

**COURSE DATA****Data Subject**

<b>Code</b>	35111
<b>Name</b>	Employment in the tourist sector
<b>Cycle</b>	Grade
<b>ECTS Credits</b>	6.0
<b>Academic year</b>	2024 - 2025

**Study (s)**

<b>Degree</b>	<b>Center</b>	<b>Acad. year</b>	<b>Period</b>
1317 - Degree in Tourism	Faculty of Economics	4	First term
1926 - Double Degree Program Tourism & BMA	Faculty of Economics	4	First term

**Subject-matter**

<b>Degree</b>	<b>Subject-matter</b>	<b>Character</b>
1317 - Degree in Tourism	13 - Tourism law I	Obligatory
1926 - Double Degree Program Tourism & BMA	5 - Asignaturas de cuarto curso	Obligatory

**Coordination**

<b>Name</b>	<b>Department</b>
GOMEZ ASENSIO, CARLOS	70 - Mercantile Law 'Manuel Broseta Pont'

**SUMMARY**

- Employment in the tourism sector is a compulsory subject that is taught in fourth grade of tourism course. It is taught jointly by the civil law and commercial law departments of the University of Valencia
- It's a subject that seem be connected with other subjects of matter of tourism right, within the degree of tourism, as the sectoral regulation of tourism and especially, introduction to law
- With any doubt is an essential matter for those who wish to operate professionally in the field of tourism, since it lets you know the general framework of procurement in the tourism sector and the incidence of consumption right for the protection of tourists. Also deals with the exposition and analysis of the main contractual figures as well as of the non-compliance regime and repair mechanisms



## PREVIOUS KNOWLEDGE

### Relationship to other subjects of the same degree

There are no specified enrollment restrictions with other subjects of the curriculum.

### Other requirements

No registration restrictions, but it is recommended to have passed the course Introduction to law

## COMPETENCES (RD 1393/2007) // LEARNING OUTCOMES (RD 822/2021)

### 1317 - Degree in Tourism

- Understand the principles of tourism: its spatial, social, cultural, political, labour and economic dimensions.
- Know the main political and administrative structures of tourism
- Recognise the main tourist agents.
- Understand the legal framework regulating tourism activities.

## LEARNING OUTCOMES (RD 1393/2007) // NO CONTENT (RD 822/2021)

1. Knowledge of the principles and legal fundamentals that affect tourism.
2. Knowledge of the existence and content of the main rules governing the activities.
3. Understanding a legal text.
4. Participates in the processes of different tourist services...
5. Uses codes of conduct approved by the associations of professionals in the tourism sector.
6. Knowledge of the competent public administrations in tourism.
7. Knowledge of other political and administrative structures that develop their activities in tourism.
8. Identifies which is the instance of the tourism administration which can resolve issues arising in the exercise of the activity.
9. Check sources and adequate means in which resolutions and norms established by tourism administrations are published

## DESCRIPTION OF CONTENTS



### **1. The tourism as an object of the Law its normative**

- I. JURIDICAL NOTION AND DEFINITIONAL ELEMENTS
- II. CONCEPT AND AUTONOMY OF THE TOURIST RIGHT: ITS DUAL CONTENT
- III. NORMATIVE
  - 1. European Community
  - 2. Country
  - 3. Regional.
- IV. THE SUBJECTS THAT ARE INVOLVED IN THE TOURIST ACTIVITY
  - 1. The tourist businessman and the travel companies
  - 2. The user of the tourist services.
  - 3. Tourist's Concept as the final tourist address of tourist services providing.

### **2. The protection of the consumer and user in the tourism sector.**

- I. The legal protection of the user of tourist services.
- II. General conditions.
- III. Unfair terms: CONTROL and CONTRACTUAL INEFFICIENCY
- IV. Clauses limiting the liability.
- V. Express submission clauses: the resignation to the own jurisdiction
- VI. Commercial advertising and duty information to tourists. THE contract electronics in the tourism field.
- VII. Private arbitration.

### **3. Contracts in the tourism sector. Contracts for the use and enjoyment of property.**

- I. TOURIST CONTRACTS: CONCEPT, CHARACTERS AND CLASSES.
- II. THE TOURIST CONTRACTS USE AND ENJOYMENT OF GOODS
  - 1. THE LEASE OF THINGS.
    - A. CONCEPT AND CHARACTERS.
    - B. RIGHTS AND OBLIGATIONS OF THE LESSOR AND OF THE LESSEE.
  - 2. THE LEASE OF REAL ESTATE
    - A. RENTAL HOUSING AND DIFFERENT USE OF THE HOUSE
    - B. SEASONAL LEASES
      - a) LEGAL REGIME APPLICABLE
      - b) RIGHTS AND OBLIGATIONS OF EACH PARTS
  - 3. THE RIGHT OF USE FOR SHIFT OF REAL ESTATE
    - A. JURIDICAL NATURE AND CONTENTS OF TIME-SHARING
    - B. FORM OF CONTRACT
    - C. LEGAL MEASURES OF PROTECTION OF THE BUYER OF RIGHTS OF UTILIZATION FOR SHIFTS. ABANDONMENT



#### **4. Contracts for services in the tourism sector**

I The basic contractual types of provision of services.

II. Service contract.

1. Concept and essential elements.
- 2 rights and obligations of the parties.
3. Extinction.

III. The contract of work.

1. Concept and essential elements.
2. Rights and obligations of parties.
3. Extinction.

#### **5. Contracts for atypical or mixed services in the tourism sector.**

I. The combined travel contract

1. Applicable law and scope.
2. Concept.
3. Personal elements of the contract.
4. Pre-contractual phase: the advertising promotion.
5. Contents of the contract.
6. Modification of any elements of the contract.
7. The end of the contract before its execution.
8. Breach of contract and liability of the Agency
  - A. Breach of contract
  - B. Responsibility of the Agency
  - C. Claims of consumers

II. The contract of passenger transport.

1. Concept
- 2 Perfection and contract documentation.
3. Personal items
4. Content of the contract.
5. Contractual breach
  - A. Denied boarding by overbooking
  - b. Cancellation and interrupción
  - c. Loss or damage to luggage
  - d. Accident.

III. The contract of charter air

1. Concept
2. Personals element
3. Content of the contract
4. Applicable regulations

IV. The tourist cruise ships



## **6. Contracts relating to tourist accommodation.**

- I. The reservation of places in quota regime
  - 1. Concept
  - 2. Personal items
  - 3. Content of the contract
  - 4. Extinction
- II. Individual reserve.
- III. The contract of accommodation establishments hotels or lodging contract
  - 1. Concept
  - 2. Personal items
  - 3. Content of the contract
  - 4. Responsibility.
  - 5. Extinction
- IV. The contract of accommodation in non-hotel establishments

## **7. Hotel management contract**

- I. The hotel management contract.
  - 1. Concept
  - 2. Personal items
  - 3. Content of the contract
  - 4. Extinction

## **8. Contracts relating to the catering service**

- I. Hospitality contract.
- II. CATERING contract.

## **9. The insurance contract in the tourism sector.**

- I. Insurance contract.
- II. Types of insurance in the tourism sector:
  - 1. Compulsory travel insurance contract
  - 2. Travel assistance insurance contract.



**WORKLOAD**

ACTIVITY	Hours	% To be attended
Theory classes	30,00	100
Classroom practices	30,00	100
Attendance at events and external activities	10,00	0
Development of group work	10,00	0
Development of individual work	10,00	0
Study and independent work	10,00	0
Readings supplementary material	5,00	0
Preparation of evaluation activities	15,00	0
Preparing lectures	10,00	0
Preparation of practical classes and problem	10,00	0
Resolution of case studies	10,00	0
<b>TOTAL</b>	<b>150,00</b>	

**TEACHING METHODOLOGY**

Exhibition of theoretical contents: The professor of the asignatura will expose and will explain the fundamental theoretical contents to guide to the student in the study and understanding of the matter. The student, by his part, has to engage actively in the learning by means of the previous reading of the lesson and the complementary materials that have established in the planning of the course.

Activities applied: it Consists in the comment of sentences, dictámenes and proposals of practical cases, deploying the distinguished competitions, complementing in this way the exhibition of theoretical contents. In each case, will signal the professor which go to be object of evaluation.

Complementary activities: it will program some consistent complementary activity in a workshop, seminar or another activity related with the matter, that will schedule , in function of the availability of human and temporary resources, trying that they have character interdisciplinar, already was with groups of the same or of other asignaturas. The activities will be able to develop in different centres to the Universitat of València.

**FACE-TO-FACE STAGE.**

They do not foresee significant changes in the educational methodology, that will be concretised to criterion of each professor.



### STAGE SEMIPRESENCIAL Or HYBRID.

In the week of presencialidad do not foresee significant changes in the educational methodology, that will be concretised to criterion of each professor.

In the week of no presencialidad, the teaching will be able to be synchronous or asynchronous. To such effect, to criterion of each professor fit distinct possibilities, between which can quote to title of example:

- foresee autonomous work of the alumnado, that can be of theoretical or practical character, proposed through educational videos -Kaltura-, PPTs locutados, diagrams, material writings, readings pautadas, etc.;
- or it can realise the follow-up of the estudiantado through videoconference by means of the devices with which explain the classroom (cameras and/or microphones) or doing use of the portable devices of which have the profesorado. If it could not broadcast the class of synchronous form by videoconference, could record this and go up the link to Virtual Classroom, so that the group of students to which do not correspond them assist to the classroom can see it to distance anytime of the week.

### STAGE To DISTANCE.

They pose the following possibilities that will be applied to criterion of each professor, even cumulativamente:

- Gone up of educational materials to the virtual Classroom.
- Possibility of videoconferences BBC, transparencies (locutadas or no), tutorías by means of videoconference and problems/exercises resolved, to criterion of each professor.
- Proposed of activities by virtual classroom, with repercussion, in his case, in the qualification of continuous evaluation.

## EVALUATION

Composition of the final qualification.- The final qualification composes of a:

- 30 % OF CONTINUOUS EVALUATION.
- 70 % OF EVALUATION OF THEORETICAL And PRACTICAL KNOWLEDGES.

Activities computables in the continuous evaluation.- In the CONTINUOUS EVALUATION will value the follow-up continued and the preparation of the distinct contents of the programs and will have LIKE MINIMUM TWO acts evaluables consistent mainly in the resolution of cases, test-objective proof, individual work or in group, etc.



In any case, each professor reserves the faculty to realise activities of additional continuous evaluation, that will be recorded in the corresponding Annex to the Educational Guide.

The continuous evaluation presupposes assistance and participation continued. Those students that by diverse reasons can not fulfil with the presencialidad, do not have right to a different continuous evaluation.

Punctuation of the continuous evaluation.- In the continuous evaluation will not obtain any punctuation if it does not surpass **AT LEAST THE 40 PERCENT** of the same. In consequence, those that do not arrive to the 40 percent will have zero points of continuous evaluation. It pretends with this improve the work continued of the student.

The continuous evaluation will compute so much in first as in second announcement.

The activities of continuous evaluation have the character of “no recoverable” in the second announcement.

Modality of the final proof.- The modality of the **FINAL PROOF** of knowledges (test, short questions or of development, theoretical or theoretical-practical, oral examination, etc.) will determine by each professor and will communicate to the students with the owed antelación.

In case of coincidence of examinations, will be able to vary the type of examination concerning the planned with general character (p.And., test, oral, writing).

Need to approve the Final Proof.- To surpass the asignatura will be **INDISPENSABLE** to **APPROVE THE FINAL PROOF**.

Those students that have participated in some activity of continuous evaluation, but do not realise the final proof of the corresponding announcements, will state as **NO PRESENTED** in the records of the corresponding announcements of the asignatura.

Qualification in case of have not marked the continuous evaluation.- Those students that have not participated regularly in the activities that allow the continuous evaluation will be evaluated by the result of the final proof, to which anyway will be able to present the students enrolled. In such supposition, the maximum final qualification that they can obtain these students will be of 7 points on 10.

Qualification in case of concurrir automatic cause of suspense.- If concurre automatic cause of suspense, according to the criteria of this Educational Guide or of the Annex of each professor, the maximum note that will obtain the student is a 4.

#### **FACE-TO-FACE STAGE.**

They do not foresee significant changes in the evaluation, that will be concretised to criterion of each professor.





**STAGE SEMIPRESENCIAL Or HYBRID.**

Further of the necessary adaptation to a stage semipresencial, do not foresee significant changes in the evaluation, that will be concretised to criterion of each professor.

**STAGE To DISTANCE.**

Further of the necessary adaptation to a stage to distance, do not foresee significant changes in the evaluation, that will be concretised to criterion of each professor.

## REFERENCES

### Basic

- BARBA DE VEGA, J., CALZADA CONDE, M<sup>a</sup> ÁNGELES., Introducción al Derecho Privado del Turismo, Aranzadi, 2015.
- ORTEGA BURGOS, E., y otros., Manual de Derecho Privado del Turismo, Tirant lo Blanch, 2020.
- RAMALLO MIÑÁN, E DEL P. Manual Básico del Derecho Turístico, Tecnos 2013.
- RUIZ-RICO RUIZ, J.M., y QUESADA SÁNCHEZ, A.J., (coord.), Lecciones de Derecho Turístico, Tecnos, 2022.

### Additional

- ACEDO PENCO, A., (coord.), Estudios de Derecho Privado del Turismo. Fundamentos doctrinales y jurisprudenciales, Dykinson, 2023.
- CORCHERO, M., Derecho del Turismo. Conceptos fundamentales. Ed. Iustel, 2008.
- AURIOLAS MARTÍN, A., Introduccción al Derecho turístico. Derecho privado del turismo., Tecnos, 2005.
- MUNAR BERNAT, P.A., Derecho privado del Turismo. Estudio Jurisprudencial., Ed. Aranzadi, 2008