

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

Code	44488
Name	Legal environment
Cycle	Master's degree
ECTS Credits	3.0
Academic year	2022 - 2023

Study (s)

Degree	Center	Acad. year	Period
2212 - Master's Degree in Business Management. MBA	Faculty of Economics	1	First term

Subject-matter

Degree	Subject-matter	Character
2212 - Master's Degree in Business Management. MBA	6 - Business environment	Obligatory

Coordination

Name	Department
ARADILLA MARQUES, MARIA JOSE	76 - Labour and Social Security Law

SUMMARY

In general, the aim of the course is to broaden students' knowledge of the legal environment in which the productive activity of companies takes place.

This environment is analysed from a double perspective. In the first place, we study its mercantile nature and, in particular, the legal and practical regime for the administration and management of companies, and some basic aspects of bankruptcy law and mercantile contracts. Secondly, labour law is studied, in particular the different sources of labour law and the relations between them, the types of labour contracts, the costs and responsibilities derived from them as well as the main legal limits to business decisions.



PREVIOUS KNOWLEDGE

Relationship to other subjects of the same degree

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

Other requirements

No enrolment restrictions with other subjects in the curriculum have been specified

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

2212 - Master's Degree in Business Management. MBA

- Students should apply acquired knowledge to solve problems in unfamiliar contexts within their field of study, including multidisciplinary scenarios.
- Students should possess and understand foundational knowledge that enables original thinking and research in the field.
- Know and identify the principles of action and master plans of corporate social responsibility that allow the implementation of strategies aimed at improving confidence in the company, the relations with its environment, its image, its legitimacy and its social prestige.
- Analyse, synthesise and evaluate information, in a rigorous and critical manner, and be able to identify assumptions, assess evidence, detect false logic or reasoning, identify implicit values, and generalise adequately about problems and situations related to the business world.
- Act in the company's decision-making within the framework of human rights, democratic principles, the principles of equality between women and men, solidarity, environmental protection, universal accessibility and design for all, and the promotion of a culture of peace.
- Promote the ability to work in a team and to collaborate and organise the group's activities effectively and efficiently both in the area of general management and in the other functional areas of the company.
- Assess the direction and intensity of the possible impacts of change in the environmental factors on a company's activity and future results.
- Evaluate the economic, technological, legal, fiscal and sociocultural framework in which a company develops its activity.

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

- 1 Know the concepts, processes and problems of the legal environment.
- 2 Be able to understand information from the main legal institutions.
- 3 Be able to make decisions considering aspects of commercial and labour law.
- 4 Be able to use the information available in the legal environment for the analysis of its consequences on business activity.



DESCRIPTION OF CONTENTS

1. 1. Business typology

- A) Enumeration
- B) Community of goods and society
- C) Partnerships and capital companies
- D) Fundamental differences between the public limited company and the limited liability company
- E) Organs of capital companies
 - a) Administrative body
 - b) General meeting
 - a) Competences
 - b) Summons and constitution
 - c) Challenging agreements

2. 2. Structural changes and corporate groups

- A) Concept of merger and division and difference with similar operations
- B) Merger procedure
- C) Corporate groups
- D) Concept
- E) Corporate relevance: doctrine of the lifting of the veil
- F) Antitrust relevance

3. 3. Commercial Contracts

- A) General regime of commercial obligations and contracts
 - a) General regime
 - b) Consumer contracts
 - c) Standard form contracts
- B) Purchase and sale contracts
- C) Collaboration contracts: commission, agency, distribution and franchise
- D) Other contracts
 - a) Banking contracts
 - b) Contracts in the stock market
 - c) Transport contracts
 - d) Insurance contracts



4. 4. Bankruptcy law

- A) Budgets of bankruptcy
- B) Effects of the declaration of bankruptcy
- C) Termination of bankruptcy
 - a) Arrangement
 - b) Liquidation
- D) Rating of bankruptcy

5. 5. The sources of labour law

- A) Enumeration
- B) Collective agreements: typology and effectiveness
- C) Company agreements
- D) Relationship between norms and individual autonomy: the most beneficial condition

6.

6. The employment contract

- A) Concept
- B) Parties
 - a) The worker
 - b) The employer. Specific cases of liability: contract and subcontract, illegal assignment of workers and transfer of company.
- C) Types of employment contracts
 - a) Common: indefinite (support contract for entrepreneurs) and temporary (casual, for work and service and short-term). Recruitment through temporary work agencies.
 - b) Modalities: part-time (fixed periodic and partial-relief retirement), fixed discontinuous, training and distance.
 - c) Special relations: senior management, trade

7. 7. Basic rights and duties of the worker

- A) Rights: salary and protection against labour risks.
- B) Duties: performance, obedience, contractual good faith.
- C) Business obligations in relation to social protection

**8.****8. The powers of the employer**

- A) Surveillance and control of business activity.
- B) Disciplinary power.
- C) Modification, suspension and extinction of the contract.
- D) Individual business decisions and collective decisions: collective conflicts.

WORKLOAD

ACTIVITY	Hours	% To be attended
Theory classes	18,00	100
Tutorials	12,00	100
Study and independent work	25,00	0
Preparing lectures	10,00	0
Preparation of practical classes and problem	10,00	0
TOTAL	75,00	

TEACHING METHODOLOGY

Simple practical cases will be proposed through which the most significant issues in each of the units can be analysed.

EVALUATION

The subject will be assessed both through a test and through observation techniques. The test will consist of a final examination to assess the learning outcomes and especially the extent to which the planned competences have been attained. This examination will contribute 60 % of the final mark for the subject.

Observation techniques will consist mainly of monitoring student participation in the teaching-learning process and will contribute 40 % of the mark. Aspects such as the students' capacity to work in a team, to argue and to defend ideas and, particularly, their active participation in class, will be evaluated. Continuous assessment, given its characteristics, is non-reassessable.

REFERENCES



Basic

- SÁNCHEZ CALERO, F. (2011), Principios de Derecho Mercantil, MacGraw-Hill.
- BROSETA PONT, M. y MARTÍNEZ SANZ, F. (2012), Manual de Derecho Mercantil, Editorial Tecnos, Madrid.
- RAMÍREZ MARTÍNEZ, J.M. (2014), Curso básico de Derecho del Trabajo (para titulaciones no jurídicas). Tirant lo Blanch, Valencia.

Additional

- RAMÍREZ MARTÍNEZ, J.M y CAMPS RUIZ, L.M. (Coord.) (2014), Derecho del Trabajo. Tirant lo Blanch, Valencia.