

SUBJECT TEACHING GUIDE

G1190 - Labour Law I

Double Degree in Business Administration and Management and Labour Relations
Degree in Labour Relations

Academic year 2021-2022

| 1. IDENTIFYING DATA | | | | | |
|----------------------------------|---|------------------|--------------------|------------------|--|
| Degree | Double Degree in Business Administration and Management and Labour Relations | | | Type and Year | Compulsory. Year 2 Compulsory. Year 2 |
| Faculty | Faculty of Law | | | | |
| Discipline | Subject Area: Normative Framework of Labour Relations and Social Security and Social and Labour Policies Module: Disciplinary Training | | | | |
| Course unit title and code | G1190 - Labour Law I | | | | |
| Number of ECTS credits allocated | 6 | Term | Semester based (1) | | |
| Web | | | | | |
| Language of instruction | Spanish | English Friendly | No | Mode of delivery | Face-to-face |

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| Department | DPTO. DERECHO PRIVADO | | | | |
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| Other lecturers | FERNANDO MARIA BREÑOSA ALVAREZ DE MIRANDA | | | | |

3.1 LEARNING OUTCOMES

- The student will be enhanced their knowledge about our labour relations system and its operation in practice, strengthened their organizational skills, effective planning and information management, critical and creative thinking, their ability for abstraction, analysis, synthesis and problem solving, and their capacity of individual self-learning and teamwork will be reinforced.

4. OBJECTIVES

To acquire a wide knowledge concerning historical development of Spanish labour law , the system of sources of the labour market regulation, criteria for applying the labour regulations and the parties of the employment contract (employee and employer or entrepreneur) included special labour relations.

The student must be able to put theory into practice, as well as to solve and give examples of real-life situations.

6. COURSE ORGANIZATION

CONTENTS

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| 1 | <p>I. THE LABOUR LAW AS HISTORICAL CATEGORY</p> <p>LESSON 1. Historical evolution of the Spanish Labour Law.</p> <p>1. - First rules of labour content. Social issues and social reform.</p> <p>2. – The labour law during the Spanish Second Republic:</p> <p>a) Constitutionalisation of the labour rights.</p> <p>b) Labour movement.</p> <p>c) The establishment of the labour laws.</p> <p>3. - The labour law during the Franco’s regime:</p> <p>a) Reporting principles of the national syndicalist state. The Work Jurisdiction.</p> <p>b) Evolution of the legal and work system.</p> <p>4. - The labour law during the political transition:</p> <p>a) Labour standards governing the political transition.</p> <p>b) Evolution of the labour legal system.</p> <p>5. - Constitutional Monarchy:</p> <p>a) Constitution of 1978.</p> <p>b) Reconstruction of the labour relations system.</p> |
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2

II. LABOUR LAWS

LESSON 2. The employment model in the Spanish Constitution.

1. - Configuration and identity of the labour laws.
2. - Legal and conventional sources; the labour regulation system.
3. - The 1978 Spanish Constitution,
 - a) Clause on the social rule of law and labour law.
 - b) The labour legislation program of the Spanish Constitution.
 - c) Effectiveness and protection systems.

LESSON 3. System of labour regulations.

1. - The international labour standard.
 - a) International conventions and treaties.
 - b) ILO conventions and recommendations.
2. - Community social law:
 - a) Social policy of the European Union.
 - b) Regulations and Directives of social content.
 - c) The rights of community workers to the free movement within the EU.
3. - Organic laws, ordinary legislation, rules of legal rank, and their manifestations in the in the work sphere.
4. - Other sources of the labour law.

LESSON 4. The collective agreement as a labour source.

1. - The collective autonomy as a source of the labour law.
 - a) Development and present meaning.
 - b) Collective bargaining and collective agreement.
2. - The collective agreement:
 - a) Personal scope, agreements of general and limited efficacy.
 - b) Legal scope, regulatory effectiveness and contractual effectiveness of the agreements.
 - c) Bargaining units and scope of application of the agreement.
3. - Demonstrations of the collective autonomy:
 - a) Statutory agreement.
 - b) Extra statutory collective agreement.
 - c) Framework agreements.
 - d) Company agreements.
 - e) Collective bargaining of the civil servants.

LESSON 5. Implementation of existing labour standards.

1. - Rules for determining the legislation applicable to workers.
2. - The relationship between the law and collective agreement:
 - a) The normative hierarchy principle.
 - b) Rules of absolute right law. Exclusion relationships.
 - c) Rules of relative necessary law. Supplementary relationships.
 - d) Rules of positive law. Supplementary relationships.
3. - The individual autonomy role:
 - a) Regulatory function. The principle of more beneficial condition.
 - b) Application function. Irrevocability of labour rights.

3

III. THE CONTRACT OF EMPLOYMENT

LESSON 6. Contractual parties (I). The worker.

1. - The contract of employment, nature and characters.
2. - The concept of employee, features, especially employment relationship and dependent employment.
3. - Legal inclusions and exclusions.
4. - The group of workers as a subject of the contract of employment:
 - a) Joint work.
 - b) Group recruitment.
 - c) Associated auxiliary contract.
5. - Contract of employment and related figures.

LESSON 7. Contractual parties (II). The labour relations of special character.

1. -Senior management personnel.
2. -Domestic service personnel.
- 3-9. -Other cases.

LESSON 8. Contractual parties (III). The employer.

1. - Legal notion of entrepreneur or employer.
2. - Entrepreneur and the working place:
 - a) Legal and labour company concept.
 - b) Legal concept of the working place.
3. - Corporate groups.
4. - Interposition and mediation in the legal position of the employer:
 - a) Illegal assignment of workers.
 - b) Temporary employment agencies.
5. - Decentralised production and labour relations: work and services contractors and sub-contractors.
6. - Transfer of businesses and business subrogation.

7. ASSESSMENT METHODS AND CRITERIA

| Description | Type | Final Eval. | Reassessn | % |
|--|--------------|-------------|-----------|---------------|
| Evaluation of theoretical knowledge. Lessons 1 to 4. | Written exam | Yes | Yes | 45,00 |
| Evaluation of theoretical knowledge and practical application of them. Lessons 5 to 8. | Written exam | Yes | Yes | 45,00 |
| Complementary Activities Plan. | Others | No | No | 10,00 |
| TOTAL | | | | 100,00 |

Observations

Throughout the course there will be two tests, written and liberatory, to evaluate the acquisition of the knowledge taught.

- The first, corresponding to the contents of lessons 1 to 4, will be held on November 8, Monday, during class time.
- The second, corresponding to the theoretical-practical contents taught in lessons 5 to 8, will be held on the date established by the Faculty Board in the period reserved for exams from December-January.

Both tests will consist of a series of questions or brief questions that the student will have to answer or solve in the space reserved for this purpose. These tests will be understood as passed when at least a grade of 5 out of a maximum grade of 10. has been obtained in each of them. The grade obtained in the passed test corresponding to lessons 1 to 4 will be kept until the moment of taking the exam for the December-January session.

The recovery of the failed test corresponding to lessons 1 to 4 will take place in the exam that will be held in the December-January exam period, on the date established in the exam calendar approved by the Faculty Board.

The final grade obtained in this part of the evaluation will be the average obtained in the aforementioned tests, provided that they have been passed, and will account for 90% of the student's individual final grade in the subject.

If the subject is not passed in the December-January session, the recovery will take place on the date set in the February exam period.

In the event that for public health reasons it is necessary to resort to the 'distance' evaluation system, the same evaluation methods will be maintained, with multiple choice exams, which will be carried out through the Virtual Classroom of the subject.

Observations for part-time students

In the case of part-time students, the student may undergo a single evaluation process, by taking a single exam, on all the contents of the subject program, which will be carried out in the period December-January exams, on the date established in the exam calendar approved by the Faculty Board.

In these cases of single assessment, the grade obtained in that single exam will be the student's final grade.

If the subject is not passed, its recovery will take place on the date set in the February exam period.

In the event that for public health reasons it is necessary to resort to the 'distance' evaluation system, the same evaluation methods will be maintained, with multiple choice exams, which will be carried out through the Virtual Classroom of the subject.

8. BIBLIOGRAPHY AND TEACHING MATERIALS

BASIC

- AA.VV. Comentarios al Estatuto de los Trabajadores, Dir. J. CRUZ VILLALÓN, I. GARCÍA-PERROTE ESCARTÍN, J.M. GOERLICH PESET y J.R. MERCADER UGUINA, Valladolid, Lex Nova, última edición.
- ALONSO OLEA, M., Introducción al Derecho del Trabajo, Madrid, Cívitas.
- GARCÍA-PERROTE ESCARTÍN, I., Manual de Derecho del Trabajo, Valencia, Tirant lo Blanch, última edición.
- MARTÍN VALVERDE, A., "La formación del Derecho del Trabajo en España", en AA.VV., La legislación social en la historia de España. De la Revolución liberal a 1936, Madrid, Congreso de los Diputados, 1987.
- MERCADER UGUINA, J.R., Lecciones de Derecho del Trabajo, Valencia, Tirant lo Blanch, última edición.
- PALOMEQUE LÓPEZ, M.C. y ÁLVAREZ DE LA ROSA, M., Derecho del Trabajo, Madrid, Ceura, última edición.
- DE LA VILLA GIL, L.E., La formación histórica del Derecho Español del Trabajo, Granada, Comares, 2003.

