



Universitat de Lleida

DEGREE CURRICULUM

LABOUR LAW

Coordination: PECIÑA MIDON, RICARDO JAVIER

Academic year 2018-19

Subject's general information

| | | | |
|---|---|---------------|------------------|
| Subject name | LABOUR LAW | | |
| Code | 101324 | | |
| Semester | 1st Q(SEMESTER) CONTINUED EVALUATION | | |
| Typology | Degree | Course | Character |
| | Bachelor's Degree in Business Administration and Management | 3 | COMPULSORY |
| | Double bachelor's degree: Degree in Computer Engineering and Degree in Business Administration and Management | 4 | COMPULSORY |
| Modality | Attendance-based | | |
| Course number of credits (ECTS) | 6 | | |
| Type of activity, credits, and groups | Activity type | PRAULA | TEORIA |
| | Number of credits | 2.4 | 3.6 |
| | Number of groups | 3 | 3 |
| Coordination | PECIÑA MIDON, RICARDO JAVIER | | |
| Department | PUBLIC LAW | | |
| Teaching load distribution between lectures and independent student work | 60 hores treball presencial 90 hores treball autònom | | |
| Important information on data processing | Consult this link for more information. | | |
| Language | Castellà 100% | | |
| Distribution of credits | Ricardo Peciña Midón 18 | | |
| Office and hour of attention | Ricardo Peciña Midón Dimecres de 13h a 14h i dijous de 12h a 14h | | |

| Teaching staff | E-mail addresses | Credits taught by teacher | Office and hour of attention |
|---------------------------------|----------------------|---------------------------|------------------------------|
| PECIÑA MIDON, RICARDO JAVIER | rpecina@dpub.udl.cat | 18 | |

Subject's extra information

The course as part of the academic plan

This subject introduces students to the methodology and the techniques that are needed to be able to interpret and use the legal principles and rules on labour law properly in order to then manage the company's human capital.

Learning objectives

1. To know and identify the elements that define the employment relationship. CB1, CB4, CES1 and CES6
2. Know and apply the system of sources of the legal-labor order. CB1, CB4, CES1, CES4 and CES6
3. Apply the knowledge obtained in the management of the factor work within the framework of the company. CB2, CB4, CB6, CES1, CES4 and CES6.
4. Resolve conflicting situations from a work point of view that are generated within the framework of labor relations. CB2, CB4, CES1, CES 4, CES6.
5. Analyze from a gender perspective the legal-labor problem. CB4.
6. Use the appropriate legal-labor language and communicate with the different agents involved in the management of the human factor in companies. CEU1.
7. Know and use the basic legal documents for management in the company of the human factor appropriately. CES1.
8. Know, search, select and use the basic tools of the discipline to solve practical cases. CB1 and CES4.

Competences

University of Lleida strategic competences

- Correctness in oral and written language.

Goals

- (1) Have knowledge of and identify the elements that define the employment relationship. (2) Have knowledge of and be able to use the sources of the labour law. (3) Use the knowledge acquired to administer the job factor within the company context. (4) Settle conflicts arising in the workplace that are associated with employment relationships pursuant to Labour law. (5) Analyse the gender-related problems of Labour Law. (6) Use of the Labour-law terminology properly when liaising with the different agents involved in managing the human factor in companies. (7) Have knowledge of basic legal documents and use them correctly to manage the human factor in the company. (8) Have knowledge of, find, select and use the basic tools of the discipline to solve practical cases

Degree-specific competences

- Create and direct a business, which listens and responds to the changes of the environment in which it operates.

Goals

- (1) Have knowledge of and identify the elements that define the employment relationship. (2) Have knowledge of and be able to use the sources of the labour law. (4) Settle conflicts arising in the workplace that are associated with employment relationships pursuant to Labour law. (6) Use of the Labour-law terminology properly when liaising with the different agents involved in managing the human factor in companies.
- Apply instrumental techniques to the analysis and solution of business problems and to the taking of decisions.

Goals

- (1) Have knowledge of and identify the elements that define the employment relationship. (4) Settle conflicts arising in the workplace that are associated with employment relationships pursuant to Labour law. (8) Have knowledge of, find, select and use the basic tools of the discipline to solve practical cases
- Identify and interpret the economical, environmental, political, sociological and technological factors in local, national and international ambits, and their repercusion upon organizations.

Goals

- (1)Have knowledge of and identify the elements that define the employment relationship (4)Settle conflicts arising in the workplace that are associated with employment relationships pursuant to Labour law

Degree-transversal competences

- Ability to criticise and be self-critical.

Goals

- (1) Have knowledge of and identify the elements that define the employment relationship. (2) Have knowledge of and be able to use the sources of the labour law. (3) Use the knowledge acquired to administer the job factor within the company context. (4) Settle conflicts arising in the workplace that are associated with employment relationships pursuant to Labour law. (5) Analyse the gender-related problems of Labour Law.
- Ability to organise and plan.

Goals

- (3) Use the knowledge acquired to administer the job factor within the company context. (4) Settle conflicts arising in the workplace that are associated with employment relationships pursuant to Labour law.

- Be able to work and to learn in an autonomous way and simultaneously adequately interact with others, through cooperation and collaboration.

Goals

- (3) Use the knowledge acquired to administer the job factor within the company context.
- Ability to analyse and synthesise.

Goals

- (1) Have knowledge of and identify the elements that define the employment relationship. (2) Have knowledge of and be able to use the sources of the labour law. (8) Have knowledge of, find, select and use the basic tools of the discipline to solve practical cases

Subject contents

Subject contents

Module 1: Labour law and the legal system.

This first module of the course titled "Labour law and the legal system" could be considered as being an introductory model in which certain basic definitions of the subject matter in question are presented. In particular it focuses on the origins of Labour law, the constraints on the objectives of Labour law, the corresponding principles and sources of the system.

Unit 1.

1. The Labour law training process.
2. The purpose of Labour law.
3. The conceptual constraints of Labour law.
4. Sources of Labour law.
5. Principles of enforcement and interpretation of Labour law.

Module 2: General structure and the parties involved in the employment contract.

This module presents and organises the concept, characteristics, structure and the functions of the employment contract, the parties involved in such, that is, the employee and the employer, as well as essential and incidental parts of the employment contract.

Unit 2.

1. The ordinary type of employment contract.
2. The special employment contract. That is, a type of contract that is drawn up for a specific group of professionals, in this case for senior management.

Unit 3

3. The employee.
4. The employer.

Unit 4.

1. The essential parts of the employment contract.
2. Incidental parts of the employment contract.
3. Type and technicalities of the employment contract.
4. Validity and the effectiveness of the employment contract.

Module 3: Access into the job market and the types of contracts.

This module goes through the mechanisms used by the employer when hiring the personnel needed to carry out the work involved in the firm's line of business and also the different types of contracts contemplated under the Labour law system. With regard to access into the job market, the module focuses on public employment policies established to promote equal opportunities among the different groups of workers.

Unit 5.

1. Joining the company. Job hunting techniques.
2. The indefinite contract.
3. Fixed-term contract.
4. Mixed contract: training contracts and part-time contract.
5. Other contracts.

Module 4: Content of the work contract.

This module covers the two basic fundamental elements of the employment contract, that is, the working day and the salary. This module will focus on the measures taken to promote equality of opportunity and stop discrimination among workers.

Unit 6.

1. The working day.
2. The working hours.
3. Rest breaks during the working day.

Unit 7.

1. Concept and structure of the salary.
2. Fringe benefits
3. Type, time and place of salary.
4. Wage protection systems.

Module 5: Vicissitudes of the employment contract.

In this last module the different changes that might be made to the employment contract while it is in force will be studied in great detail, contract termination procedures will be given special attention, as will the regulation established in the Organic Law 3/2007, on true equality between men and women.

Unit 8.

1. Subjective modification: business succession.
2. Objective modification: functional mobility, geographic mobility and significant changes in the working conditions.
3. *Layoffs* and unpaid leave from work.

Unit 9

1. Termination of the employment contract.
2. *Voluntary* resignation of the worker.
3. *Termination of an employment contract upon the decision of the employer*: dismissal.

Methodology

The teaching methodology that will be followed in this course combines the theoretical classes that will take place in the GG, where the theoretical content of the syllabus of the subject will be developed, with the realization of practical classes, that will take place in the GM, It will focus on the contents of the syllabus and these contents will be put into practice.

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 1,5 h. | | |
| 2a. Setmana | Exposició temari | Lliçó magistral | GG 2 h. | Estudi material docent | 1 h. |
| 2a. Setmana | Pràctica | Pràctica d'aula | GM 1,5 h. | Comentari | 1 h. |
| 3a. Setmana | Exposició temari | Lliçó magistral | GG 2 h. | Estudi material docent. | 1 h. |
| 3a. Setmana | Pràctica | Pràctica d'aula | GM 1,5 h. | Estudi material pràctiques. | 1 h. |
| 4a. Setmana | Exposició temari | Lliçó magistral | GG 2 h. | Estudi material docent. | 1 h. |
| 4a. Setmana | Pràctica | Estudi de cas | GM 1,5 h. | Estudi material pràctiques. | 1 h. |
| 5a. Setmana | Exposició temari | Lliçó magistral | GG 2 h. | Estudi material docent | 1 h. |
| 5a. Setmana | Pràctica | Estudi de cas i Debat | GM 1,5 h. | Estudi material pràctiques | 1 h. |

| | | | | | |
|---------------------|------------------------|--------------------------|-----------|-----------------------------------|--------|
| 6a. Setmana | Exposició temari | Lliçó magistral | GG 2 h. | Estudi material docent | 1 h. |
| 6a. Setmana | Pràctica. | Estudi de cas i Debat | GM 1,5 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 1,5 h. | Estudi material pràctiques | 1 h. |
| 8a. Setmana | Exposició temari | Lliçó magistral | GG 2 h. | Estudi material docent. | 1 h. |
| 8a. Setmana | Primera prova pràctica | Avaluació. | GM 1,5 | Estudi material docent i pràctic. | 10 h. |
| 9a. Setmana | Primera prova teòrica | Avaluació | GG 2 h. | Estudi material docent i pràctic | 20 h. |
| 10a. Setmana | Exposició temari | Lliçó magistral | GG 2 h. | Estudi material docent. | 1 h. |
| 10a. Setmana | Pràctica | Estudi de cas i Debat | GM 1,5 h. | Estudi material pràctiques | 1 h. |
| 11a. Setmana | Exposició temari | Lliçó magistral | GG 2 h. | Estudi material docent | 1 h. |
| 11a. Setmana | Pràctica | Estudi de cas i Debat | GM 1,5 h. | Estudi material pràctiques | 1 h. |
| 12a. Setmana | Exposició temari | Lliçó magistral | GG 2 h. | Estudi material docent | 1 h. |
| 12a. Setmana | Pràctica | Lectures i estudi de cas | GM 1,5 h. | Estudi material pràctiques | 1 h. |
| 13a. Setmana | Exposició temari | Lliçó magistral | GG 2 h. | Estudi material docent | 1 h. |
| 13a. Setmana | Pràctica | Estudi de cas i Debat | GM 1,5 h. | Estudi material pràctiques | 1 h. |
| 14a. Setmana | Exposició temari | Lliçó magistral | GG 2 h. | Estudi material docent | 1 h. |
| 14a. Setmana | Pràctica | Estudi de cas i Debat | GM 1,5 h. | Estudi material pràctic | 1 h. |
| 15a. Setmana | Exposició temari | Lliçó magistral | GG 2 h. | Estudi material docent. | 1 h. |
| 15a. Setmana | Pràctica | Estudi de cas i Debat | GM 1,5 h. | Estudi material pràctiques. | 1 h. |
| 16a. Setmana | Segona prova pràctica | Avaluació | GG 3,5 h. | Estudi material docent i pràctic | 10 h. |
| 17a. i 18a. Setmana | Segona prova teòrica | Avaluació | | Estudi material docent. | 20 h. |

(2)HTP = Hores de Treball Presencial

(3)HTNP = Hores de Treball No Presencial

Evaluation

| Objectius | Activitats d'Avaluació Criteris | % | Dates | O/V (1) | I/G (2) | Observacions |
|---|---|-----|---------------------------|------------|------------|--|
| Demostrar el grau de coneixements adquirits i les competències específiques adquirides en relació a la matèria estudiada fins al moment. | Prova escrita de caràcter pràctic. En aquesta prova es valorarà la capacitat d'aplicar els coneixements adquirits a les sessions presencials dels GG i GM i la capacitat d'anàlisi crítica i l'argumentació donada en la resolució del cas. | 25% | 14/15 de Novembre de 2018 | o | I | La prova pràctica escrita consistirà en la resolució d'un cas sobre els materials docents i pràctics corresponents a la matèria estudiada fins al moment. |
| Demostrar el grau de coneixements adquirits i les competències específiques adquirides en relació a les Unitats del temari impartides fins al moment. | Prova escrita de caràcter teòric. A les preguntes a desenvolupar es valorarà a més dels coneixements teòrics, la correcta utilització i rigor del llenguatge. | 25% | 8 de Novembre de 2018 | o | I | La prova teòrica consistirà en la resolució d'un qüestionari de respostes múltiples. |
| Demostrar el grau de coneixements adquirits i les competències específiques adquirides en relació a les matèries impartides fins al moment. | Prova escrita de caràcter pràctic. En aquesta prova es valorarà la capacitat d'aplicar els coneixements adquirits a les sessions presencials dels GG i GM i la capacitat d'anàlisi crítica i l'argumentació donada en la resolució del cas. | 25% | 19/20 de Gener de 2019 | o | I | La prova pràctica escrita consistirà en la resolució d'un cas sobre els materials docents i pràctics corresponents a les Unitats del temari estudiades fins al moment. |
| Demostrar el grau de coneixements adquirits i les competències específiques adquirides en relació a les Unitats impartides fins al moment. | Prova escrita de caràcter teòric. A les preguntes a desenvolupar es valorarà a més dels coneixements teòrics, la correcta utilització i rigor del llenguatge. | 25% | 18 de Gener de 2019 | o | I | La prova teòrica consistirà en la resolució d'un qüestionari de respostes múltiples. |

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

Observacions

La superació de l'assignatura requereix aprovar tant la part teòrica (2 proves teòriques), com la part pràctica (2 proves pràctiques). Superades les dues parts, la qualificació final serà la resultant de sumar les notes obtingudes a les proves teòriques i pràctiques.

Un estudiant serà qualificat amb **NO PRESENTAT** si no realitza proves i/o activitats que suposin més del 50% de l'assignatura. En qualsevol altre cas la qualificació final de l'estudiant serà l'obtinguda en aquestes proves i/o activitats.

Aquest sistema d'avaluació es únic per a tots els estudiants, sense excepcions.

Bibliography

I. Manuals, agreements and general papers.

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

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GALA DURAN, 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.

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

II. Labour regulation reports

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GALIANA MORENO, J.M. i SEMPERE NAVARRO, A.V.: *Legislación Laboral y de la Seguridad Social*. Ed. Thomson-Aranzadi. Cizur Menor (Navarra).

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.