

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

<b>Code</b>	35236
<b>Name</b>	Health and safety in the workplace: legislation and responsibilities
<b>Cycle</b>	Grade
<b>ECTS Credits</b>	4.5
<b>Academic year</b>	2022 - 2023

**Study (s)**

<b>Degree</b>	<b>Center</b>	<b>Acad. Period year</b>
1303 - Degree in Law	Faculty of Law	4 Second term

**Subject-matter**

<b>Degree</b>	<b>Subject-matter</b>	<b>Character</b>
1303 - Degree in Law	29 - Health and safety in the workplace: legislation and responsibilities	Optional

**Coordination**

<b>Name</b>	<b>Department</b>
LOPEZ BALAGUER, MERCEDES	76 - Labour and Social Security Law

**SUMMARY**

The subject "Prevention of occupational risks: legal regime and responsibilities" is an optional semester-type subject which can be within the Degree in Law, in the Company Law itinerary. It constitutes 4.5 ECTS credits, as stated in the Degree in Law curriculum (p.131 ff.).

Its objective is to introduce the student to the prevention of labor risks legal order, its role within the productive world and in the determination of working conditions. The topics covered by the course will provide the students with the sufficient knowledge in order for them to facilitate employers and workers with basic information on the legal aspects related to the prevention of occupational risks. As well as the sufficient knowledge to access higher levels of specialization in the subject.



This subject is integrated within a set of subjects which intend to offer the students with the basic regulation concerning individual and collective relations or social protection.

This content facilitates the learning of those aspects related to the prevention of occupational risks, addresses the learning of aspects related to the prevention of occupational risks, paying particular attention at an aspect which, besides its specific features due to its unique content, is of vital importance due to its direct relation with the protection of the right to life and integrity of the person in the workplace.

All this will be of key importance in providing the student with a holistic view of the labour-related legal order. It is, however, not an end in itself as it has to be understood in relation to other legal disciplines and the rest of dimensions present in the business world.

Observations:

The teaching programs of the subject must conform to the Academic Guide prepared by the Labour Law Area and the Social Security Department.

## 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 enrollment restrictions have been specified with other subjects of the curriculum.

Other types of requirements

The subject Prevention of occupational risks: legal regime and responsibilities is taken in the fourth year of the degree in Law, so it is considered appropriate that students come with a labor legal knowledge acquired in the subjects of Labor Law I and II, taken in 2nd and 3rd, from which they will be able to know the substantive



## OUTCOMES

### 1303 - Degree in Law

- Know the content and application of each of the branches of the legal system.
- Understand the legal system as unitary and have an interdisciplinary perspective of legal problems.
- 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.
- Understand the basic functions of the different legal professions.

## LEARNING OUTCOMES

The subject "Prevention of occupational risks: legal regime and responsibilities", aims to achieve the following learning outcomes (as verified by Law):

- Know and understand the legal framework for the prevention of occupational risks, both in the private sphere and in the field of public administration (relationship with specific competences of the CE degree: 2,3,7,8).
- Ability to advise on the choice of prevention management systems (EC: 2,7,8,9,10,11,12,17)
- Ability to represent the employer in the safety committees (CE: 2,7,8,9,10,11,12, 17)
- Ability to advise on liability for non-compliance in preventive matters (CE: 2,7,8,9,10,11,12,17)
- Ability to learn to carry out procedures for work accidents, occupational diseases, IT for risk during pregnancy etc ... (CE: 2,7,8,9,10,12,17)

## DESCRIPTION OF CONTENTS

### 1. NORMATIVE FRAMEWORK OF THE PREVENTION OF LABOR RISKS.

- I. INTERNATIONAL STANDARDS.
- II. COMMUNITY NORMS
- III. INTERNAL NORMATIVE FRAMEWORK



## **2. GENERAL CHARACTERISTICS OF THE COMPANY AND WORKERS' OBLIGATIONS**

- I. THE DUTY OF PROTECTION OF THE ENTREPRENEUR: GENERAL CHARACTERS.
- II. CONCRETIONS OF THE SECURITY DUTY.
- III. WORKER'S OBLIGATIONS

## **3. EXTENSION OF OBLIGATIONS: COORDINATION OF BUSINESS ACTIVITIES AND OBLIGATIONS OF THIRD PARTIES (MANUFACTURERS, SUPPLIERS, IMPORTERS)**

- I. GENERAL CHARACTERS.
- II. SITUATIONS OF COORDINATION.
- III. ANALYSIS OF THE DIFFERENT SITUATIONS.
- IV. OBLIGATIONS

## **4. SPECIAL RISK GROUPS**

- I. GENERAL CHARACTERS.
- II. SPECIALLY SENSITIVE WORKERS.
- III. THE PROTECTION OF MOTHERHOOD
- IV. THE WORK OF MINORS.
- V. SPECIFIC PROTECTION OF TEMPORARY WORKERS AND CONTRACTED WORKERS FOR TEMPORARY WORK COMPANIES

## **5. SYSTEMS AND MANAGEMENT OF PREVENTION**

- I. THE ORGANIZATION OF RESOURCES FOR PREVENTIVE ACTIVITIES.
- II. THE ENTREPRENEURS' PERSONAL COMMITMENT WITH PREVENTIVE ACTIVITY.
- III. THE DESIGNATION OF WORKERS FOR PREVENTIVE ACTIVITY.
- IV. PREVENTIVE SERVICES.
- V. CONTROL OF THE EFFECTIVENESS OF THE PREVENTION SYSTEM. THE AUDITS

## **6. PARTICIPATION AND REPRESENTATION**

- I. THE WORKERS' RIGHTS TO CONSULTATION, PARTICIPATION, REPRESENTATION AND TRAINING.
- II. THE WORKERS' RIGHTS TO CONSULTATION. REPRESENTATION AND TRAINING.
- III. THE WORKERS' RIGHTS TO PARTICIPATION AND REPRESENTATION.
- IV. THE DELEGATES OF PREVENTION.
- V. THE COMMITTEE OF. SECURITY AND HEALTH.
- VI. THE WORKERS' RIGHT TO TRAINING

**7. RESPONSIBILITIES AND SANCTIONS IN THE MATTER OF PREVENTION OF LABOR RISKS**

- I. RESPONSIBILITIES AND SANCTIONS IN THE MATTER OF PREVENTION OF LABOR RISKS.
- II. ADMINISTRATIVE RESPONSIBILITY.
- III. CRIMINAL LIABILITY.
- IV. RESPONSIBILITY IN SOCIAL SECURITY MATTERS. THE BENEFITS SURCHARGE
- V. CIVIL OR PATRIMONIAL LIABILITY.
- VI. DISCIPLINARY RESPONSIBILITY

**8. THE APPLICATION OF LAW OF PREVENTION OF LABOR RISKS IN THE PUBLIC ADMINISTRATIONS**

- I. GENERAL CHARACTERS AND SCOPE OF APPLICATION OF THE PREVENTION OF LABOR RISKS LAW.
- II. PECULIARITIES OF OFFICIALS AND STATUTORS. SPECIAL REFERENCE TO REPRESENTATION AND PARTICIPATION.
- III. SPECIALTIES IN MATTERS OF RESPONSIBILITIES

**WORKLOAD**

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	45,00	100
Attendance at events and external activities	5,00	0
Development of group work	3,00	0
Development of individual work	3,00	0
Study and independent work	26,00	0
Readings supplementary material	3,00	0
Preparation of evaluation activities	4,00	0
Preparing lectures	8,00	0
Preparation of practical classes and problem	6,00	0
Resolution of case studies	7,50	0
Resolution of online questionnaires	2,00	0
<b>TOTAL</b>	<b>112,50</b>	

**TEACHING METHODOLOGY**

- **Explanation of theoretical contents:** The teacher will present and explain those fundamental elements that will guide students in the study and understanding of the subject. Students, for their part, must actively engage in the learning process through reading -prior to the teacher's explanation, or in class, depending of the teaching time organization- of those materials, manuals, monographs or texts provided or indicated previously.





- **Applied activities:** They will consist on the analysis of case-law or news, the resolution of cases or the accomplishment of activities or questionnaires, the analysis of labour issues, etc., through which the student will have to develop the previously mentioned competences.

These activities may either serve as a complement to the presentation of theoretical knowledge by the teacher, or focus on specific points of the program of the subject that will not be explained by the professor. These activities will be participatory and each teacher will indicate, where appropriate, which will be subject to evaluation. These will introduce students and get them used to handle material and techniques of the discipline.

- **Activities outside the classroom:**

**Complementary activities**, such as seminars, assistance to trials or video viewing, etc. They will be programmed in the context of the subject and will consist of specific activities of the subject or of interdisciplinary or transversal character, and always in coordination with the groups of the same subject or of other subjects. The teacher will indicate, if it is the case,, when the activities will be subject to evaluation.

**Directed activities.** The teacher will indicate, both for the follow-up of the theoretical exposition and for the realization of the applied activities, what readings, research of case-law or preparation of cases, etc., will have to be carried out by the student. Although they are not the object of work in the classroom, the teacher can also program, within the volume of work of the student, other activities that serve to reinforce or review the knowledge acquired by the student.

**Unscheduled tutoring assistance.** Students can go to unscheduled tutorials that each teacher cover, within the timetable established timetable, for purposes of consultations on any topic or aspect of the subject and its dynamics of work

## EVALUATION

Written and / or oral tests, consisting of a test that may be objective or development type questions, including theoretical-practical issues and / or problems. This test will have a value of 70% of the final grade. To pass the subject it will be necessary to pass this test.

In the final test, the following will be considered as general evaluation criteria:

- Adequacy of the answer to what is asked: concretion and precision
- Writing and spelling



- Terminology and technical precision
- Coherence and internal logic of the basis of the answers

The continuous assessment of each student is based on regular attendance and active participation in the proposed face-to-face activities, such as the completion of practical activities or participation in workshops, the resolution of questionnaires, the preparation and / or delivery of papers, reports and / or oral presentations on such activities, individually or collectively; all this taking into consideration the degree of involvement and effort of the students in the teaching-learning process and the skills and attitudes shown during the development of said activities. This part will have a value of 30% of the final grade.

In any case, in order for this 30% to be taken into consideration, student must have passed the final test.

- In the evaluation of the tests and / or activities, in addition to the contents, these criteria will also be taken into account:

- Adequacy of the answer to what is asked: concretion and precision
- Writing and spelling
- Terminology and technical precision
- Coherence and internal logic of the basis of the answers

The continuous assessment activities developed during the course have a recoverable nature, so that at the time of the final test corresponding to the second call or prior to its conclusion, the corresponding recovery activities will be proposed to the students.

## REFERENCES

### Basic

- SALA FRANCO, T., Derecho de la Prevención de Riesgos Laborales, Tirant lo Blanch, última edición.
- Ley 31/1995 de Prevención de Riesgos laborales.

### Additional

- IGARTUA MIRÓ, M.T., La obligación general de seguridad, Tirant lo Blanch 2000.
- MARTÍNEZ FONS, D., La vigilancia de la salud en la doctrina del tribunal constitucional: el principio de voluntariedad y la interpretación de sus excepciones, Aranzadi Social 5/2004, pp. 403-420.
- GARCÍA TESTAL, E., Riesgo durante el embarazo o durante la lactancia natural de un menor de nueve meses en Los derechos de conciliación de la vida familiar y laboral en la empresa, GARCÍA Testal, E. y López Balaguer, M., 2012, pp. 65 ss.



- GOERLICH PESET, J.M., Centro de trabajo compartidos. Contratas y subcontratas. Régimen de responsabilidades, en Responsabilidades y responsables en materia de prevención de riesgos laborales, AA.VV. (Coord. Vega López), Instituto Canario de Seguridad Social 2004, pp. 123 ss.
- <http://www.insht.es/portal/site/Insht/>  
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