

LABOUR LAW II

DOBLE GRADO ADMINISTRACIÓN DE EMPRESAS Y DERECHO/ DUAL DEGREE BBA + LAW

Professor: **DANIEL CIFUENTES MATEOS**

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Degree course: THIRD

Semester: 2º

Category: COMPULSORY

Number of credits: 6.0

Language: English

PREREQUISITES

SUBJECT DESCRIPTION

This course is aimed at providing LLB students with the necessary tools, skills and knowledge on the main foundations, institutions, sources and mechanisms of labour law which are necessary to handle most legal issues that arise at today's global workplace and to tackle common day-to-day problems related to this area of practice. While the Spanish labour law will provide a representative example of the European model of labour law, most of the topics will be covered from an international and comparative perspective.

OBJECTIVES AND SKILLS

The objective of the course is that students become familiar with the principles of labor law. Likewise, the student will:

Acquire the necessary skills to understand and apply labor law, and to be able to apply it in connection with other relevant the areas of law (such as administrative, company and criminal law).

Learn that many of our workplace rights have their origins in international laws and EU law.

Be able to study, analyze and discuss common labor law issues and be given valuable insights into employer strategies and practical options for dealing with such issues.

METHODOLOGY

Teaching methodology	Weighting	Estimated time a student should dedicate to prepare for and participate in
Lectures	30.0 %	45 hours
Discussions	13.33 %	20 hours
Exercises	13.33 %	20 hours
Group work	20.0 %	30 hours

Other individual studying	23.33 %	35 hours
TOTAL	100.0 %	150 hours

PROGRAM

SESSION 1

The hiring process

SESSION 2

Employment contracts. Types. Content

SESSION 3

Working conditions. Minimum standards: wages and hours of work.

SESSION 4

Health and safety.

SESSION 5

Other typical clauses in employment contracts. Trial periods. Exclusivity and post contractual non compete commitments. Permanence agreements.

SESSION 6

Absences

SESSION 7

Equality. Equal pay, equal treatment and types of discrimination

SESSION 8

Maternity/paternity/family related rights.

SESSION 9

Changes in working conditions. Novation agreements and unilateral decisions. Substantial and non substantial changes. Geographical mobility

SESSION 10

Transfer of undertakings.

SESSION 11

Transfer of undertakings.

SESSION 12

Transfer of undertakings.

SESSION 13

Protection of employer's interests. Duty to obey. Employers' surveillance rights. Monitoring. Whistleblowing. Grievances procedures. Sanctions

SESSION 14

Protection of employer's interests. Duty to obey. Employers' surveillance rights. Monitoring. Whistleblowing. Grievances procedures. Sanctions

SESSION 15

Mid-term exam

SESSION 16

Mid-term exam.

SESSION 17

Subcontracting and intermediaries in the labor market. Contractors.

SESSION 18

Subcontracting and intermediaries in the labor market. Contractors.

SESSION 19

Illegal lease of employees. Temporary employment agencies.

SESSION 20

Illegal lease of employees. Temporary employment agencies.

SESSION 21

Termination of employment. Termination by the employee. Termination by the employer. Post termination obligations.

SESSION 22

Termination of employment. Termination by the employee. Termination by the employer. Post termination obligations.

SESSION 23

Termination of employment. Objective dismissals, collective redundancies.

SESSION 24

Termination of employment. Objective dismissals, collective redundancies.

SESSION 25

Termination of employment. Disciplinary dismissals & other reasons for termination.

SESSION 26

Termination of employment. Disciplinary dismissals & other reasons for termination.

SESSION 27

International employee mobility. Main legal aspects. Freedom of establishment and movement.
Posted workers directive

SESSION 28

Practice. Wrap up

SESSION 29

Practice. Wrap up

SESSION 30

Final Exam

BIBLIOGRAPHY

COMPULSORY

Title: EU Employment Law

Author: Catherine Barnard

Publisher / Edition / Year: [Oxford, 4th edition, 2012]

ISBN: [978-0-19-969292-7]

Medium: PRINT

Title: Handbook of Spanish Employment Law

Author: Francisco Javier Gómez Abelleira

Publisher / Edition / Year: [Tecnos, 1st edition, 2012]

ISBN: [978-84-309-5519-0]

Medium: PRINT or ELECTRONIC

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[IE LIBRARY PERMALINK](#)

RECOMMENDED

Title: Social justice as expressed in International Labour Standards: Documents and materials of the ILO.

Author: José Luis Gil y Gil and Tatsiana Ushakova.

Publisher: Juruá Editorial/1st. edition 2015.

ISBN: 978-989-712-349-8.

Medium: PRINT

Title: EU Labour Law: A commentary.

Author: Monika Schlachter.

Publisher: Kluwer Law International/2015

ISBN: 978-90-411-4978-7

Medium: PRINT

Title: EU Labour Law

Author: Ruth Nielsen

Publisher: Djof Publishing/2nd edition 2013

ISBN: 978-87-574-2566-6

Medium: PRINT

Title: EU Anti-Discrimination Law

Author: Evelyn Ellis and Philippa Watson.

Publisher: Oxford University Press/ 2014

ISBN: 978-0-19-873703-2

Medium: PRINT

Title: The law of TUPE transfers
Author: Charles Wynn-Evans
Publisher: Oxford University Press/ 1st Edition/ 2013
ISBN: 978-0-19-966169-5
Medium: PRINT

Title: Comparative employment relations in the global economy
Author: Carola Frege & John Kelly
Publisher / Edition / Year: Routledge / 1st Edition / 2013
ISBN: 978-0-415-68662-4
Medium: PRINT

Title: Employment Law: An Introduction
Author: Stephen Taylor & Astra Emir
Publisher / Edition / Year: Oxford University Press/3rd Edition/2012
ISBN: 978-0-19-960489-0
Medium: PRINT

Title: Employment Law
Author: Samuel Estreicher and Gillian Lester.
Publisher / Edition / Year: Thomson-Foundation Press/2008
ISBN: 978-1-58778-479-8
Medium: PRINT

Title: Principles of Employment Law
Author: Peggie R. Smith, Ann C. Hodges, Susan J. Stabile and Rafael Gely.
Publisher / Edition / Year: Thomson Reuters/2009
ISBN: 978-0-314-16877-1
Medium: PRINT

Title: Employment Law in a nutshell
Author: Robert N. Covington
Publisher / Edition / Year: Thomson Reuters/2009
ISBN: 978-0-314-19540-1
Medium: PRINT

Title: The Global Workplace. International and Comparative Employment Law: Cases and Materials
Author: R. Blanpain, Bisom-Rapp, Corbett, Josephs, Zimmer
Publisher / Edition / Year: Wolters Kluwer, 2nd edition, 2012
ISBN: 978-1-4548-1566-2
Medium: PRINT

EVALUATION CRITERIA

GENERAL OBSERVATIONS

Each student has four attempts over two consecutive academic years to pass this course.

Students must attend at least 70% of the sessions. Students who do not comply with the 70% attendance rule will lose their 1st and 2nd chance, and go directly to the 3rd one (they will need to enroll again in this course next academic year).

Students who are in third or fourth call should contact the professor during the first two weeks of the course.

RETAKE POLICY

In July's retake the maximum final score would be of 8 out of 10.

Grading for retakes will be subject to the following rules:

Students failing the course in the first regular period will have to do a retake in July (except those not complying with the attendance rules, which are banned from this possibility).

Dates and location of the July retakes will be posted in advance and will not be changed.

Criteria	Percentage	Comments
Final Exam	20 %	
Mid term review	20 %	
Case study	10 %	
Group Presentation	20 %	
Class Participation and discussion	30 %	

PROFESSOR BIO

Professor: **DANIEL CIFUENTES MATEOS**

E-mail: dcifuentes@faculty.ie.edu

Daniel Cifuentes has extensive professional experience in employment law and is considered to be one of the top lawyers in Spain in this practice area. In 2014 he joined Pérez-Llorca as partner of the Employment practice, after a number of years working at law firms such as Olswang, Bird & Bird and Uría Menéndez.

Studies

2013 Specialist course in Employment and Insolvency law. Wolters Kluwer

2013 Postgraduate studies in Insolvency law. Universidad de Deusto

2001 Master's degree in Sports law. Universidad San Pablo CEU

2000 Course in Labour law practice. Universidad Complutense

1997 Degree in Law. Major in Business law. Universidad San Pablo CEU

Practice Areas

As an expert in labour law, Daniel advises on all areas of labour relations, covering everything from day-to-day business matters to more complex issues regarding corporate transactions and the transfer of undertakings.

Specifically, Daniel has earned a good reputation in the market thanks to his extensive experience in matters such as collective dismissals, action and bargaining agreements, and intermediation.

In addition, he has a wealth of experience in senior management matters and judicial proceedings before the labour and administrative courts. He also has extensive technical knowledge regarding arbitral proceedings.

Among his clients are Spanish companies from many different industries and multinational foreign companies. He is the lawyer of reference for some of the most important businesses in the areas of new technologies, media and social networks. He also works with corporations from a wide range of sectors of great technical complexity such as the bioscience/biotechnology, telecommunications and broadband services. His experience with businesses from the tourism and hospitality sectors is also notable.

OTHER INFORMATION

CODE OF CONDUCT IN CLASS

1. **Be on time:** : Students arriving more than 5 minutes late will be marked as “Absent”.

Only students that notify in advance in writing that they will be late for a specific session may be granted an exception (at the discretion of the professor).

2. **If applicable, bring your name card and strictly follow the seating chart.** It helps faculty members and fellow students learn your names.

3. **Do not leave the room during the lecture:** Students are not allowed to leave the room during lectures. If a student leaves the room during lectures, he/she will not be allowed to re-enter and, therefore, will be marked as “Absent”.

Only students that notify that they have a special reason to leave the session early will be granted an exception (at the discretion of the professor).

4. **Do not engage in side conversation.** As a sign of respect toward the person presenting the lecture (the teacher as well as fellow students), side conversations are not allowed. If you have a question, raise your hand and ask it. If you do not want to ask it during the lecture, feel free to approach your teacher after class.

If a student is disrupting the flow of the lecture, he/she will be asked to leave the classroom and, consequently, will be marked as “Absent”.

5. **Use your laptop for course-related purposes only.** The use of laptops during lectures must be authorized by the professor. The use of Social Media or accessing any type of content not related to the lecture is penalized. The student will be asked to leave the room and, consequently, will be marked as “Absent”.

6. **No cellular phones:** IE University implements a “Phone-free Classroom” policy and, therefore, the use of phones, tablets, etc. is forbidden inside the classroom. Failing to abide by this rule entails expulsion from the room and will be counted as one absence.

7. **Escalation policy: 1/3/5.** Items 4, 5, and 6 above entail expulsion from the classroom and the consequent marking of the student as “Absent.” IE University implements an “escalation policy”: The first time a student is asked to leave the room for disciplinary reasons (as per items 4, 5, and 6 above), the student will incur one absence, the second time it will count as three absences, and from the third time onward, any expulsion from the classroom due to disciplinary issues will entail 5 absences.