

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

Code	42738
Name	Labour standards and assessment of HR needs
Cycle	Master's degree
ECTS Credits	3.0
Academic year	2023 - 2024

Study (s)

Degree	Center	Acad. year	Period
2126 - M.D. in Human Resources Management	Faculty of Social Sciences	1	Second term

Subject-matter

Degree	Subject-matter	Character
2126 - M.D. in Human Resources Management	2 - Economic, legal and social framework of HR management	Obligatory

Coordination

Name	Department
CORDERO GORDILLO, VANESA	76 - Labour and Social Security Law

SUMMARY

This subject, which is mandatory and carries 3 ECTS credits, is taken within the framework of the Economic, Legal, and Social Environment of HR Management within the Master's Program in HR Management.

Its objective is to introduce students to the study of labor law mainly focusing on three aspects:

- The determination of wage policies and the various factors that determine them. Within this section, the legal regime of wages will also be analyzed.
- Occupational health and safety, conducting a detailed analysis of the obligations set by regulations as well as the responsibilities derived from non-compliance.
- And finally, the obligations and responsibilities of companies regarding Social Security, determining when they arise and the various actions.



The course content aims to provide students with an understanding of both the theoretical and practical aspects of risks and obligations related to insurance.

This subject is part of the block of subjects that regulate the relationships arising from dependent and non-dependent work, complementing the knowledge acquired in terms of entry into the company and hiring, allowing students to acquire knowledge about personnel management once the employment relationship has begun.

It is a key subject for students to have a comprehensive understanding of labor law.

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 considered convenient, for an adequate learning of the subject, that there be a sufficient knowledge of the system of sources of law as well as the legal regime for joining a company and labor contracting.

OUTCOMES

2126 - M.D. in Human Resources Management

- Students should apply acquired knowledge to solve problems in unfamiliar contexts within their field of study, including multidisciplinary scenarios.
- Students should be able to integrate knowledge and address the complexity of making informed judgments based on incomplete or limited information, including reflections on the social and ethical responsibilities associated with the application of their knowledge and judgments.
- Students should communicate conclusions and underlying knowledge clearly and unambiguously to both specialized and non-specialized audiences.
- Students should demonstrate self-directed learning skills for continued academic growth.
- Students should be able to self-organise, which means systematically planning and setting realistic time schedules for the different tasks in their personal agenda, prioritising their activities, attending to criteria of urgency and importance, using explicit tools and procedures to control the level of performance and optimising time.
- Students should be able to initiate, lead, promote and facilitate interactions, as well as to manage groups of people.
- Students should have the ability to communicate, influence and be effective in interpersonal relationships.



- Students should have assertive communication and negotiation skills. This means being able to carry out negotiations related to the direction and management of human resources, and being able to carry out a mediation activity that facilitates an adequate management of human resources.
- Students should be prepared for lifelong learning and self-development. The individual develops the ability to incorporate new knowledge, skills and professional competences.
- Students should be able to lead people and teams to achieve the objectives of human resources management. In this sense, they should develop a certain level of relational sensitivity and empathy.
- Students should understand and manage cultural and ethnic diversity in organisations.
- Students should develop a certain tolerance for uncertainty.
- Students should be aware of the legal constraints on human resources policies and strategies.
- Students should be able to assess and anticipate the legal consequences of organisational decisions taken by the company in relation to staff.
- Students should be able to quantify the costs of organisational decisions taken by the company in relation to staff.
- Students should know the requirements and implications of occupational risk prevention policies.
- Students should know the social and legal conditions of collective bargaining, in its different aspects and levels.

LEARNING OUTCOMES

The student must be able to adequately assess and foresee the consequences legal aspects of the organizational decisions taken by the company in relation to its human resources in terms of compensation.

The student must be capable of assessing the requirements and implications of implementing a policy for the prevention of occupational hazards, as well as considering the main legal and organizational aspects of management, being able to apply appropriate HR policies for its management. In this sense, they must be able to identify the employer's and workers' obligations regarding risk prevention in the legal system, regardless of the legal nature of the regulations, and have the ability to provide advice to the employer and worker on occupational hazard prevention within the scope of the general obligation and the principles of preventive action, specific obligations, and technical obligations of a universal nature or linked to certain productive sectors.

The student will be able to fulfill all obligations related to management in the field of Social Security, knowing all the legally required procedures

DESCRIPTION OF CONTENTS



1. SALARY POLICIES AND THEIR LEGAL REGIME

1. Legal concept of salary
 - 1.1. Salary and non-salary payments
 - 1.2. Salary in money and in kind
2. Salary systems
3. Structure of the salary
 - 3.1. Base salary
 - 3.2. Salary supplements
 - 3.3. Global salary
4. Determination of salaries
5. Salary absorption and compensation
6. Payment of salaries
 - 6.1. Place
 - 6.2. Time
 - 6.3. Object and payment method. The salary receipt
7. Protection of salaries
 - 7.1. Legal guarantees against the creditors of the employee: non-seizure of salaries
 - 7.2. Legal guarantees against the creditors of the employer
8. The Salary Guarantee Fund
 - 8.1. FOGASA and business bankruptcy
 - 8.2. FOGASA and support to workforce restructuring
 - 8.3. Procedural aspects

2. PREVENTION OF OCCUPATIONAL RISKS: DUTIES AND RESPON

1. Legal framework on prevention of occupational risks
 - 1.1. International legislation
 - 1.2. EU Legislation
 - 1.3. National legislation
2. The employers duty of protection: general characteristics
 - 2.1. Configuration of the duty
 - 2.2. Characteristics of the duty
 - 2.3. Principles in which it is concretized
 - 2.4. Specifications of the duty of protection
 1. Risk assessment
2. Work equipment and protective measures
3. Duties of information, consultation and participation
4. Training duties
5. Duty to adopt emergency measures
6. Duty to adopt measures in case of serious and imminent risk
7. Duty of health surveillance
8. Documentation duties
9. Duties regarding some groups (particularly sensitive workers, maternity and temporary workers)
10. Duty to manage prevention (modalities)

**3. Liabilities and sanctions in the field of occupational risk prevention****3.1. Administrative liability****3.2. Criminal liability****3.3. Liability regarding Social Security benefits. The benefit surcharge****3.4. Civil liability****3. SOCIAL SECURITY: DUTIES AND LIABILITIES****1. The collaboration of the companies in Social Security management****1.1. Compulsory collaboration****1.2. Voluntary collaboration****1.3. Notification of administrative acts by electronic, computer or telematic means****2. Registration of companies, affiliation, registration and deregistration of workers****2.1. Introduction****2.2. Registration of companies****2.3. Affiliation****2.4. Registration of workers and its changes. Assimilated contributor situations****2.5. Deregistration of workers****3. Contribution to Social Security General Scheme****3.1. Obligated and liable person****3.2. Contribution object****3.3. Development of the duty to contribute****3.4. Collection of Social Security payments****1. Collection management****2. Liable person of the compliance of the duty to contribute****3. Periods of collection of payments****3.1. Voluntary period****3.2. Executive payments collection****WORKLOAD**

ACTIVITY	Hours	% To be attended
Theory classes	16,00	100
Classroom practices	8,00	100
Tutorials	6,00	100
Attendance at events and external activities	3,00	0
Development of group work	8,00	0
Study and independent work	9,00	0
Readings supplementary material	5,00	0
Preparation of evaluation activities	5,00	0
Preparing lectures	5,00	0
Preparation of practical classes and problem	5,00	0



Resolution of case studies	5,00	0
TOTAL	75,00	

TEACHING METHODOLOGY

MD1 – Master class

MD2 – Oral presentations by students

MD3 – Readings of relevant documentation by students (reports, articles, etc.)

MD4 – Group debates and analysis of relevant topics for the management of human resources

MD6 – Case studies

MD7 – Analysis of articles and other documents and reports

MD8 – Use of audiovisual material

MD12 – Carrying out practical activities in the classroom

MD13 – Use of computer applications

MD15 – Use of documentary and data sources, and management of bibliographic references for research

EVALUATION

1st call

SE1 – Written exams (Final Test, 50%)

SE3 - Application of scales of observation and register of the attitudes of the students in the development of the tasks and activities. Participation and implication in the activities of the Master's degree (10%)

SE4 – Assessment of the individual and/or collective works of the students: it will be assessed effective submission, content and formal aspects (good writing, spelling) (40%). In concrete, it will be proposed one activity, not being necessary a minimum mark to average or add.

2nd call

The final test will have the same characteristics that in the first call.



The activities of continuous evaluation developed during the course can be repeated. For that purpose, in the moment of the final test of the second call or prior to it, it will be proposed to the students the corresponding activities of re-assessment. Anyway, the mark of those activities in which they have achieved a minimum mark of 5 will be maintained.

Both in first and in second call, the minimum mark to pass will be of 5.

The qualification of the subject will be subjected to the Regulation of evaluation and qualification of the University of Valencia for bachelor's and master's degrees (ACGUV 108/2017) (https://www.uv.es/graus/normatives/2017_108_Reglament_avaluacio_qualificacio.pdf)

In case of fraudulent practices, copy or plagiarism we will proceed according to the Action protocol for fraudulent practices at the University of Valencia. (ACGUV 123/2020): <https://www.uv.es/sgeneral/Protocols/C83.pdf>

The distinction of Excellent will be awarded to the student who had achieved the highest mark adding the two parts of the mark, with a minimum of 9 points. In case of tie, it will be proposed an additional activity. If the tie persists, it will be resolved by draw.

REFERENCES

Basic

- Derecho del Trabajo. José M^a Goerlich Peset, Jesús García Ortega. Ed. Tirant lo Blanch, última edición.
- Derecho de la prevención de riesgos laborales. Tomás Sala Franco. Ed. Tirant lo Blanch, última edición.
- Curso de prevención de riesgos laborales. Juan López Gandía, José Francisco Blasco Lahoz, última edición.
- Curso de Seguridad Social. José Francisco Blasco Lahoz, Juan López Gandía. Ed. Tirant lo Blanch, última edición.
- Derecho de la Seguridad Social. Remedios Roqueta Buj, Jesús García Ortega. Ed. Tirant lo Blanch, última edición.



Additional

- Pueden utilizarse diversas fuentes en internet como apoyo; se enumera un listado meramente indicativo:

Bases de datos:

- Aranzadi instituciones
- CISS Laboral
- Iustel
- La Ley digital
- Tirant online
- vLex Spain

Normas:

<http://www.boe.es>

Convenios colectivos:

<https://expinterweb.mites.gob.es/regcon/>

Jurisprudencia:

- Tribunal Constitucional: <http://www.tribunalconstitucional.es>
- Tribunal de Justicia de la Unión Europea: http://curia.europa.eu/jcms/jcms/j_6/pagina-principal
- Tribunal Supremo, Audiencia Nacional, Tribunales Superiores de Justicia y Juzgados de lo Social: <https://www.poderjudicial.es/search/indexAN.jsp>