.

2. Composition.

3. Functions.

4. Functioning regime.



5. The foundation attached to the National Committee on Safety, Hygiene and Health Protection at Work.

## **9. LIABILITY AND PENALTIES IN LABOUR RISK PREVENTION.**

### **I. LIABILITY AND PENALTIES IN LABOUR RISK PREVENTION**

#### **II. ADMINISTRATIVE LIABILITY**

1. Concept and legal nature.
2. Administrative offences.
  - A) Minor infringements.
  - B) Serious infringements.
  - C) Very serious infringements.
3. Sanctions.
  - A) Authorities with enforcement powers.
  - B) Sanction classification.
  - C) Legal regime.
4. Compatibility.

#### **III. CRIMINAL LIABILITY**

1. Concept and legal nature.
2. Offences against labour safety and health.
3. Responsible subjects.
4. Sanctions.
5. Compatibility with other liabilities.

#### **IV. SOCIAL SECURITY LIABILITY AND ALLOWANCES. ALLOWANCES SURCHARGE.**

1. General characteristics.
2. Allowance liability situations.
3. Surcharge of allowances.
  - A) Legal nature.
  - B) Application requirements.
  - C) Procedure.
4. Extension of allowance liability.
5. Liability for actions by third parties.

#### **V. CIVIL OR PATRIMONIAL LIABILITY**

1. Concept and legal nature.
2. Liable subjects.
3. Compensation.
4. Compatibility with other liabilities.

#### **VI. DISCIPLINARY LIABILITY**

1. Concept and legal nature.
2. Offences and sanctions.

**10. THE APPLICATION OF THE LAW FOR LABOUR RISK PREVENTION IN PUBLIC ADMINISTRATIONS.**

I. GENERAL CHARACTERISTICS AND FIELD OF APPLICATION OF THE LAW FOR LABOUR RISK PREVENTION.

II SPECIFICATIONS FOR STATUTORY OFFICIALS. SPECIAL REFERENCE TO REPRESENTATION AND PARTICIPATION.

1. Prevention Services.

2. Representation and participation.

III. SPECIFIC ISSUES REGARDING LIABILITY.

**WORKLOAD**

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	60,00	100
Development of group work	20,00	0
Development of individual work	5,00	0
Study and independent work	30,00	0
Preparation of evaluation activities	5,00	0
Preparing lectures	10,00	0
Preparation of practical classes and problem	20,00	0
<b>TOTAL</b>	<b>150,00</b>	

**TEACHING METHODOLOGY**

The course is based on personal, individual and group work and it combines theoretical and practical activities with tutorials and study and assessment activities. The distribution of these activities into ECTS credits is as follows, although it may be modified by up to 20% depending on specific needs:

- Expository-type lessons including lectures, seminars and presentation of assignments.
  - In the lectures, the teacher will present the students with the general configuration of legal institutions and their interests, as well as the normative and interpretative criteria, general to the discipline.
  - Seminars and workshops enable the discussion of specific aspects in order that students discover the legal and political problematic existing in the different institutions, after individual or group reflection.
  - Assignments proposed by the teacher enable students to become familiar with the use of legal information (gathering and elaboration) and use it for case-solving. Written and oral presentations provide good training for the development of expository skills.





- Practical activities including case-solving, classroom practice, IT applications, workshops and external practice, and individual or group tutorials.
  - Through training based on problems extracted from the socio-occupational reality, students face the real functioning of the legal methodology (argumentative criteria) as well as specific aspects of problem management (preparation of related documentation). The analysis includes the use of IT tools related to information gathering and/or with documental managing.
  - Regarding individual or group tutorials, the teacher will propose a topic on which students will reflect and ask questions in case of doubt.
- Group activities, study, individual work and evaluation.
  - Group and individual work is instrumental to the techniques mentioned above. It consists in the development of assignments, preparation of the theoretical and practical lessons and tutorials.

The study time consists of two stages: in the first stage, students approach the contents covered in class or included in the materials; in the second stage, this knowledge is developed and consolidated.

Teachers will make use of Aula Virtual as a communication tool.

## EVALUATION

Both individual and group work will be assessed, regarding specific and general competences related to the contents of the subject.

One or more of the following criteria will be used when grading:

- Written examinations including objective or semi-objective type questions, problem solving, brief answer questions and 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.

The final grade will be obtained by adding the grade of the final examination (75% of the grade) to that of continuous assessment (25% of the final grade).

## REFERENCES



### Basic

- Derecho de la prevención de riesgos laborales. Autor: Sala Franco. Ed. Tirant lo Blanch. Última edición.
- Marco normativo y gestión de la prevención de riesgos laborales, Estandid Colom F. y Núñez González, C., Tirant lo Blanch, última edición.

### Additional

- Curso de prevención de riesgos laborales. Autores: López Gandía y Blasco Lahoz. Ed. Tirant lo Blanch. Última edición.
- Prevención de Riesgos Laborales. Instrumentos de aplicación. AA.VV. (Coords. Carlos L. Alfonso Mellado, Carmen Salcedo Beltrán y Ignacio Rosat Aced), Tirant lo Blanch, Valencia 2012.
- Derecho de la Prevención de Riesgos Laborales. Autores: Garrigues Giménez, A y García González, G. (Dirs.), Tirant lo Blanch, Valencia, 2015.

## 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.