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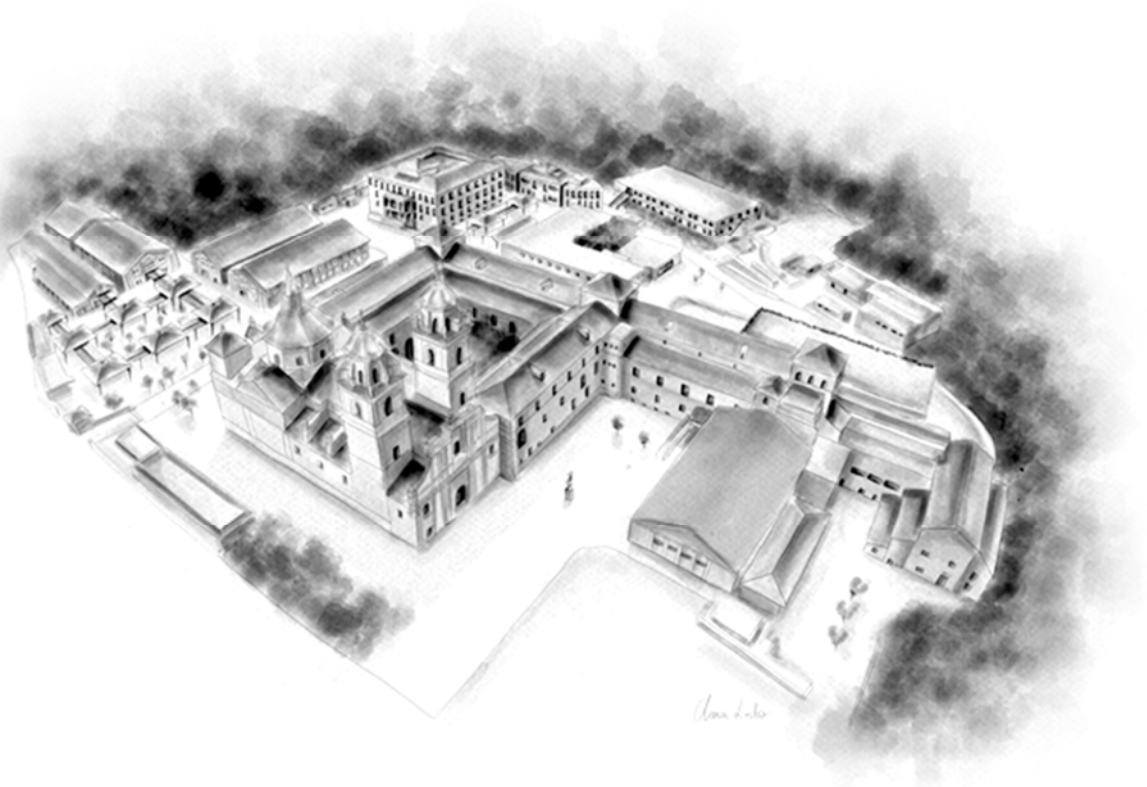
20 años
de educación,
amor y servicio

Teaching Guide 2017/2018

Labor Law I

Bachelor Business Administration

Face-to-face tuition



Labor Law I ¡Error! Marcador no definido.

Brief Description..... ¡Error! Marcador no definido.

Previous requisites..... ¡Error! Marcador no definido.

Aims..... ¡Error! Marcador no definido.

Competences and training results ¡Error! Marcador no definido.

Methodology ¡Error! Marcador no definido.

Syllabus..... ¡Error! Marcador no definido.

Connection with other subjects of the study plan..... ¡Error! Marcador no definido.

Assessment system ¡Error! Marcador no definido.

Bibliography and reference sources..... ¡Error! Marcador no definido.

Recommendations for the study..... ¡Error! Marcador no definido.

Labor Law I

Labor Law I

Module: Labor Law

Subject: Law

Character: **Obligatory**

ECTS: **4,5 ECTS.**

Time period: **Second course, third semester**

Teacher: **Rafael García García**

Email: ragarcia@ucam.edu

Students' attention timetable: **Monday 18:00-19:00**

Module coordinator teacher: **José Ruiz Espinosa**

Brief Description of the subject

This course provides the student with a general view of labor relations and their regulation by means of law, as well as their meaning and evolution, their sources and principles, the employment contract, the legal status of the employee, rights and duties of the employer, suspension and termination of the employment relationship, as well as a basic overview of the Social Security System.

The importance of the subject is undeniable given the relevance of Labor Law and its influence on social relations as well as its importance and interaction in the financial field: work constitutes an essential element in the production of goods and services and the economic structure necessarily conditions the intervention of legislators in the regulation of Labor institutions.

Previous Requisites

Law corporation aspects have their origin in social world and therefore, the student should be able to take a stage before the social, economic and political phenomena that define it, without anticipating previous knowledge further than that in pre-university training.

Objectives

1. Know essential regulation of labour individual and collective relationships and the specific scheme from such regulation sources.
2. Know the applicable specific principles of Labour Law.
3. Know the main characteristics of the labour relationship and the employment contracts and main forms of labour contracts.

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4. Solve practice problems of application of the normative studied and know the most important jurisprudence criteria related to it.
5. Know and know how to use specific terminology of labour legal system.
6. Know the main rights and duties of employers and employees, in the frame of a labour relationship.

Competences and learning results

Cross-curricular subjects

(T1) Ability of analysis and synthesis

(T3) Good command of oral and written communication in native language.

(T6) Ability to manage information

(T7) Problem solving

(T9) Team work

(T10) Perform team work of interdisciplinary character.

(T11) Work in international context.

(T13) Recognition of diversity and multi-culturalism.

(T14) Critical reasoning

(T16) Autonomous learning

(T17) Adaption to new situations

(T20) Acquire knowledge of other cultures and traditions.

(T24) Get the ability to think about subject topics.

(UCAM3) Be able to transfer knowledge, abilities and skills achieved to promote a society based in the values of freedom, justice, equality and pluralism.

Specific Competences

(E19) Have the ability to apply knowledge in the practice.

(E33) Understand the Law principles and relate them with the knowledge about corporation management.

(E49) Issue reports about advice in corporation and market situations.

(E57) Communicate fluently in its environment and work in a team.

Learning results

- Understand think and synthesize contents from different areas that make up Law scope.
- Organize and know how to use accounting information from different contexts to be able to assess the effects of law environment in business management.
- Acquire the necessary abilities to solve problems within the law environment.
- Recognize and promote contributions from other knowledge fields as enriching factor of the professional exercise, taking into account the law context.
- Develop their own professional activity within a globalized world, by taking into account the different law contexts.
- Issue sentences and take a critical stage before the wide range of situations faced by law environment within corporate management.
- Recognize and defend any individual fundamental rights.
- Manage the learning process in a proactive way the learning process in law environment.
- Generate learning abilities that allow later studies in Law field with a high level of autonomy.
- Adapt their behavior to changes and exigencies arising from the new situations within legal context.
- Think in a reasoned and critical way about matters related to the study in Law context.
- Acquire an ethical compromise in the construction of a just, democratic and plural society.
- Understand and apply legal knowledge to the practice by means of the defense of well-built arguments.
- Solve legal assumptions linked to the different areas of Law linked to the corporation.
- Achieve the ability necessary to issue legal sentences about situations in the corporation.
- To be able to apply the general principles of Spanish Legal Law, particularly those with origin in the Spanish Constitution, to the labor scenery.
- Know how to apply the general principles of Community Legal System to civil, trade, labor and fiscal scopes.
- Know and understand basic legal system and Labor Legal institutions.
- Communicate information, ideas, problems and solutions in a suitable way within the scope of corporation legal system.
- Solve case studies in work teams.
- Criticize and debate the results obtained.
- Use correct terminology in the performance and task presentations.
- Use the logical structure and write with orthographic correction.

Methodology

Methodology	Hours	Face-to-face work hours	Non-face-to-face work hours
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Master class (65%)	29,25	45 horas (40 %)	
Practice workshops (8%)	3,6		
Assessment (7%)	3,15		
Tutorials (20%)	9		
Personal study (45%)	30,38	67,5 horas (60 %)	
Tasks (30%)	20,25		
Practice clases (15%)	10,13		
Bibliographic search (10%)	6,75		
TOTAL	112,5	45	67,5

Syllabus

Unit 1: Meaning and evolution of Labour Law.

- 1.1. Fundamentals, structure and scope of implementation. Wage labour shaping notes.
- 1.2. Work in industrial society: Industrial society and labour movement.
- 1.3. Evolution of Spanish Labour Law.

Unit 2: Labour Law Regulation code. The sources.

- 2.1. General regulations: Constitution, laws, Decrees and regulations.

Theme 3: Labour Law sources (II) Specific regulations: Collective agreement.

- 3.1. Labour collective agreements: Concept and efficacy.
- 3.2. Legitimation to negotiate (negotiating commission and negotiation units>).
- 3.3. Collective agreements contents and limits.
- 3.4. Elaboration, registration and deposit procedure.
- 3.5. Agreement control, application and interpretation, joining and extension.

Framework agreements.

Theme 4: Labour Law sources (III). International regulations: OIT, EU.

Theme 5: Implementation of labour regulation.

- 5.1. Labour regulation hierarchy and general principles of Labour Law.

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5.2. Labour Public Bodies: Courts and Administration bodies.

5.3. Labour Inspectorate.

Theme 6: Employment contract

6.1. Employee and employer legal concepts. Contractual ability and ex-work.

6.2. Employment contract concept and elements.

6.3. Employment contract form.

Theme 7: Employee legal status and provision of labour period

7.1. Employee duties: Duty of diligence, duty of good faith, duty of obedience, submission to the management power.

7.2. Employee rights: respect to dignity and other constitutional rights within labour scope (equality and no discrimination right, freedom of speech and ideology).

Theme 8: Provision of labour period.

8.1. Indefinite and determined term contract (regulations and types).

8.2. Part-time contract.

8.3. Training contract

8.4. Other ways of labour contracts.

Theme 9: Provision of labour period (II). Working hours. Overtime. Labour breaks and holidays.

Theme 10: Wages and other employer's duties. Temporary Work Agency.

Theme 11: Employer's powers.

11.1. Disciplinary and management power.

11.2. El "jusvariandi" and change of employment contract conditions.

11.3. Geographical and functional mobility. Considerable modification of employment contract.

Theme 12: Cancellation and termination of labour contract.

12.1 Cancellation of employment contract: Causes.

12.2 Contract termination: Causes.

12.3. Dismissal: types. Termination on disciplinary grounds, dismissal on objective grounds.

12.4. Collective dismissal.

Theme 13: Social Security System.

13.1. Concept and principles of Spanish Social Security. Social Security General Scheme.

Practice tuition program

- Problem and exercises solving, tasks and case studies performed by students.
- Workshops and practices.

All above mentioned will contribute to a good learning process of the knowledge taught in master classes.

Connection with other subjects in the study plan

The study of the labor regulations and Social Security System is linked to legal basic training that the student need to complete the global training in business management, and in this sense, it is particularly linked to other legal matters included in this Degree and which conform Business Law, such as civil, trade and fiscal Law. These subjects are: Civil Law, Trade Law I, Labor Law I, Financial and Tributary Law I, Financial and Tributary Law II, Trade Law II, Labor Law II, European Communitarian Law, Human Resources Management, Management and Communication skills, Strategic management and Corporation Policy I, Strategic management and Corporation Policy II, Church Social Doctrine and Fundamental Ethics.

Assessment system

Written exam: 80%

There will be two exams with a series of theory questions and exercises or practice questions. The first exam will be 35% and the second one 45%.

Student's involvement in training activities: 20%

The student's involvement in the training activities that conform the subject will be assessed through the issuing and correction of the exercises, tasks, case studies and problems carried out individually and in groups; the public presentation of some of these tasks and the taking part on the debate forums.

February/June Call

The student will pass the subject in the February/June call when the arithmetic mean, according to the three grade percentages (two written exams and involvement) is equal or higher than 5, and none of the grades is lower than 5.

If the student has less than 5 points in any of the three grades (the two written exams and the involvement), he/she will have to resit to pass in September, keeping the grades equal or higher than 5.

September Call:

The student will pass the subject in September call when the arithmetic mean, according to the three grade percentages fixed in the three grades (two written exams and involvement) is equal or higher than 5, and none of the grades is lower than 5.

In case of not passing, he/she will have to resit for the complete subject in later calls.

Bibliography and reference sources

Basic bibliography

- Montoya Melgar, Alfredo, “Derecho del Trabajo”, Editorial Tecnos, Trigésimo sexta edición. Actualizada septiembre 2015

Complementary bibliography

- Ramírez Martínez, Juan M. (director) y otros, “Curso de Derecho del Trabajo”, Editorial Tirant lo Blanch, Última edición. Actualizada septiembre 2015 (Temas 1-13)
- Alonso Olea, Manuel y Casas Baamonde, María Emilia, “Derecho del Trabajo”, Editorial Civitas, Última edición. Actualizada septiembre 2015 (Temas 1-13)
- Palomeque López, Manuel Carlos y Álvarez de la Rosa, Manuel, “Derecho del Trabajo”, Editorial Centro de Estudios Ramón Areces, S.A, Última edición. Actualizada septiembre 2015 (Temas 1-13)

Web pages related

Check for web pages of public bodies or institutions of interest in terms of social and labor matters (Ministry of Employment and Social Welfare, National Institute for Social Welfare and Work Hygiene, Bureau of Labor and Social Welfare, among others).

It is necessary to take into account that both BOE (Official Journal of the State) and DOCE (Official Journal of European Communities) and other official journals of Autonomous Communities are available on line.

It would also advisable to have a good command of on line legal data base for the search of contents or forms.

Some of these data bases are:

- <http://www.westlaw.es/> tanto para legislación (RCL), como para jurisprudencia de los diversos tribunales.
- <http://www.tirantonline.com>, para legislación, jurisprudencia, formularios y bibliografía especializada.
- <http://www.elderecho.com/>. Legislación, jurisprudencia y artículos.

Recommendations for future study

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It would be advisable that both theoretical and practice study have as guide the basic labour regulations, including all legal changes, which means that the student must use current legal texts, given the changing character of the social labour legal system.

As useful recommendations to follow this subject, we advise to review daily the contents seen in class together with the bibliography supported by the use of fundamental legal texts.

Instructional Material

It will be necessary to carry out personal work with PC that has installed programs (word processing program, spreadsheet, presentations, etc.) Students are recommended to use mass storage devices (pendrives, CDs, DVDs) to facilitate the information exchange in Power Point presentations, exercises, case study, etc., during face-to-face classes. We also need internet connection.

They can also use any of the indexes of most important labour laws, whenever they are updated. Some can be:

ALBIOL MONTESINOS, I. et al. Normas Laborales Básicas, concordadas con la jurisprudencia de los Tribunales Constitucional y Supremo, Edit. Tirant Lo Blanch.

BORRAJO, E. et al., Leyes Laborales y de Seguridad Social, Edit. Tirant Lo Blanch.

GALIANA y SEMPERE, Legislación Laboral y de la Seguridad Social. Thomson-Aranzadi.

The student may need complementary material to perform the practices, which will be provided by the teacher.

Tutorials

Academic tutorial:

These tutorials have the aim of consolidating knowledge and abilities taught in the classes of the subject, at the same time will help to solve problems and doubts asked by the students. The hours for the tutorials will also be employed to the performance, follow up and assessment of the different tasks in order to contribute to the understanding of the subject methodology and systems of assessment.

Personal Tutorial:

The university also has a Special Team for tutorials with the students enrolled in the degree. The personal tutor accompanies the student during the complete university period. Criteria and aspects can be consulted in:

<http://www.ucam.edu/servicios/tutorias/preguntas-frecuentes/que-es-tutoria>