



## COURSE DATA

### Data Subject

|                      |               |
|----------------------|---------------|
| <b>Code</b>          | 35222         |
| <b>Name</b>          | Labour Law II |
| <b>Cycle</b>         | Grade         |
| <b>ECTS Credits</b>  | 9.0           |
| <b>Academic year</b> | 2024 - 2025   |

### Study (s)

| Degree   | Center         | Acad. year | Period |
|--|----------------|------------|--------|
| 1303 - Degree in Law   | Faculty of Law | 3          | Annual |
| 1921 - Double Degree Program BMA and Law                                       | Faculty of Law | 4          | Annual |
| 1922 - Double Degree Prog. Law-Political Science                               | Faculty of Law | 4          | Annual |
| 1923 - Double Degree Programme Law-Criminology                                 | Faculty of Law | 3          | Annual |
| 1930 - Double Degree Programme in Law and Political and Public Admin. Sciences | Faculty of Law | 4          | Annual |

### Subject-matter

| Degree   | Subject-matter                               | Character  |
|--|--|------------|
| 1303 - Degree in Law   | 17 - Labour law                              | Obligatory |
| 1921 - Double Degree Program BMA and Law                                       | 5 - Year 4 compulsory subjects               | Obligatory |
| 1922 - Double Degree Prog. Law-Political Science                               | 5 - Year 4 compulsory subjects               | Obligatory |
| 1923 - Double Degree Programme Law-Criminology                                 | 4 - Year 3 compulsory subjects               | Obligatory |
| 1930 - Double Degree Programme in Law and Political and Public Admin. Sciences | 5 - Asignaturas obligatorias de cuarto curso | Obligatory |



### Coordination

**Name**

ROQUETA BUJ, REMEDIOS

**Department**

76 - Labour and Social Security Law

### SUMMARY

The compulsory subject Labour Law II is taught in the third year of the Degree in Law, and it is related to other subjects according to the Study Plan.

It is part of the subject matter Labour Law which consist of two subjects, Labour Law I and Labour Law II. Contents follow a sequence and most of them are taught in this annual subject worth 9 ECTS.

The basic and introductory concepts are taught in Labour Law I and the rest in Labour Law II during the following year. The contents may also be developed in the elective subjects related to the Labour Law area found in the Study Plan.

Students can find the contents of the subject Labour Law in the *Verifica* section of the Degree in Law (page 89). The contents corresponding to Labour Law II are:

- Amendment, suspension and extinction of the work contract.
- Representing workers in companies and in the public administration.
- Trade unions, companies' associations and other professional organizations.
- Collective bargaining. Negotiation process: agreements, pacts and collective bargaining agreements.
- Work collective conflicts, right of strike and employer's closing.
- Work inspection, infractions and sanctions in the social order.
- Social jurisdiction and work process.



- Solutions to work conflicts: judicial and extrajudicial.
- Legal action of the social security rights.

## PREVIOUS KNOWLEDGE

### Relationship to other subjects of the same degree

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

### Other requirements

It is recommended that you have passed the Labor Law I

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

### 1303 - Degree in Law

- Be able to use legal sources (legal, jurisprudential and doctrinal).
- Be able to read and interpret legal texts.
- Be able to communicate correctly both orally and in writing in the field of law.
- Be able to analyse legal problems and synthesise their approach and resolution.
- Develop critical awareness for the analysis of the legal system and develop the legal dialectic.
- Acquire basic knowledge of legal arguments.
- Be able to use information and communication technology to obtain and select legal information.

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

- Know, understand and be able to solve any issues about the legal framework of the work contract as well as the competences and guarantees of the worker's representatives and the action of unions or worker's associations.
- Know and understand the role of Administration in the work relations system and be able to solve any derived issues. Be able to solve basic questions related to individual or collective work conflicts.
- Ability to use the constitutional principles and values to interpret the work legal system.
- Ability to understand the work system historically and chronologically.
- Ability to write work legal writings of negotiation and conciliation. Get a critical vision in the analysis of the work legal system.



## DESCRIPTION OF CONTENTS

### 1.

#### THE EMPLOYMENT BENEFIT: DETERMINATION AND MODIFICATION

Analysis of the mechanism for determining work provision and the legal limits that must be observed. This involves studying the worker's functions and professional classification, the performance expected from them, and the circumstances of the time and place of work. Additionally, it requires considering that the worker must fulfill their duties in accordance with the principles of good faith and diligence. Examination of the mechanisms for modifying the initially agreed-upon work conditions, especially functional mobility, substantial modification of work conditions, and geographical mobility

### 2.

#### WORKING HOURS AND REST PERIODS

Study of the regulations governing different aspects of working hours: regular working hours, overtime and recoverable hours, work schedule, labor calendar, public holidays, and annual vacations.

### 3.

#### WAGE PROVISION

Analysis of wages as the object of the employer's obligation to remunerate, delving into the concept, wage systems, structure, and determination. Examination of wage absorption and compensation, payment rules, various guarantees to protect wages, and the Wage Guarantee Fund and its functions..

### 4. WORKER'S RIGHTS AND EMPLOYER POWERS

Study of the validity and scope of fundamental rights within the employment relationship, especially the right to equality and non-discrimination. Analysis of the right to employment and vocational training, as well as the worker's right to occupational health and safety.

Examination of employer management powers: the power of direction -and the corresponding duty of obedience-, control, and disciplinary power.

### 5.

#### VICISSITUDES OF THE EMPLOYMENT CONTRACT

Analysis of interruptions to work provision, both at the worker's will and due to employer-related reasons and force majeure. Study of different causes for the suspension of the employment contract and various types of leave, identifying the main issues each of them presents.



**6.**

**TERMINATION OF THE EMPLOYMENT CONTRACT**

Analysis of various procedures for terminating the employment contract and their effects.

This entails, first, studying the situations that lead to contract termination by the employer: disciplinary dismissal, collective dismissal, dismissal due to force majeure, and dismissal for objective reasons. Second, it requires understanding the ways in which the contract can be terminated by the worker: voluntary resignation, resolution with justified cause, and resignation by female workers who are victims of gender-based violence.

**7.**

**TRADE UNION FREEDOM AND RIGHT OF ASSOCIATION**

Study of the implementation of trade union freedom in the social branch of the legal system. This should include a reference to the constitutional concept and recognition of trade union freedom, its essential and additional content, individual and collective trade union freedoms, and the typology of unions based on their representativeness and their right to institutional participation.

**8.**

**REPRESENTATION AND PARTICIPATION OF WORKERS IN THE COMPANY**

Analysis of the two channels of representation in the company: unitary representation (works councils and employee delegates) and trade union representation (sections and trade union delegates). This analysis must also cover specialized representation in occupational health and safety matters, representation of civil servants in public administrations, representation and participation in community-sized companies, and the right to assembly

**9.**

**COLLECTIVE BARGAINING**

Study of different manifestations of the right to collective bargaining, recognized in Article 37.1 of the Spanish Constitution, especially regarding statutory collective agreements.

The analysis of the latter must differentiate between framework agreements and agreements on specific matters, and ordinary agreements. It should cover issues such as concurrence between agreements, the negotiation procedure, possible content of the agreements, administration, interpretation, challenge, administrative control, duration, adherence, and extension.

**10.**

**COLLECTIVE CONFLICTS**

Essentially, it is about analyzing the right to strike, lockout, and procedures for resolving collective conflicts. When addressing the right to strike, it will be necessary to delve into various issues: concept and applicable regulations, ownership, motivations, procedure, essential services, security and maintenance, ways of termination, and effects.

**11.****SOCIAL SECURITY LAW**

Introduction to Social Security law focusing on the study of the Spanish Social Security system, including its organization, scope, and structure, management, financing, contributions, collection, as well as the protective action concerning covered contingencies and the legal framework of benefits.

**12.****PROTECTION OF LABOR RIGHTS**

Study of the mechanisms for protecting labor rights: analysis of administrative protection and judicial protection. Administrative protection essentially includes the study of labor administration, labor inspections, and the sanctioning powers of the administration, while judicial protection refers to the study of the social jurisdiction: the bodies that make it up, the parties involved, the procedural acts, prescription and expiration of actions, the pre-litigation phase, preparatory acts, the ordinary process, means of appeal, execution of judgments, and procedural modalities.

**WORKLOAD**

| ACTIVITY                                     | Hours         | % To be attended |
|--|---------------|------------------|
| Theoretical and practical classes            | 90,00         | 100              |
| Attendance at events and external activities | 5,00          | 0                |
| Study and independent work                   | 90,00         | 0                |
| Readings supplementary material              | 9,00          | 0                |
| Preparation of evaluation activities         | 10,00         | 0                |
| Preparing lectures                           | 10,00         | 0                |
| Resolution of case studies                   | 11,00         | 0                |
| <b>TOTAL</b>                                 | <b>225,00</b> |                  |

**TEACHING METHODOLOGY**

**Theoretical contents:** The professor will expose and explain the fundamental theoretical contents to guide the student in the study and understanding of the matter. The student must engage actively in the learning by means of the previous reading of the supplementary materials established in the planning of the course.

**applied activities:** comment of sentences or news, case resolution, questionnaires, etc., to develop the student's skills. These activities may complement the teacher's presentation or focus on specific topics of the programmed not explained in the classroom. The activities will be participatory, and the teacher will decide which ones will be assessed. The student will get use to work with materials and techniques of the discipline.



### Activities outside the classroom:

**Extra activities:** seminars, attending or viewing trials, etc. These activities will be scheduled in the context of the subject and may be specific, interdisciplinary or transversal. They will be organized in coordination with other groups of this or other subjects. The teacher will decide which ones will be assessed.

**Directed activities:** the teacher will indicate which readings, sentences or cases must be done. The teacher may also schedule other activities to reinforce or review the student's knowledge.

**Attending non-programmed tutoring:** students may attend the established non-programmed tutoring sessions to solve any questions about the subject.

## EVALUATION

### FIRST CALL

-Written and/or oral assessment/-s that may be objective and include theoretical and practical questions and/or resolution of problems. This part is worth 70% of the final score. Students must pass this assessment to pass the subject.

- There will be a partial exam of the topics related to the individual rights included in this course guide (from substantial changes in the work conditions to the extinction of a contract, points 1 to 6, both included) with the same modality of assessment as in the previous paragraph and with a proportional value.

-Continuous evaluation based on attending and participation in the face-to-face activities, such as the participation in practical lessons and workshops, essays, reports and/or oral presentations that may be individual or in group. The student's involvement, the effort in the teaching and learning process and the skills and attitudes shown will be considered.

### SECOND CALL



The same criteria as in first call will be applied. Activities belonging to the continuous evaluation may be recoverable. At the time of the final assessment of the second call, or before taking the exam, the students will know which activities they must carry out.

In application of the foreseen rules in case of exam coincidence, or for any other foreseen causes (e.g. justified cause of force majeure) the Evaluation and Calcification Regulation for degrees and masters of the University of Valencia establishes that it will be required to take the exam on a date different than the official one, and that the faculty responsible may determine a different examination mode to the one provided in the teaching guide. In these cases, the new exam mode taken should maintain the same level of difficulty than the one taken by the general group.

Students who have follow the continuous assessment and have been graded accordingly, in the case of not taking the final exam on the official date (either the 1sr and 2nd call) will obtain the grade NOT PRESENTED.

## REFERENCES

### Basic

- -Goerlich Peset, José María (dir) (2024). Derecho del Trabajo (12ª ed.). Valencia: Tirant lo Blanch. Puede sustituirse por las referencias que se indican más abajo) Solo debe utilizarse una de ellas y siempre en la última edición disponible.
- Palomeque López, Manuel Carlos; Álvarez de la Rosa, Manuel (2022). Derecho del Trabajo (30 ed.). Madrid: Editorial Universitaria Ramón Areces.
- Monereo López, José Luis; Molina Navarrete, Cristóbal; Moreno Vida, María Nieves (2023). Manual de Derecho del Trabajo (21ª ed.). Granada: Comares.
- Mercader Uguina, Jesús Ramón (2023). Lecciones de Derecho de Trabajo (16ª ed.), Valencia: Tirant lo Blanch.

### Additional

- Una recopilación legislativa laboral como:
  - \* Código Laboral y de la Seguridad Social, a cargo de Pérez de los Cobos y García Perrote, Ed. La Ley.Puede sustituirse por cualquiera de las que se detallan más abajo. Sólo es necesaria una de ellas.
- \* Normas laborales básicas, a cargo de Blasco y Goerlich, Edit. Tirant Lo Blanch, Valencia
- \* Legislación laboral básica, a cargo de Serrano y Sequeira. Ed. Civitas.
- \* Legislación laboral y de la Seguridad Social, a cargo de Galiana y Sempere. Ed. Aranzadi.
- \* Legislación Laboral, a cargo de Rodríguez Piñero, Ojeda Avilés, Fernández López y Gorelli Hernández. Edit. Tecnos, Madrid.
- \* Código Laboral y de la Seguridad Social. BOE.



- Bases de datos:

<http://www.westlaw.es>

<http://www.tirantonline.com>

Normas:

Convenios internacionales

<http://www.ilo.org/global/lang--en/index.htm>

Diario oficial de la Unión Europea:

<http://eur-lex.europa.eu/JOIndex.do>

<http://www.boe.es>

Boletines autonómicos:

[http://www.boe.es/aeboe/consultas/enlaces/boletines\\_autonomicos.php](http://www.boe.es/aeboe/consultas/enlaces/boletines_autonomicos.php)

Boletines provinciales:

[http://www.boe.es/aeboe/consultas/enlaces/boletines\\_provinciales.php](http://www.boe.es/aeboe/consultas/enlaces/boletines_provinciales.php)

Convenios colectivos:

[http://www.empleo.gob.es/es/sec\\_trabajo/ccncc/index.htm](http://www.empleo.gob.es/es/sec_trabajo/ccncc/index.htm)

Jurisprudencia:

Tribunal Constitucional:

<http://www.tribunalconstitucional.es>

Tribunal de Justicia de la Unión Europea

[http://curia.europa.eu/jcms/jcms/j\\_6/pagina-principal](http://curia.europa.eu/jcms/jcms/j_6/pagina-principal)

Tribunal Supremo

Cendoj

<http://www.poderjudicial.es/search/index.jsp>

Publicaciones:

Ministerio de Empleo: Publicaciones electrónicas

<http://www.empleo.gob.es/es/publica/index.htm>

Fundación 1º de mayo

<http://www.1mayo.ccoo.es/nova/>