

**COURSE DATA****DATA SUBJECT****Code:** 35970**Name:** Labour and social security law**Cycle:** Undergraduate Studies**ECTS Credits:** 4.5**Academic year:** 2026-27**STUDY (S)**

Degree	Center	Acad. year	Period
1315 - Degree in Finance and Accounting	Facultat d'Economia	4	First quarter

**SUBJECT-MATTER**

Degree	Subject-matter	Character
1315 - Degree in Finance and Accounting	Year 4 optional subjects	ELECTIVES

**COORDINATION**

LOPEZ BALAGUER MERCEDES

**SUMMARY**

The subject Labor Law and Social Security will allow the student of the Degree in Finance and Accounting to acquire the specific competences foreseen in the verification report of the Degree, so that students will learn the fundamental elements of the labor law, in its individual and collective perspective and briefly in matters of Social Security, and will face the solution of specific problems through the application of labor regulations.

On the other hand, the course is aimed at providing the student with knowledge of the counterweights to corporate power within the company and outside it, studying the legal instruments of representation and participation of workers in the company, collective bargaining and mechanisms for out-of-court settlement of disputes and the articulation of the Social Security system and the main benefits that compose it. All this will enable the student to adequately develop, within the current regulatory framework, human resources management strategies in the company, bearing in mind that the aim is not to turn him/her into an expert in labor matters, but rather the objective of the course is to provide the adequate knowledge to be able to make a first reflection on the legal conditioning factors of the different personnel policies.

**PREVIOUS KNOWLEDGE****RELATIONSHIP TO OTHER SUBJECTS OF THE SAME DEGREE**



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

## **OTHER REQUIREMENTS**

The course requires the student to become familiar with basic legal terminology, which is always a challenge, and a necessary extra effort, in learning labor law in the context of non-legal degrees.

## **COMPETENCES / LEARNING OUTCOMES**

### **1315 - Degree in Finance and Accounting**

Capacidad para resolver casos prácticos de aplicación de la normativa estudiada, demostrando un manejo adecuado de los textos legales.

Capacidad para utilizar la terminología específica del ordenamiento laboral y ponerla en relación con los conceptos desarrollados en otras asignaturas del Grado.

Conocer la regulación esencial de las relaciones laborales individuales y el esquema específico de fuentes del que dimana dicha regulación.

## **DESCRIPTION OF CONTENTS**

### **1. INTRODUCTION**

1. THE OBJECT OF LABOR LAW
2. THE BIRTH AND DEVELOPMENT OF LABOR LAW 3. THE FUNCTIONS OF LABOR LAW
3. THE FUNCTIONS OF LABOR LAW
4. THE EVOLUTION OF LABOR LAW IN SPAIN
5. CURRENT PROBLEMS OF LABOR LAW

### **2. SOURCES OF LABOR LAW**

1. CONCEPT AND LIST OF SOURCES
2. THE SPANISH CONSTITUTION OF 27 DECEMBER 1978



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3. INTERNATIONAL AND SUPRANATIONAL NORMS

4. LAWS

5. REGULATIONS

6. THE REGULATORY POWER OF THE AUTONOMOUS COMMUNITIES

7. COLLECTIVE BARGAINING AGREEMENTS

8. COSTUME

9. GENERAL PRINCIPLES OF LAW

10. JURISPRUDENCE

11. NATURE OF THE RULES

12. DETERMINATION OF THE APPLICABLE LAW AND OF THE COMPETENT JURISDICTION

13. RELATIONS BETWEEN RULES IN FORCE AT THE SAME TIME

14. RELATIONS BETWEEN SUCCESSIVE RULES IN TIME

15. RELATIONS BETWEEN NORMS AND INDIVIDUAL AUTONOMY (I): THE MOST BENEFICIAL CONTRACTUAL CONDITIONS

16. RELATIONS BETWEEN NORMS AND INDIVIDUAL AUTONOMY (II): UNAVAILABILITY OF RIGHTS

17. STATUTE OF LIMITATIONS AND EXPIRATION OF RIGHTS

18. APPLICATION OF THE RULES (I): LABOR ADMINISTRATION AND SANCTIONING PROCEDURE

19. APPLICATION OF THE RULES (II): THE SOCIAL ORDER OF THE JURISDICTION.

**3. UNION FREEDOM**

1. TYPOLOGY OF TRADE UNION ORGANIZATIONS



2. HISTORICAL EVOLUTION OF THE TRADE UNION. STAGES OF ITS LEGAL RECOGNITION

3. INTERNATIONAL REGULATIONS ON FREEDOM OF ASSOCIATION

4. SPANISH REGULATIONS

5. INDIVIDUAL FREEDOM OF ASSOCIATION (POSITIVE)

6. INDIVIDUAL FREEDOM OF ASSOCIATION (NEGATIVE)

7. COLLECTIVE FREEDOM OF ASSOCIATION (INTERNAL)

7. COLLECTIVE FREEDOM OF ASSOCIATION (INTERNAL)

8. COLLECTIVE FREEDOM OF ASSOCIATION (EXTERNAL): TRADE UNION ACTIVITY

9. PROTECTION OF THE FREEDOM OF ASSOCIATION

10. UNION LIABILITY

11. EMPLOYERS' ORGANIZATIONS

#### **4. REPRESENTATION AND PARTICIPATION IN THE COMPANY**

1. EMPLOYEE PARTICIPATION IN THE COMPANY

2. BODIES REPRESENTING THE PERSONNEL IN THE COMPANY

3. FORMS OF PARTICIPATION

4. UNITARY REPRESENTATION IN THE SPANISH LEGAL SYSTEM

5. ELECTORAL PROCEDURE

6. REGULATION OF THE REPRESENTATIVE MANDATE

7. POWERS AND DUTIES OF THE REPRESENTATIVES



8. GUARANTEES AND FACILITIES OF THE REPRESENTATIVES

9. REPRESENTATION AND PARTICIPATION IN COMMUNITY COMPANIES

10. RIGHT OF ASSEMBLY (ASSEMBLY). ADOPTION OF AGREEMENTS

11. UNION ACTION IN THE COMPANY: UNION SECTIONS AND UNION DELEGATES.

12. REPRESENTATIVE BODIES IN PUBLIC ADMINISTRATIONS

## **5. COLLECTIVE BARGAINING**

1. COLLECTIVE BARGAINING IN THE CONSTITUTION

2. BARGAINING UNITS

3. CONCURRENCE OF AGREEMENTS

4. NON-APPLICATION OF COLLECTIVE BARGAINING AGREEMENTS

5. BARGAINING AUTHORITY: INITIAL OR INTERVENING PARTY

6. BARGAINING AUTHORITY: FULL OR NEGOTIATING

7. ADOPTION OF AGREEMENTS

8. NEGOTIATION PROCEDURE. DUTY TO NEGOTIATE

9. REGISTRATION, DEPOSIT, PUBLICATION AND CONTROL OVER THE ILLEGALITY/UNLAWFULNESS OF THE AGREEMENT.

10. APPLICATION AND INTERPRETATION OF COLLECTIVE BARGAINING AGREEMENTS

11. CONTENT OF COLLECTIVE BARGAINING AGREEMENTS

12. DURATION OF COLLECTIVE BARGAINING AGREEMENTS

13. APPLICATION AND INTERPRETATION OF COLLECTIVE BARGAINING AGREEMENTS



14. NON-STATUTORY COLLECTIVE BARGAINING AGREEMENTS

15. COLLECTIVE BARGAINING OF PUBLIC EMPLOYEES

## **6. THE RIGHT TO STRIKE**

1. LEGAL QUALIFICATION OF THE STRIKE: CRIME, FREEDOM, RIGHT

2. THE REGULATION OF THE STRIKE IN THE SPANISH LEGAL SYSTEM.

3. OWNERSHIP OF THE RIGHT TO STRIKE. THE RIGHT TO STRIKE OF CIVIL SERVANTS.

4. EXERCISE OF THE RIGHT TO STRIKE

5. ILLEGAL STRIKES

6. ABUSIVE MODALITIES OF THE STRIKE

7. STRIKES IN ESSENTIAL SERVICES: SETTING OF MINIMUM SERVICES.

8. TERMINATION OF THE STRIKE. COMPULSORY ARBITRATION. END OF STRIKE AGREEMENT.

9. EFFECTS OF THE STRIKE ON THE STRIKING WORKERS.

10. repercussions of the strike on non-striking workers

## **7. THE LOCKOUT. THE COLLECTIVE DISPUTE**

1. THE RIGHT TO LOCKOUT IN THE SPANISH LEGAL SYSTEM

2. THE LABOR CONFLICT. CONCEPT AND TYPES

3. PROCEDURES FOR THE SETTLEMENT OF COLLECTIVE DISPUTES



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## **8. THE EMPLOYMENT CONTRACT**

1. THE CONTRACT OF EMPLOYMENT: CONCEPT, FUNCTIONS, ELEMENTS
2. EMPLOYMENT RELATIONSHIPS EXCLUDED FROM THE LABOR LEGISLATION
3. SPECIAL EMPLOYMENT RELATIONSHIPS 4. THE CAPACITY TO CONTRACT AS AN EMPLOYEE 4.1.
5. CAPACITY TO WORK
6. THE LABOR EMPLOYER
7. CONTRACTING AND SUBCONTRACTING OF THE BUSINESS ACTIVITY
8. ASSIGNMENT OF WORKERS
9. TEMPORARY EMPLOYMENT AGENCIES
10. THE TRANSFER OF COMPANIES

## **9. LABOR CONTRACTING**

1. FREEDOM OF CONTRACTING BY THE COMPANY
2. THE FORM OF THE CONTRACT
3. THE PROBATIONARY PERIOD
4. THE DURATION OF THE EMPLOYMENT CONTRACT: FOR AN INDEFINITE PERIOD OF TIME OR FOR A FIXED TERM
5. TEMPORARY HIRING IN PUBLIC ADMINISTRATIONS
6. CONTRACT FOR TRAINING AND APPRENTICESHIP
7. INTERNSHIP CONTRACTS 8. PART-TIME EMPLOYMENT CONTRACTS AND RELIEF CONTRACTS
9. PART-TIME PERIODIC FIXED-TERM CONTRACT AND FIXED-DISCONTINUOUS CONTRACT



10. TELECOMMUTING

11. PROMOTION OF INDEFINITE-TERM CONTRACTS AND INCENTIVES TO CONTRACTING

12. HIRING OF DISABLED WORKERS

**10. THE EMPLOYMENT BENEFIT: DETERMINATION AND MODIFICATION**

1. DETERMINATION OF THE BENEFIT: PROFESSIONAL CLASSIFICATION

2. FUNCTIONAL MOBILITY

3. PROMOTIONS

4. GEOGRAPHICAL MOBILITY

5. SUBSTANTIAL MODIFICATION OF WORKING CONDITIONS

**11. WORKING TIME AND BREAKS**

1. WORKING TIME

2. OVERTIME

3. RECOVERABLE HOURS 4. WORKING HOURS

5. THE WORKING CALENDAR

6. WEEKLY REST

7. WORKING HOLIDAYS

8. ANNUAL LEAVE



## **12. THE SALARY BENEFIT**

1. CONCEPT OF SALARY
2. NON-WAGE PAYMENTS
3. COMPOSITION OF THE SALARY
4. MODALITIES OF THE SALARY
5. WAGE SYSTEMS
6. WAGE DETERMINATION
7. PAYMENT OF WAGES
8. WAGE PROTECTION

## **13. OTHER RIGHTS AND DUTIES OF THE EMPLOYEE**

1. WORKER'S RIGHTS
2. DUTIES OF THE EMPLOYEE

## **14. INTERRUPTION AND SUSPENSION OF THE CONTRACT**

1. PAID INTERRUPTIONS
2. SUSPENSION OF THE CONTRACT
3. VOLUNTARY LEAVE OF ABSENCE

## **15. TERMINATION OF THE EMPLOYMENT CONTRACT**



1. DISCIPLINARY DISMISSAL
2. COLLECTIVE DISMISSAL
3. DISMISSAL DUE TO FORCE MAJEURE
4. DISMISSAL FOR OBJECTIVE CAUSES
5. TERMINATION DUE TO DEATH, RETIREMENT OR DISABILITY OF THE EMPLOYER.
6. TERMINATION OF THE CONTRACT DUE TO THE TERMINATION OF THE LEGAL PERSONALITY OF THE EMPLOYER
7. RESIGNATION OF THE EMPLOYEE
8. TERMINATION OF THE CONTRACT BY THE EMPLOYEE, FOR JUSTIFIED
9. TERMINATION DUE TO DEATH, RETIREMENT OR INCAPACITY OF THE EMPLOYEE.
10. TERMINATION BY MUTUAL AGREEMENT
11. TERMINATION FOR AGREED CAUSES
12. TERMINATION OF TEMPORARY CONTRACTS

## **16. SOCIAL SECURITY LAW**

1. CONCEPT OF SOCIAL SECURITY
2. SPANISH SOCIAL SECURITY LAW
3. THE SCOPE OF APPLICATION OF THE SOCIAL SECURITY SYSTEM
4. SOCIAL SECURITY MANAGEMENT

## **WORKLOAD**

**PRESENCIAL ACTIVITIES**

Activity	Hours
Theory	30,00
Classroom practices	15,00
<b>Total hours</b>	<b>45,00</b>

**NON PRESENCIAL ACTIVITIES**

Activity	Hours
Attendance at other activities	0,00
Individual or group project	0,00
Independent study and work	0,00
Preparation of lessons	0,00
Preparation for assessment activities	0,00
Resolution of case studies	0,00
<b>Total hours</b>	<b>0,00</b>

**TEACHING METHODOLOGY**

Given the non-legal profile of the degree in which the subject is taught, it is essential to adequately combine different teaching methodologies.

Exposure of theoretical contents by means of the master lecture. After a previous reading and preparation of each of the topics by the students, the professor will expose and explain in a dynamic way those fundamental elements that should guide the students in the study and understanding of the subject, frequently using practical assumptions, in order to bring the student closer to the problems and legal solutions that may arise in the daily life of the companies. In this way, the student will become familiar with the legal language, the handling of legal and judicial texts, and the way in which personnel problems are solved in labor legislation.

In this work of exposition of the contents of the subject, the student's involvement is essential, since he/she must make a previous autonomous effort of reading and preparation of the different sessions.

Development of the knowledge acquired through practical classes. Although in the theoretical classes there will be an equally practical component, it will be in the practical classes where the students, in cooperative work, will fully apply their knowledge on the subject, providing answers to more complex assumptions and trying to achieve in each of the sessions previously defined objectives of knowledge and application.

Independent study. Obviously the student must carry out a work of autonomous, independent study, of preparation of the subject and of the diverse sessions. The student tutoring tools (tutorials, either face-to-face or through the virtual classroom) will be an indispensable complement for the achievement of the teaching objectives.

**EVALUATION**



1st Call: Final written and/or oral test, consisting of an exam, which may be an objective or developmental test, including theoretical-practical questions and/or problems. It constitutes 70% of the grade. In these tests will be considered as general evaluation criteria: - Adequacy of the answer to what is asked: concreteness and accuracy.- Writing and spelling- Terminological and technical precision- Coherence and internal logic of the basis of the answers. Continuous evaluation of each student, based on regular attendance and active participation in the proposed face-to-face activities, such as practical work or participation in workshops, the resolution of questionnaires, the preparation and/or delivery of papers, reports and/or oral presentations on such activities, individually or collectively, all taking into consideration the degree of involvement and effort of students in the teaching-learning process and the skills and attitudes shown during the development of such activities. In any case, it will be necessary to have passed the final exam in order to take into consideration this 30% of the grade.

2nd Call: It is considered that the activities of the continuous evaluation developed during the course have recoverable nature. To these effects, at the time of the final exam of the second call -written or oral- or prior to its celebration, the corresponding recovery activities will be proposed to the students.

## REFERENCES

- 1. Ramírez Martínez, Juan Manuel; García Ortega, Jesús; Pérez de los Cobos Orihuel, Francisco (2023) Curso básico de Derecho del Trabajo y de la Seguridad Social. 19ª edición. Valencia: Tirant Lo Blanch. 2. Goerlich Peset, José María (dir.) (2024). Derecho del Trabajo. 11ª edición Valencia: Tirant Lo Blanch.