

Syllabus "Labour Law"**2015/2016**

Code: 102381

ECTS: 6

Degree	Year	Semester
950 Business Administration 952 Economics	2	1

Contact

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Language

English

Prerequisites

There are no prerequisites. However it is advisable to have passed the first-year course "Law", since it provides a basic understanding of the legal system that can help you understand the issues related to labour law.

Objectives

Introducing students to the knowledge of the main institutions of labour law as a tool for business management and as a tool for understanding their impact on economy. Defining the scope of labour regulations and understanding the rules governing the sources of the rights and obligations at work. Analyzing the different types of employment contracts. Knowing the regulations regarding working time, salaries, the suspension of the labour employment contract and especially the termination of the contract. Introducing students to knowledge of the role of trade unions and employers' associations, as well as the role of the representation and participation of workers in the company, and the relations of collective bargaining and collective conflict.

Competence and Learning Outcome

T02 (Transverse): Selecting and generating the necessary information for each problem, analyzing it and taking decisions based on this information.

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T04 (Transverse) - Organizing the work in terms of good time management and its organization and planning.

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T06 (Transverse) - Team working and being able to defend one's own proposals and validate or reject the reasoned arguments of others.

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T10 (Transverse) - The ability to continue learning independently in the future, to acquire deeper knowledge or to initiate new areas of knowledge.

T10.00 - The ability to continue learning independently in the future, to acquire deeper the knowledge or to initiate new areas of knowledge.

E14 (Specific) - Adapting the professional activity and business management practices to current legislation

E14.03 - Using commercial law, tax law and labour law currently in force in Spain.

E03 (Specific) - Managing conflicts of interest, particularly on fair proposals of distribution of generated value.

E03.07 - Applying law to labour or business disputes.

T01 (Transverse) - Ability to communicate orally and in writing to synthesize and present oral and written work.

T01.00 - Ability to communicate orally and in writing to synthesize and present oral and written work.

Contents

UNIT 1

CONCEPT, FUNCTIONS AND OBJECT OF LABOUR LAW

1. Concept
2. Functions
3. Delimitation of the object of labour law
 - 3.1 Voluntariness, working for someone else, subordination and wage payment
 - 3.2 Exclusions
 - 3.3 Inclusions: special labour relations
4. Cases related. Independent work: concept and typology

UNIT 2

SOURCES THAT REGULATE THE LABOUR RELATIONS AND PRINCIPLES OF IMPLEMENTATION

1. European and international standards
2. The Spanish Constitution
3. State regulations
4. Collective bargaining
5. The autonomy of the parties' will
6. Principles of implementation.

UNIT 3

ACCESS TO EMPLOYMENT AND GENERAL ISSUES ON EMPLOYMENT CONTRACTS

1. Access to work. Intermediation in the labour market: public services and other actors involved
2. Temporary work agencies
3. Employment contract: concept, characters and constitutive and regulatory functions
4. Employers and employees as parties to the employment contract. Typology. Contractual capacity
5. Form and formalities of the employment contract
6. Validity and effectiveness of the employment contract
7. Probationary period and other typical terms

UNIT 4

TYPES OF EMPLOYMENT CONTRACT

1. Permanent contracts
 - 1.1 Ordinary permanent contract
 - 1.2 Permanent contracts used as employment policy

1.3 Permanent-seasonal contract

2. Temporary contracts

2.1 Structural temporary contracts

2.2 Training contracts

2.3 Other temporary contracts

3. Part-time work and other forms and types of employment contracts.

UNIT 5

DEVELOPMENT OF LABOUR RELATIONS (I). RIGHTS AND OBLIGATIONS.

1. The employer's management power

2. The employer's disciplinary power

3. The duties of the employee. Special reference to the duty of obedience and the duty of good faith

4. The duties of the employer. Special reference to the duty of health and safety at work

UNIT 6

DEVELOPMENT OF LABOUR RELATIONS (II). WORKING TIME AND SALARY.

1. Ordinary working time and special working time

2. Ordinary working time. Quantitative and distributive elements

3. Extraordinary working time (overtime)

4. Schedule and Calendar

5. Working time interruptions: breaks and permissions

6. Concept and types of salaries.

7. Non-wage payments.

8. Wage structure and wage determination

9. Payment of wages and protection

UNIT 7

DEVELOPMENT OF LABOUR RELATIONS (III). MODIFICATIONS TO THE SERVICE PERFORMANCE.

1. Occupational classification

2. Functional mobility

3. Geographical mobility

4. Substantial changes to working conditions

5. Change of employer: business succession

UNIT 8

SUSPENSION OF LABOUR RELATIONS

1. Concept, causes and effects
2. Suspension of contract for reasons related to the worker
3. Suspension of contract for reasons related to the employer
4. Suspension of contract for reasons beyond the control of the parties
5. Special consideration of extensive leaves of absence

UNIT 9

TERMINATION OF LABOUR RELATIONS

1. Concept, causes and effects
2. Termination for objective reasons
3. Collective dismissal
4. Disciplinary dismissal

UNIT 10

THE IMPACT OF COLLECTIVE LABOUR LAW IN BUSINESS DYNAMICS

1. Trade unions and employers' organizations in labour relations
2. Union and unity representation in the company. Rights and guarantees
3. The collective bargaining as a means of regulating working conditions
 - 3.1 Types and effectiveness of collective agreements
 - 3.2 Negotiators and procedure
 - 3.3 Contents of the agreement
4. Relations of conflict
 - 4.1 The right to strike
 - 4.2 The lockout
 - 4.3 Autonomous systems of dispute resolution. Conciliation, mediation and arbitration

Teaching Methodology

1. DIRECTED ACTIVITIES

Directed activities are those that take place in the classroom at the subject's scheduled times and under the direction of the lecturer. They can consist of lectures or practical classes.

1.1. Lectures

Lectures consist in the presentation by the lecturer of various aspects of the subject's programme, based on the applicable regulations and, in some cases, on the materials previously provided through the Virtual Campus.

1.2. Practical classes

Practical classes consist in the execution of 3 practical units. Each unit includes preparatory work outside the classroom (a volume of approximately 15 hours) and work in the classroom (2 sessions, 2 hours each). Both the work outside and in the classroom require carrying out a series of tasks in different formats: identification and study of the regulatory framework of a particular institution, reading and understanding of jurisprudence, solving legal problems that commonly arise in practice, etc. During the second session of each practical unit, an assessed individual activity will be

held in the classroom. In some cases the aim of the practical activities will be to analyze in depth issues that have been dealt with during the lectures and in other cases new issues that have not been addressed earlier will be examined.

2. SUPERVISED ACTIVITIES

Supervised activities are carried out outside the classroom, based on the information provided by the lecturer, and are subject to some kind of supervision or monitoring process by the lecturer.
As already pointed out, previous work needed for the preparation of practical activities generates a series of varied tasks to be executed outside the classroom that are then supervised and verified through the classwork proposed as part of the same activity.

3. INDEPENDENT ACTIVITIES

The independent activities are those in which the students organize their time and effort autonomously, either individually or in groups, such as the research and the study of literature, drawing schemes or summaries, etc. In this subject the essential part of independent activities are linked to the preparation of the final written exam.

Learning activities

Title (type activity)	Hours	ECTS	Learning outcome
Type: Directed			
Lectures Practical classes	45	1,8	T10.00, T02.00, T01.00, T04.00, T06.00
Type: Supervised			
Summarization and schemes Research and analysis of legal documents (literature, regulations, jurisprudence, etc.) Solving practical cases	45	1,8	T10.00, T02.00, T04.00, T06.00, E14.03 E03.07
Type: Self learning			
Reading handbooks, legal documents and studying	55	2,2	T04.00, T01.00, T10.00, E14

Assessment criteria

The assessment system is made up of two elements: the continuous assessment of practical activities and the final exam.

1. CONTINUOUS ASSESSMENT OF PRACTICAL ACTIVITIES

Continuous assessment will consist of three evaluation tests to verify the competence acquisition worked throughout every activity. These three assessment tests will take place during the second session of every practical activity and they will consist of a 10 to 20-question multiple choice questionnaire and / or the resolution of one to two written theoretical-practical questions on the subject worked throughout the activity. Each test is scored from 0 to 10 points.
The average mark of these tests will conform 40% of the final mark IF THE MARK OBTAINED IN THE FINAL EXAM IS AT LEAST 4 OUT OF 10.

2. FINAL EXAM

The purpose of the final exam, which is scored from 0 to 10 points will be to verify the acquisition of skills worked through the theoretical and practical classes. The score obtained in the final exam will comprise 60% of the grade for the course.
The exam will consist of two blocks of questions to answer:
a) 25 multiple choice questions. 0,2 points each (0,1 points deducted for every mistake): 5 points.
b) 3 to 5 medium-length questions (between 10 and 15 minutes each). 5 points.
Total score of 10 points (5+5)

3. FINAL GRADE FOR THE COURSE

The final grade for is obtained by summing up the grade obtained in continuous assessment of practical activities and the grade obtained in the final exam, both of them adjusted to the abovementioned percentages (40% and 60% respectively). The course will be Passed if the resulting mark is greater than or equal to 5 out of 10 IF THE FINAL EXAM MARK IS GREATER THAN OR EQUAL TO 4 OUT OF 10. If the mark obtained in the final exam is under 4, the mark obtained in the continuous assessment of practical activities will not be added and the grade of the course will be Failed with the mark obtained in the final exam.

REASSESSMENT

In case of a final course grade below 4, the student will have to enrol the following year. For students who have obtained a final grade above or equal to 4 and below 5 there will be a reassessment exam.

In the case of students who have not obtained the minimum mark in the final exam to add the continuous assessment mark to the effects of the final grade, both marks (the final exam + the continuous assessment) will be considered to determine whether the student reaches the 4 required to have access to reassessment.

The reassessment will consist of an exam similar to the final exam described in section 2. The reassessment grade will only have two possible options: Pass (Aprovat) or Fail (Suspès). If the student obtains a Pass grade (s)he is considered to have passed the course with a numerical grade equal to 5. If a student receives a grade of Fail, (s)he fails the course and the final grade will be equal to that obtained before the reassessment.

EXAMINATION SESSIONS

A student can only get an "Absent" in the course if (s)he has not participated in the final exam.

Assesment activities

Title	Weight	Hours	ECTS	Learning outcome
Continuous assessment of practical activities	40%	3	0,12	T10.00, E03.07, T02.00, T01.00, T04.00, T06.00, E14.03
Final exam	60%	2	0,08	T10.00, E03.07, E14.03

Bibliography

Due to the important reforms regarding labour law passed in 2012 it is STRICTLY NECESSARY that students use literature edited from September 2012 on (preferably September 2015). Previous editions are of no use to prepare some parts of the programme. At the beginning of the course the lecturer will answer any questions regarding this issue.

1. Handbook

-GÓMEZ ABELLEIRA, F.: Handbook of Spanish Employment Law. Tecnos, Madrid, 2012.

2. Law compilations

The lecturer will inform of the legislation that the students will have to use.

3. Webpages

The webpages that will mainly have to be used are the databases Westlaw, Tirant online and La Ley. You have free access to them from the library webpage ("Databases" in "Resources" –also through the Trobador-).

To have access to legislation the use of Boletín Oficial del Estado is recommended (free access):
<http://www.boe.es/legislacion/legislacion.php>