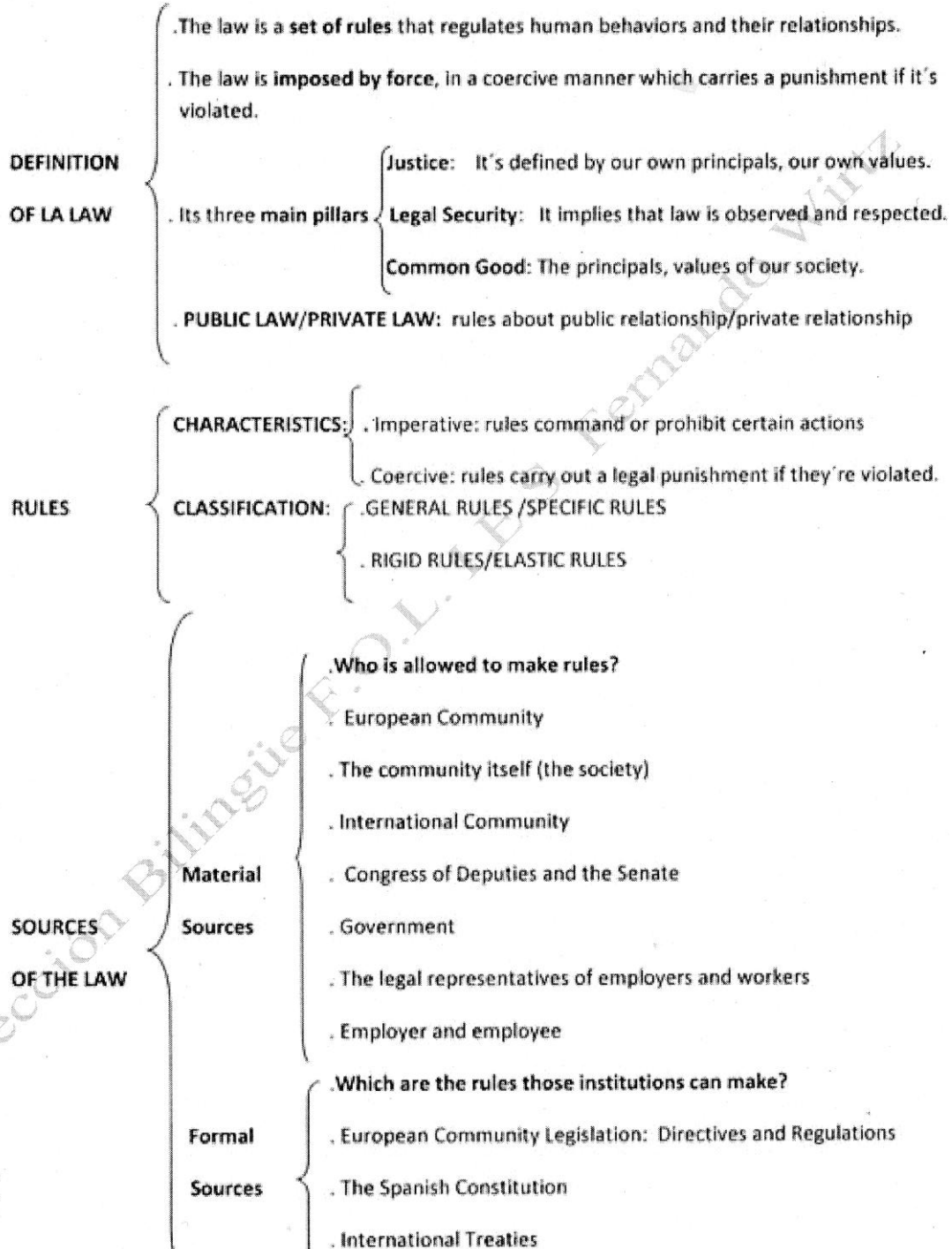


UNIT 05: LABOUR LAW. LABOUR RELATIONSHIP. LABOUR CONTRACTS. COLLECTIVE BARGAINING.

The labour law. Outline



**SOURCES
OF THE LAW**

**Formal
Sources**

- Organic Law: this kind of law regulates The Fundamental Rights and Public Freedoms from the Spanish Constitution. It requires an absolute majority.
- Ordinary Law: for the rest of SUBJECTS that can be regulated. They require a simple majority.
- Decree Law: It's made by the Government for extraordinary and urgent matters.
- Legislative Decree: When the Government is allowed by the Parliament to make a specific kind of legal text.
- Decrees and Ministerial Orders: these are made by the Government to develop a matter that has been set by law.
- Collective Bargaining or Collective Agreement: It's signed by the legal representatives of the workers and the employers.
- Labour Contract: there are two parts, the employer and the employee
- Uses and Customs: A professional practice in a specific place

The labour contract. Outline

DEFINITION	<ul style="list-style-type: none"> .It is a relationship between an employer and an employee in which the worker has to do a job while following the boss 'orders; the employer has to pay the worker a salary for it.
CHARACTERISTICS	<ul style="list-style-type: none"> . Voluntary relationship: The worker goes to work freely . To work for someone: The result of the worker's job is for the employer, not for the worker. (The money from the bill of a client goes to the company, not to worker). . Remunerated relationship: workers 'jobs must be paid. We don't work for free. . Dependent relationship: The worker must follow the boss 'orders.
SPECIAL LABOUR RELATIONSHIPS	<ul style="list-style-type: none"> .They are proper labour relationships . They have their specific regulations
NON-LABOUR RELATIONSHIPS	<ul style="list-style-type: none"> .There are some situations that can't be considered as labour relationships .They lack some important element of a labour relationship . When we give a hand to <ul style="list-style-type: none"> . Our friend . a member of our family . a neighbor
WORKER'S CAPACITY	<ul style="list-style-type: none"> . Who can sign a contract? <ul style="list-style-type: none"> - An 18 year old teenager - A legally emancipated person (By a judge or by an attorney) when he's between fourteen and sixteen y.o. . A non emancipated teenager needs his/her legal representative's permission . If the teenager is under 16 they are not allowed to work
FORM OF THE CONTRACT	<ul style="list-style-type: none"> . The contract can be verbal or written . Verbal: permanent duration/duration shorter than 4 weeks

<p>TRIAL PERIOD</p>	<p>. Workers have the same rights and benefits as any other worker</p> <p>. He has the right to get the money because of his/her job</p> <p>. He has the right to have Social Security</p> <p>. He has the right to get the "finiquito"</p> <p>. It's got to be in writing and for the time legally established.</p>
<p>FORMATIONAL CONTRACT</p>	<p>. For adults between 16 y.o. and 21 y.o.</p> <p>. The worker will learn a profession and work during the working time</p> <p>. The working day won't be longer than 8 hours</p> <p>. It can be signed between a six month period with a maximum of 2 years.</p>
<p>INTERSHIP CONTRACTS</p>	<p>. For young adults who have an university degree or a Vocational Training degree</p> <p>. The aim of the contract is to put into practice the knowledge the students have learned in their studies</p> <p>. It is not fair the way they are paid.</p>
<p>TEMPORARY CONTRACTS</p>	<p>. Those are contracts with a determined period of time.</p> <p>. These are the situations:</p> <ul style="list-style-type: none"> - To replace a worker. (A worker may be ill or may have suffered from an accident. - When the company has a lot of work, an accumulation of work and it needs to fulfill the orders. - When the company is in the process of selecting a new employee to cover a vacancy.

UNIT 06: WORKING TIME AND SALARY.

The working day. Outline

DEFINITION	<ul style="list-style-type: none">. It is the period of time during which the worker does his job.. All the subjects related to the working day are open to negotiation through collective agreements. The law establishes the maximum working hours at work as well as the minimum time off of work.
DAILY	<ul style="list-style-type: none">. People under 18 y.o. : The law establishes an 8hour working day. People over 18 y.o. : The law establishes a 9 hour working day as a maximum.
WORKING	<ul style="list-style-type: none">. Workers have a 12 hour rest period between one working day and the next.
HOURS	<ul style="list-style-type: none">. The work time can be full time or part time.
WORK	<ul style="list-style-type: none">. People under 18 y.o. have a work week of 40 hours of actual labour and 2 days off (a weekly rest period of 2 full days). They are not allowed to work at night or overtime.
WEEK	<ul style="list-style-type: none">. People over 18 y.o. may have irregular work weeks; they have a weekly rest period of 1 day and a half.
	<ul style="list-style-type: none">. The law says nothing about the number of annual working days. It's necessary to look at the Collective Agreement; however the law says the worker has an annual rest period of at least 30 calendar days.

The salary. Outline

DEFINITION	<ul style="list-style-type: none">It is all the payments the worker receives either in cash or in kind in exchange for his/her works (Art.26.1ET). <p>TYPES</p> <ul style="list-style-type: none">In cash: money, checks, direct deposits, bank transfers.In kind: free rent, a company car, a company cell phone, etc...
STRUCTURE OF THE SALARY	<ul style="list-style-type: none">BASE SALARY: the payment that is fixed per unit of time of work (per hour, per day, per month).COMPLEMENTARY WAGES: they are established in the collective agreement of each economic sector. For example: Length of service, commissions, share in company profits, qualifications, shifts, Extra payment, night work etc....NON WAGE COMPLEMENTS: they are amount of money the worker receives to cover certain costs that are created by the work itself.THE STRUCTURE OF THE WAGES IS DETERMINED EITHER IN COLLECTIVE AGREEMENT OR IN THE LABOUR CONTRACT.
THE PAYMENTS	<ul style="list-style-type: none">The worker will receive his/her wage on the date and in the place agreed.The worker will receive a pay slip monthly (a receipt of the payments owned by the employer) and he will have to sign it.The worker has the right to be paid every month.The worker has the right to receive payments in advance for the days already worked.The employer is responsible for deducting from the worker's salary the social security and the taxes.

THE MINIMUM INTER-PROFFESIONAL WAGE

Nobody can earn less than this amount of money when they are working 8 hours a week. The government establishes this amount **every year**.