



Universitat de Lleida

DEGREE CURRICULUM  
**LABOUR AND SOCIAL  
SECURITY LAW**

Coordination: MORENO GENE, JOSE

Academic year 2018-19

## Subject's general information

<b>Subject name</b>	LABOUR AND SOCIAL SECURITY LAW			
<b>Code</b>	101816			
<b>Semester</b>	ANUAL CONTINUED EVALUATION			
<b>Typology</b>	<b>Degree</b>	<b>Course</b>	<b>Character</b>	<b>Modality</b>
	Bachelor's Degree in Law	3	COMPULSORY	Attendance-based
	Double bachelor's degree: Degree in Law and Degree in Business Administration and Management	5	COMPULSORY	Attendance-based
<b>Course number of credits (ECTS)</b>	12			
<b>Type of activity, credits, and groups</b>	<b>Activity type</b>	PRAULA		TEORIA
	<b>Number of credits</b>	4.8		7.2
	<b>Number of groups</b>	3		2
<b>Coordination</b>	MORENO GENE, JOSE			
<b>Department</b>	PUBLIC LAW			
<b>Teaching load distribution between lectures and independent student work</b>	120 hores de treball presencial 180 hores de treball autònom			
<b>Language</b>	Català			
<b>Distribution of credits</b>	7,2 GG 4,8 GM			

## Teaching staff

Teaching staff	E-mail addresses	Credits taught by teacher	Office and hour of attention
CASTELLÀ GARDEÑES, MARIA TERESA	tcastella@dpub.udl.cat	14	
GONZÁLEZ GIL, YASMINA ESTHER	yasminagonzalez@dpub.udl.cat	2	
MORENO GENE, JOSE	jmoreno@dpub.udl.cat	7,4	
ROMERO BURILLO, ANA MARIA	aromero@dpub.udl.cat	5,4	

## Subject's extra information

This course introduces students to the methodology and techniques needed in order to correctly interpret and apply legal principles and rules that are specific to the subject of labour and establish a close relationship between regulations and social fact with legal relevance.

## Learning objectives

1. Understand and identify the elements that define the employment relationship. CB1, CB2, CBE6, CES1, CES2, CES3, CES5 and CEU2.
2. Know and apply the system of sources of the legal-labor order. CB1, CB2, CES1, CES2, CES5 and CES8.
3. Apply the knowledge obtained in the management of the factor work within the framework of the company. CB1, CB2, CB4, CB6, CES2, CES3, CES5.
4. Resolve conflicting situations from a work point of view that are generated within the framework of labor relations. CB4, CES8 and CES10.
5. Analyze from a gender perspective the legal-labor problem. CB1, CB6, CES2, CES10 and CEU4.
6. To use the sufficient legal-labor language with precision. CEU1.
7. Prepare legal documents in which legal opinions are based. CES9 and CEU1.
8. Expose the legal approaches correctly orally. CEU1.
9. To know, search, select and make use of the basic tools of the discipline (regulations, doctrine, jurisprudence, collective agreements) for the resolution of practical cases. CES3, CES5 and CEU2.

## Significant competences

### University of Lleida strategic competences

- Correctness in oral and written language.

#### Goals

- Use legal-labour language accurately
- Prepare legal documents that compile fundamental legal opinions
- Properly orally expose the legal approaches

- Master Information and Communication Technologies.

#### Goals

- 1. Know and identify the elements that define the labour relationship. 2. Know and apply the system of sources of the legal and labour system. 3. Apply knowledge assimilated in the management of labour in the framework of the company. 4. Resolve conflict situations, from a labour standpoint, which are generated in the framework of labour relationships. 5. Analyze legal and labour issues from a gender perspective. 6. Use legal-labour language accurately. 7. Prepare legal documents that compile fundamental legal opinions. 8. Properly orally expose the legal approaches. 9. Know, seek, select and use the basic tools of the discipline

- Respect of the essential rights of equality between men and women, the promotion of Human Rights and of the values of a peace culture and democracy.

#### Goals

- Analyze legal and labour issues from a gender perspective
- Master a foreign language.

### Degree-specific competences

- Show knowledge of the present legal system

#### Goals

- Know and identify the elements that define the labour relationship
- Know and apply the system of sources of the legal and labour system
- Apply knowledge assimilated in the management of labour in the framework of the company
- Analyze legal and labour issues from a gender perspective

- Ability to identify and interpret the sources of existing law

#### Goals

- 1.-Know and identify the elements that define the labour relationship 2.-Know and apply the system of sources of the legal and labour system 3.-Apply knowledge assimilated in the management of labour in the framework of the company

- Ability to assess upon the possible answers to a legal problem, in various contexts, and design strategies which lead to different solutions

## Goals

- Resolve conflict situations, from a labour standpoint, which are generated in the framework of labour relationships
- Ability to redact legal documents of a different nature

## Goals

- Prepare legal documents that compile fundamental legal opinions
- Ability to negotiate and conciliate

## Goals

- Resolve conflict situations, from a labour standpoint, which are generated in the framework of labour relationships
- Analyze legal and labour issues from a gender perspective
- Show knowledge of the characteristics, conceptual schedules, institutions and procedures of the judicial system

## Goals

- Know and apply the system of sources of the legal and labour system
- Ability to identify social interests and associated values in the judicial principles and rules

## Goals

- Know and identify the elements that define the labour relationship
- Apply knowledge assimilated in the management of labour in the framework of the company
- Know, seek, select and use the basic tools of the discipline (rules, doctrine, law, collective agreements) for the resolution of the case studies

**Degree-transversal competences**

- Ability to adequately manage information (Instrumental ability)

## Goals

- 1. Know and identify the elements that define the labour relationship. 2. Know and apply the system of sources of the legal and labour system. 3. Apply knowledge assimilated in the management of labour in the framework of the company
- Ability to keep to an ethical commitment (Systemic ability)

## Goals

- 1. Know and identify the elements that define the labour relationship. 2. Know and apply the system of sources of the legal and labour system. 3. Apply knowledge assimilated in the management of labour in the framework of the company

- Ability to pursue permanent autonomous learning and adapt to the new circumstances (Systemic ability)

#### Goals

- Apply knowledge assimilated in the management of labour in the framework of the company
- Resolve conflict situations, from a labour standpoint, which are generated in the framework of labour relationships

- Ability to analyse and synthesize (Instrumental ability)

#### Goals

- 1. Know and identify the elements that define the labour relationship. 2. Know and apply the system of sources of the legal and labour system. 3. Apply knowledge assimilated in the management of labour in the framework of the company. 4. Resolve conflict situations, from a labour standpoint, which are generated in the framework of labour relationships

## Subject contents

### **Module 1: Labour Law and Legal System.**

The first module of the course, entitled "Labour Law and legal system" can be considered an introductory module which presents some basic definitions of the matter at hand. Special reference will be made to the onset of Labour Law, the definition of the purpose of Labour Law and its system of sources and principles.

#### **Unit 1.**

1. The education process of Labour Law.
2. The purpose of Labour Law.
3. Conceptual definition of Labour Law.
4. Sources of Labour Law.
5. Principles of implementation and interpretation of Labour Law.

### **Module 2: General configuration and subjects of the work contract.**

This module provides an orderly and structured concept, character, structure and function of the employment contract, those subject to it, that is to say, employee and employer and the essential and accidental elements that shape the employment contract.

#### **Unit 2.**

1. The employment contract of the common system.
2. The worker.
3. The employer.

#### **Unit 3.**

1. The essential elements of the employment contract.

2. Accidental elements of the employment contract.
3. Forms and formalities of the contract.
4. Validity and effectiveness of the employment contract.

### **Module 3: Access to the labour market and contractual arrangements.**

This module shows the mechanisms for accessing the labour market and the different contractual arrangements provided for by law and labour regulations. Regarding access to the labour market, particular reference is made to employment policies aimed at achieving equal opportunities for different groups of workers.

#### **Unit 4.**

1. Joining the company. Positioning means.
2. Permanent contracts.
3. Fixed-term contracts.
4. Mixed cause contracts: training contracts and part-time contract.
5. Other contracts.

### **Module 4: Content of the contract.**

This module sets out the two essential elements of the content of an employment contract, that is to say, working hours and wages. This module will pay particular attention to measures designed to achieve equal opportunities and non discrimination among workers.

#### **Unit 5.**

1. The work day.
2. Working hours.
3. Interruptions on work time.

#### **Unit 6.**

1. Concept and structure of wages.
2. Fringe benefits.
3. Place, time and form of wages.
4. Wage protection systems.

### **Module 5: The vicissitudes of the contract.**

This module will analyze in depth the different changes that the contract can undergo throughout its term, with particular reference to the procedures for termination. This module will also give special consideration to the regulation contained in the Organic Law 3/2007, on effective equality between men and women.

#### **Unit 7.**

1. The subjective modification: the succession of business.
2. The modified objective: functional mobility, geographical mobility and substantial change in working conditions.
3. The suspension of the employment contract and leave.

### Unit 8

1. Termination of employment contract.
2. Termination of employment contract by the will of the worker.
3. Termination of the employment contract by the employer: dismissals.

### Module 6: Collective labour law.

This module examines the legal basis of the collective aspect of labour and, in particular, the constitutional and legislative scope of the Law on Freedom of Association, representation and participation of workers, collective bargaining and collective disputes.

### Unit 9.

1. The right to freedom of association in the Spanish Constitution of 1978.
2. The individual aspect of freedom of association.
3. The collective aspect of freedom of association.

### Unit 10.

1. Participation and representation in the company. General configurations.
2. The right of participation and representation unit in the Statute of Workers: council and staff representatives.
3. The right to union representation and participation in the Organic Law on Union Freedom: union section and union delegates.
4. The right of meeting in the company.

### Unit 11.

1. The right to collective bargaining in the Spanish Constitution of 1978.
2. Statutory collective agreement.
3. Other collective agreements.

### Unit 12.



1. The right to collective conflict in the Spanish Constitution of 1978.
2. The right to strike.
3. The lockout.

### **Module 7: Introduction to Labour Procedural Law.**

This module of the course is designed to present students with the basic elements that make up the labour process as a tool for resolving conflicts that arise in the context of labour relations.

#### **Unit 13.**

1. Work processes in Spain.
2. The competence of the social court order.
3. The jurisdictional bodies of the Social System.

#### **Unit 14.**

1. The concept of the labour process.
2. Principles of the labour process.
3. Capacity, legitimacy and representation of the parties.
4. Procedural acts. Classes and types.
5. The ordinary procedure and procedural rules.

### **Module 8: Introduction to Social Security Law.**

This final module will introduce students to the basic concepts related to social security, both in regards to their structure and management as well as its protective action.

#### **Unit 15.**

1. Concept and principle informants of the Social Security System.
2. Social Security System structure.
3. Social Security System subjective scope of application. Special reference to the General Social Security System.

#### **Unit 16.**

1. The framework acts of the Social Security System.
2. The financing and management of the Social Security System.
3. The Social Security contribution system. Special reference to the General Social Security System.
4. Protective action of the Social Security System. General aspects

## Methodology

The methodology used in this course combines the theoretical classes where the contents of the subject's subject will be developed, which will be carried out in the hours assigned to the GG, with the development of practical classes aimed at working and deepening in the theoretical contents of the subject, which will take place in the hours assigned to the GM groups.

## Development plan

Dates (Setmanes)	Descripció:	Activitat Presencial	HTP (2) (Hores)	Activitat treball autònom	HTNP (3) (Hores)
1a. Setmana	Presentació	Exposició d'esdeveniments	GG 2 h. GM 1 h.		
2a. Setmana	Exposició temari	Lliçó magistral	GG 2 h.	Estudi material docent	1 h.
2a. Setmana	Pràctica	Treball amb materials audiovisuals.	GM 1 h.	Comentari	1 h.
3a. Setmana	Exposició temari	Lliçó magistral	GG 2 h.	Estudi material docent.	1 h.
3a. Setmana	Pràctica	Treball amb materials audiovisuals	GM 1 h.	Comentari.	1,5 h.
4a. Setmana	Exposició temari	Lliçó magistral	GG 2 h.	Estudi material docent.	1 h.
4a. Setmana	Pràctica	Estudi de cas i Debat.	GM 1 h.	Estudi material pràctiques.	1,5 h.
5a. Setmana	Exposició teòrica	Lliçó magistral	GG 2 h.	Estudi material docent	1 h.
5a. Setmana	Pràctica	Estudi de cas i Debat.	GM 1 h.	Estudi material pràctiques	1,5 h.
6a. Setmana	Exposició temari	Lliçó magistral	GG 2 h.	Estudi material docent	1 h.
6a. Setmana	Pràctica	Estudi de cas i Debat	GM 1 h.	Estudi material pràctiques	1,5 h.
7a. Setmana	Exposició temari	Lliçó magistral	GG 2 h.	Estudi material docent.	1 h.
7a. Setmana	Pràctica	Estudi de cas i Debat	GM 1 h.	Estudi material pràctiques	1,5 h.
8a. Setmana	Exposició temari	Lliçó magistral	GG 2 h.	Estudi material docent	1h.
8a. Setmana	Pràctica	Estudi de cas i Debat	GM 1 h.	Estudi material pràctiques.	1,5 h.
9a. Setmana	Exposició temari	Lliçó magistral	GG 2 h.	Estudi material docent	1 h.

9a. Setmana	Pràctica	Estudi de cas i Debat	GM 2 h.	Estudi material docent i pràctic	1,5 h.
10a. Setmana	Exposició temari	Lliçó magistral	GG 2 h.	Estudi material docent	1 h.
10a. Setmana	Pràctica	Estudi de cas i Debat	GM 1 h.	Estudi material pràctiques	1,5 h.
11a. Setmana	Exposició temari	Lliçó magistral	GG 2 h.	Estudi material docent	1 h.
11a. Setmana	Primera prova pràctica	Avaluació	GM 1 h.	Estudi material docent i pràctic.	10 h.
12a. Setmana	Exposició temari	Lliçó magistral	GG 2 h.	Estudi material docent	1 h.
12a. Setmana	Pràctica	Estudi de cas i Debat	GM 1 h.	Estudi material teòric	1,5 h.
13a. Setmana	Exposició temari	Lliçó magistral	GG 2 h.	Estudi material docent.	1 h.
13a. Setmana	Pràctica	Estudi de cas i Debat	GM 1 h.	Estudi material pràctiques	1,5 h.
14a. Setmana	Exposició temari	Lliçó magistral	GG 2 h.	Estudi material docent	1 h.
14a. Setmana	Pràctica	Estudi de cas i Debat	GM 1 h.	Estudi material pràctic	1,5 h.
15a. Setmana	Exposició temari	Lliçó magistral	GG 2h.	Estudi material docent	1 h.
15a. Setmana	Segona prova pràctica	Avaluació	GM 1 h.	Estudi material docent i pràctic	10 h
16a. o 17a. Setmana	Primera prova teòrica	Avaluació	GG 2 h.	Estudi material docent	30 h.
20a. Setmana	Exposició temari	Lliçó magistral	GG 2 h.	Estudi material docent	1 h.
20a. Setmana	Pràctica	Estudi de cas i Debat	GM 1 h.	Estudi material pràctiques	1,5 h.
21a. Setmana	Exposició temari	Lliçó magistral	GG 2 h.	Estudi material docent	1 h.
21a. Setmana	Pràctica	Estudi de cas i Debat	GM 1	Estudi material pràctiques	1,5 h
22a. Setmana	Exposició temari	Lliçó magistral	GG 2 h.	Estudi material docent	1 h
22a. Setmana	Pràctica	Estudi de cas i Debat	GM 1 h.	Estudi material pràctiques	1,5 h.
23a. Setmana	Exposició temari	Lliçó magistral	GG 2 h.	Estudi material docent	1 h.
23a. Setmana	Pràctica	Estudi de cas i Debat	GM 1 h.	Estudi material pràctiques	1,5 h.
24a. Setmana	Exposició temari	Lliçó magistral	GG 2 h.	Estudi material docent	1 h.

24a. Setmana	Tercera prova pràctica	Avaluació	GM 1 h.	Estudi de material teòric i pràctic.	10 h.
25a. Setmana	Exposició temari	Lliçó magistral	GG 2 h.	Estudi material docent	1 h.
25a. Setmana	Pràctica	Estudi de cas i Debat	GM 1 h.	Estudi material pràctiques	1,5 h.
26a. Setmana	Exposició temari	Lliçó magistral	GG 2 h.	Estudi material docent	1 h.
26a. Setmana	Pràctica	Estudi de cas i Debat	GM 1 h.	Estudi material pràctiques	1,5 h.
27a. Setmana	Exposició temari	Lliçó magistral	GG 2 h.	Estudi material docent	1 h.
27a. Setmana	Pràctica	Estudi de cas i avaluació	GM 1 h.	Estudi material pràctiques.	1,5 h.
28a. Setmana	Exposició temari	Lliçó magistral	GG 2 h.	Estudi material docent	1 h.
28a. Setmana	Pràctica	Estudi de cas i Debat	GM 1 h.	Estudi material pràctiques	1,5 h.
29a. Setmana	Exposició temari	Lliçó magistral	GG 2 h.	Estudi material docent	1 h.
29a. Setmana	Pràctica	Estudi de cas i Debat	GM 1 h.	Estudi material pràctiques	1,5 h.
30a. Setmana	Exposició temari	Lliçó magistral	GG 2 h.	Estudi material docent	1 h.
30a. Setmana	Pràctica	Estudi de cas i Debat	GM 1 h.	Estudi material pràctiques	1,5 h.
31a. Setmana	Exposició temari	Lliçó magistral	GG 2 h.	Estudi material docent	1 h.
31a. Setmana	Pràctica	Estudi de cas	GM 1 h.	Estudi material pràctiques	1,5 h.
32a. Setmana	Exposició temari	Lliçó magistral	GG 2 h.	Estudi material docent	1 h.
32a. Setmana	Pràctica	Estudi de cas i Debat	GM. 1 h.	Estudi material pràctiques	1,5 h.
33a. Setmana	Exposició temari	Lliçó magistral	GG 2 h.	Estudi material docent	1 h.
33a. Setmana	Pràctica	Estudi de cas i Debat	GM 1 h.	Estudi material pràctiques	1,5 h.
34a. Setmana	Exposició temari	Lliçó magistral	GG 2 h.	Estudi material docent	1 h.
34a. Setmana	Pràctica	Estudi de cas i Debat	GM 1 h.	Estudi material pràctiques	1,5 h.
35a. Setmana	Exposició teòrica	Lliçó magistral	GG 2 h.	Estudi material docent	1 h.

35a. Setmana	Quarta prova pràctica	Avaluació	GM 1 h.	Estudi material docent i pràctic.	10 h.
36a. o 37a. Setmana	Segona prova teòrica	Avaluació	GG 2 h.	Estudi material docent	30 h.

(2)HTP = Hores de Treball Presencial

(3)HTNP = Hores de Treball No Presencial

## Evaluation

### Avaluació

Objectius	Activitats d'Avaluació Criteris	%	Dates	O/V (1)	I/G (2)	Observacions
Demonstrate the level of knowledge acquired and the specific competences acquired in relation to the subject studied so far.	<b>Written evidence of a practical nature</b> This test will evaluate the ability to apply the knowledge acquired in the face-to-face sessions of GG and GM and the capacity for critical analysis and the argument given in the resolution of the case.	25%	19th. Desember 2018	o	l	The written practical test will consist of the resolution of a case on the teaching and practical materials corresponding to the units worked so far.
Demonstrate the level of knowledge acquired and the specific competences acquired in relation to the subjects studied so far.	<b>Written evidence of theoretical nature</b>	25%	To be determined by the exam calendar	o	l	The theoretical test will consist of solving a questionnaire of multiple answers

Objectius	Activitats d'Avaluació Criteris	%	Dates	O/V (1)	I/G (2)	Observacions
Demonstrate the level of knowledge acquired and the specific competences acquired in relation to the subject studied so far.	<b>Written evidence of a practical nature</b> This test will evaluate the ability to apply the knowledge acquired in the face-to-face sessions of GG and GM and the capacity for critical analysis and the argument given in the resolution of the case.	20%	22th. May 2019	o	i	The written practical test will consist of the resolution of a case on the teaching and practical materials corresponding to the units worked so far.
Demonstrate the level of knowledge acquired and the specific competences acquired in relation to the subjects studied so far.	<b>Written evidence of theoretical nature.</b>	25%	To be determined by the exam calendar	o	i	The theoretical test will consist of solving a questionnaire of multiple answers
Expand the theoretical and practical knowledge that is given to the subject.	<b>Seminary/Congress</b>	5% In the event that no complementary activity is organized, this 5% will increase to the practical tests	To be determined throughout the course	o	i	Assistance and use of the complementary activities that are organized throughout the course.

(1)Obligatòria / Voluntària      (2)Individual / Grupal

### Observations

The passing of the subject requires approval of both the theoretical part (2 theoretical tests), as the practical part (2 practical tests). Once the two parts have been passed, the final grade will be the result of adding the notes obtained in the different theoretical and practical tests.

In accordance with the UdL assessment regulations, since none of the expected assessment tests have a value of 30%, **NO PROOF OF RECOVERY OF THE SAME WILL BE CARRIED OUT.**

A student will be qualified with **NO PRESENT** if he does not carry out tests and / or activities that represent more than 50% of the subject. In any other case the final qualification of the student will be the one obtained in these tests and / or activities.

This evaluation system is unique and, therefore, also applicable to students of any of the mobility programs.

**Final Evaluation** In the event that a student documents documentally their inability to attend scheduled activities within the continuous assessment (for paid work, second or later enrollment), they may opt for a

single test of validation of competences and knowledge to be carried out the day and in the schedule established in the calendar of evaluation of the Degree for the final test of the ordinary evaluation. This test will consist of a written and written exam and will be passed the same with the obtaining of 5 points, provided that they exceed the theoretical exam and the practical exam. The application for this assessment modality must be made before October 31, 2018 with documentary accreditation and, once done, it can not be modified.

### **WARNING**

In accordance with art. 3.1 of the UdL Evaluation Regulations, the student can not use, in any case, during the conduct of the evaluation tests, means not allowed or fraudulent mechanisms. The student who uses any fraudulent means related to the test and / or carries electronic devices not allowed, will have to abandon the test or the test, and will be subject to the consequences provided in these regulations or in any other regulations of internal regime of the UdL.

## Bibliography

### **I. Manuals, treaties and general works.**

ALBIOL MONTESINOS, I.; CAMPS RUIZ, L.M.; LÓPEZ GANDÍA, J. i SALA FRANCO, T.: *Derecho del Trabajo*. Ed. Tirant lo Blanch. Valencia.

ALEMÁN PÁEZ, F.: *Curso de Derecho del Trabajo I*. Ed. Tecnos. Madrid.

ALONSO OLEA, M. i CASAS BAAMONDE, M.E.: *Derecho del Trabajo*. Ed. Civitas. Madrid.

CRUZ VILLALÓN, J.: *Compendio de Derecho del Trabajo*. Ed. Tecnos. Madrid.

GALA DURÁN, C. i BELTRÁN DE HEREDIA RUIZ, I. (Dirs.): *Derecho del Trabajo*. Ed. HUYGENS. Barcelona.

MARTÍN VALVERDE, A.; RODRÍGUEZ SAÑUDO, F. i GARCÍA MURCIA, J.: *Derecho del Trabajo*. Ed. Tecnos. Madrid.

MERCADER UGUINA, J.R.: *Lecciones de Derecho del Trabajo*. Ed. Tirant lo Blanch. Valencia.

MONTOYA MELGAR, A.: *Derecho del Trabajo*. Ed. Tecnos. Madrid.

PALOMEQUE LÓPEZ, M.C. i ÁLVAREZ DE LAROSA, M.: *Derecho del Trabajo*. Ed. Centro de Estudios Ramón Areces. Madrid.

### **II. Repertoire labour policies.**

CRUZ VILLALÓN, J. i MAEZTU GREGORIO DE TEJADA, J.: *Estatuto de los Trabajadores*. Ed. Tecnos. Madrid.

GALIANA MORENO, J.M. i SEMPERENAVARRO, A.V.: *Legislación Laboral y de la Seguridad Social*. Ed. Thomson-Aranzadi.

RODRÍGUEZ-PIÑERO, M.; OJEDA AVILÉS, A.; FERNÁNDEZ LÓPEZ, M.F. i GORELLI HERNÁNDEZ, J.: *Legislación laboral*. Ed. Tecnos.

SERRANO MARTÍNEZ, J.E. i SEQUEIRA DEFUENTES, M.: *Legislación Social Básica*. Ed. Civitas. Madrid.