



## Teaching Guide

| Teaching Guide      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |        |                                   |           |
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| Identifying Data    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |        | 2018/19                           |           |
| Subject (*)         | Employment Law                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |        | Code                              | 612G01023 |
| Study programme     | Grao en Dereito                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |        |                                   |           |
| Descriptors         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |        |                                   |           |
| Cycle               | Period                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Year   | Type                              | Credits   |
| Graduate            | 1st four-month period                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Third  | Obligatory                        | 6         |
| Language            | SpanishGalicianEnglish                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |        |                                   |           |
| Teaching method     | Face-to-face                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |        |                                   |           |
| Prerequisites       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |        |                                   |           |
| Department          | Dereito Público                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |        |                                   |           |
| Coordinador         | Martinez Giron, Jesus                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | E-mail | jesus.martinez.giron@udc.es       |           |
| Lecturers           | Arufe Varela, Alberto                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | E-mail | alberto.arufe.varela@udc.es       |           |
|                     | Carril Vázquez, Xosé Manuel                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |        | xose.manuel.carril.vazquez@udc.es |           |
|                     | Martinez Giron, Jesus                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |        | jesus.martinez.giron@udc.es       |           |
| Web                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |        |                                   |           |
| General description | <p>We pretend with our subject:</p> <p>- To increase the student's self-steem, making him to understand the whole powers he holds.</p> <p>- To ease to the student the knowledge and handling on the Labor legal sources, both normative and case Law ones.</p> <p>- To ease to the student the use of the specific Labor legal terminology (for example, contract of employment, labor union, collective bargaining agreement, or labor proceeding).</p> <p>- To approach the student to the solution of true Labor legal problems.</p> <p>- To involve our students in the scientific activities of the Research Institute of the Asociación Coruñesa de Derecho Comparado del Trabajo y de la Seguridad Social, in order to help them to improve their curricula vitarum, by means of contributions to its ?Anuario?, and of the filing of submissions to the International Congress to be organized during the academical term.</p> <p>- To approach the student to the Labor legal practice, by means of attending hearings before a first instance social court of A Coruña.</p> <p>- To increase the potential employability of our students.</p> |        |                                   |           |

## Study programme competences

| Code | Study programme competences                                                                                                                                                                                                                                          |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A1   | Coñecemento das principais institucións xurídicas.                                                                                                                                                                                                                   |
| A2   | Coñecer a función do Dereito como sistema regulador das relacións sociais.                                                                                                                                                                                           |
| A7   | Coñecemento das estruturas xurídico-políticas de ámbito nacional e internacional.                                                                                                                                                                                    |
| A9   | Capacidade para o manexo de fontes xurídicas (legais, xurisprudenciais e doutriniais).                                                                                                                                                                               |
| A10  | Capacidade de interpretar e analizar críticamente o ordenamento xurídico.                                                                                                                                                                                            |
| A13  | Dominio das novas tecnoloxías aplicadas ao dereito.                                                                                                                                                                                                                  |
| B2   | Que os estudantes saiban aplicar os seus coñecementos ao seu traballo ou vocación dunha forma profesional e posúan as competencias que adoitan demostrarse por medio da elaboración e defensa de argumentos e a resolución de problemas dentro da súa área de estudo |
| B3   | Que os estudantes teñan a capacidade de reunir e interpretar datos relevantes (normalmente dentro da súa área de estudo) para emitir xuízos que inclúan unha reflexión sobre temas relevantes de índole social, científica ou ética                                  |
| B4   | Que os estudantes poidan transmitir información, ideas, problemas e solucións a un público tanto especializado como non especializado                                                                                                                                |



|     |                                                                                                                                                                                                                                                        |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| B7  | Resolver problemas de forma efectiva, valorando a importancia que ten a investigación, a innovación e o desenvolvemento tecnolóxico no avance socioeconómico e cultural da sociedade.                                                                  |
| B8  | Aplicar un pensamento crítico, lóxico e creativo, entendendo, tamén, a importancia da cultura emprendedora.                                                                                                                                            |
| B11 | Comportarse con ética e responsabilidade social como cidadán e como profesional.                                                                                                                                                                       |
| B13 | Capacidade para utilizar a rede informática (internet) na obtención de información e na comunicación de datos e, en xeral, capacidade para empregar as ferramentas básicas das TIC necesarias para o exercicio da súa profesión.                       |
| C2  | Dominar a expresión e a comprensión de forma oral e escrita dun idioma estranxeiro.                                                                                                                                                                    |
| C3  | Utilizar as ferramentas básicas das tecnoloxías da información e as comunicacións (TIC) necesarias para o exercicio da súa profesión e para a aprendizaxe ao longo da súa vida.                                                                        |
| C4  | Desenvolverse para o exercicio dunha cidadanía aberta, culta, crítica, comprometida, democrática e solidaria, capaz de analizar a realidade, diagnosticar problemas, formular e implantar solucións baseadas no coñecemento e orientadas ao ben común. |
| C6  | Valorar criticamente o coñecemento, a tecnoloxía e a información dispoñible para resolver os problemas cos que deben enfrontarse.                                                                                                                      |
| C8  | Valorar a importancia que ten a investigación, a innovación e o desenvolvemento tecnolóxico no avance socioeconómico e cultural da sociedade.                                                                                                          |

| Learning outcomes                                                                                                                                                                   |                             |                |    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|----------------|----|
| Learning outcomes                                                                                                                                                                   | Study programme competences |                |    |
| - Fluency in the handling of English Labor legal terminology, to lose the shame of using the English language in the Labor legal field.                                             |                             |                | C2 |
| -To deep in the criticism of the unfair nature of the current social-labor reality, with the view that it is possible a solution in the future.                                     | A10                         | B11            | C6 |
| - Individual skill to perform the whole tasks or operations relating to Labor Law with a top quality level.                                                                         |                             | B7<br>B13      |    |
| - To master the basic concepts and principles of Labor Law.                                                                                                                         | A1                          |                |    |
| - To fill the students view of our legal order, but bearing in mind that they are studying a subject directly affecting in Spain to millions of working people, and their families. | A10                         |                | C4 |
|                                                                                                                                                                                     | A2<br>A7                    |                |    |
|                                                                                                                                                                                     | A9<br>A13                   |                |    |
|                                                                                                                                                                                     |                             | B8<br>B2<br>B3 |    |
|                                                                                                                                                                                     |                             | B4             |    |
|                                                                                                                                                                                     |                             |                | C3 |
|                                                                                                                                                                                     |                             |                | C8 |

| Contents                                                                                              |           |
|-------------------------------------------------------------------------------------------------------|-----------|
| Topic                                                                                                 | Sub-topic |
| Lesson 1. THE SOURCES OF LABOR LAW AND THEIR SEARCH (IMPROVABLE IN SPAIN) THROUGH THE INTERNET        |           |
| Lesson 2. THE TRADITIONAL PRINCIPLES OF LABOR LAW AND THEIR NEUTRALIZATION BY NEW ECONOMIC PRINCIPLES |           |
| Lesson 3. THE SMUDGE OF THE PERSONAL SCOPE BORDERS OF LABOR LAW                                       |           |



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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Lesson 4. THE SPANISH NEITHER UNITARIAN NOR INTEGRAL MODEL OF PUBLIC SERVICES OF EMPLOYMENT                                                                            |  |
| Lesson 5. THE ORDINARY OR COMMON CONTRACT OF EMPLOYMENT AND ITS MORE UNDESIRABLE MODALITIES                                                                            |  |
| Lesson 6. THE RENDERING OF WORK AND THE ATTEMPTS OF NOT GIVING A PROFESSIONAL STATUS TO THE WORKER                                                                     |  |
| Lesson 7. THE EARLY MAXIMUM AT THE EMPLOYER'S WILL WORKING TIME                                                                                                        |  |
| Lesson 8. THE INTERPROFESSIONAL MINIMUM WAGE AND ITS MANIFESTLY INADEQUATE AMOUNT                                                                                      |  |
| Lesson 9. THE MISCONDUCT OF THE SPANISH STATE IN THE SUBJECT-MATTER OF OCCUPATIONAL SAFETY AND HEALTH                                                                  |  |
| Lesson 10. 'TAKE IT OR LEAVE IT' FOR THE WORKER IN FRONT OF THE MODIFICATION OF HIS CONTRACT OF EMPLOYMENT                                                             |  |
| Lesson 11. THE SUSPENSION OF THE CONTRACT OF EMPLOYMENT AND ITS MORE SURPRISING, DISTORTING CONSEQUENCES                                                               |  |
| Lesson 12. THE STARRING TERMINATOR TWINS OF THE CONTRACT OF EMPLOYMENT, BY REASONS INDEPENDENT OF THE EMPLOYEE'S WILL                                                  |  |
| Lesson 13. THE STARRING TERMINATOR OF THE CONTRACT OF EMPLOYMENT, BY REASONS DEPENDENT OF THE EMPLOYEE'S WILL                                                          |  |
| Lesson 14. THE STATUTORY OR UNITARIAN WORKERS' REPRESENTATIVES IN THE ENTERPRISE AND THE «POLITICAL» EFFICACY OF THEIR ELECTIONS                                       |  |
| Lesson 15. THE UNIONS, THEIR MEMBERS AND THE POLEMIC ABOUT THEIR FINANCING                                                                                             |  |
| Lesson 16. THE GENERAL AND GENERALIZED NORMATIVE EFFICACY OF THE SPANISH SECTORIAL COLLECTIVE BARGAINING AGREEMENTS, A RARITY IN DEMOCRATIC SYSTEMS OF LABOR RELATIONS |  |
| Lesson 17. THE SAFETY VALVE REPRESENTED BY THE «EXTRA-STATUTORY» COLLECTIVE BARGAINING AGREEMENTS, SPECIALLY THOSE WITH ENTERPRISE SCOPE                               |  |
| Lesson 18. THE VIOLATION BY THE STATE OF ITS CONSTITUTIONAL DUTY TO LEGISLATE ABOUT STRIKES, ITS REASONS AND SOME OF ITS CONSEQUENCES                                  |  |
| Lesson 19. THE SPANISH SYSTEM, PARTIALLY DISPERSED, OF LABOR INSPECTION                                                                                                |  |
| Lesson 20. LABOR COURTS AND THE SUSPICIONS OF THE PUBLIC ADMINISTRATION BEFORE THEM, AS LONG AS A POSSIBLE DEFENDANT                                                   |  |



## Lesson 21. THE DECELERATION OF THE TRADITIONAL SPEED OF THE LABOR PROCEEDINGS

### Planning

| Methodologies / tests          | Competencies | Ordinary class hours | Student's personal work hours | Total hours |
|--------------------------------|--------------|----------------------|-------------------------------|-------------|
| Oral presentation              |              | 2                    | 0                             | 2           |
| Objective test                 |              | 3                    | 0                             | 3           |
| Seminar                        |              | 21                   | 42                            | 63          |
| Guest lecture / keynote speech |              | 21                   | 42                            | 63          |
| Problem solving                |              | 4                    | 0                             | 4           |
| Case study                     |              | 5                    | 0                             | 5           |
| Personalized attention         |              | 10                   | 0                             | 10          |

(\*)The information in the planning table is for guidance only and does not take into account the heterogeneity of the students.

### Methodologies

| Methodologies                  | Description                                                                                                                                                                                               |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Oral presentation              | To make in group a submission, to be defended in the International Congress of Comparative Labor Law which will take place at the end of the semester, using the English language in it.                  |
| Objective test                 | Two examinations. The first one, on a short questions basis, in English language. The second one, on a long questions basis, with the possibility to choose among English, Spanish or Galician languages. |
| Seminar                        | To attend the classes, with the duty of checking the several powerpoints explained in them, and of studying the corresponding lesson of the handbook.                                                     |
| Guest lecture / keynote speech | To attend the classes, with the duty of checking the several powerpoints explained in them, and of studying the corresponding lesson of the handbook.                                                     |
| Problem solving                | To make a report about finding through the Internet the sources of Labor Law.                                                                                                                             |
| Case study                     | To make a report about the attendance to hearings before a first instance social court of A Coruña.                                                                                                       |

### Personalized attention

| Methodologies     | Description                                                                                                                                                                                                                                |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Oral presentation | To be made on a small size group basis. In the classroom, in the professor offices, or by e-mail. In order to prepare the submissions to be defended in the International Congress about Comparative Labor Law at the end of the semester. |

### Assessment

| Methodologies                  | Competencies | Description                                                                                           | Qualification |
|--------------------------------|--------------|-------------------------------------------------------------------------------------------------------|---------------|
| Case study                     |              | To attend the hearings before the social court, and to deliver a report.                              | 3             |
| Objective test                 |              | To pass the examinations.                                                                             | 50            |
| Guest lecture / keynote speech |              | Regular attending.                                                                                    | 15            |
| Problem solving                |              | Delivery of the report.                                                                               | 2             |
| Oral presentation              |              | To attend the preparation, to attend the International Congress, and to orally defend the submission. | 15            |
| Seminar                        |              | Regular attending.                                                                                    | 15            |
| Others                         |              |                                                                                                       |               |

### Assessment comments

We will give the maximum, legally permitted, number of As with Honors.



## Sources of information

|               |  |
|---------------|--|
| Basic         |  |
| Complementary |  |

## Recommendations

Subjects that it is recommended to have taken before

Subjects that are recommended to be taken simultaneously

Subjects that continue the syllabus

Social Security Law/612G01037

## Other comments

<p>There are no quotas in qualifications other than A with Honors (for example, relating to "A").</p>

(\*)The teaching guide is the document in which the URV publishes the information about all its courses. It is a public document and cannot be modified. Only in exceptional cases can it be revised by the competent agent or duly revised so that it is in line with current legislation.