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

The labour law. Outline

.The law is a set of rules that regulates human behaviors and their relationships. . The law is imposed by force, in a coercive manner which carries a punishment if it's violated. DEFINITION Justice: It's defined by our own principals, our own values. OF LA LAW . Its three main pillars / Legal Security: It implies that law is observed and respected. Common Good: The principals, values of our society. . PUBLIC LAW/PRIVATE LAW: rules about public relationship/private relationship CHARACTERISTICS: . Imperative: rules command or prohibit certain actions Coercive: rules carry out a legal punishment if they're violated. CLASSIFICATION: (.GENERAL RULES /SPECIFIC RULES RULES RIGID RULES/ELASTIC RULES Who is allowed to make rules? **European Community** . The community itself (the society) . International Community Material . Congress of Deputies and the Senate SOURCES Sources . Government OF THE LAW . The legal representatives of employers and workers . Employer and employee .Which are the rules those institutions can make? . European Community Legislation: Directives and Regulations **Formal** . The Spanish Constitution Sources International Treaties

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.

SORCES

Formal

Sources

Legislative Decree: When the Government is allowed by the

OF THE LAW

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

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.

.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

CHARACTERISTICS

Remunerated relationship: workers 'jobs must be pald. We don't work for free.

. Dependent relationship: The worker must follow the boss 'orders.

SPECIAL LABOUR

.They are proper labour relationships

RELATIONSHIPS

. They have their specific regulations

NON-LABOUR

There are some situations that can't be considered as labour relationships

They lack some important element of a labour relationship

RELATIONSHIPS

When we give a hand to

Our friend

a member of our family

a neighbor

Who can sign a contract?

WORKER'S

- 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

The contract can be verbal or written

CONTRACT

Verbal: permanent duration/duration shorter than 4 weeks

	. Workers have the same rights and benefits as any other worker
TRIAL	. He has the right to get the money because of his/her job
PERIOD	. He has the right to have Social Security
	.He has the right to get the "finiquito"
	. It's got to be in writing and for the time legally established.
	.For adults between 16 y.o. and 21 y.o.
FORMATIONAL	. The worker will learn a profession and work during the working time
CONTRACT	. The working day won't be longer than 8 hours
	. It can be signed between a six month period with a maximum of 2 years.
	. For young adults who have an university degree or a Vocational Training degree
INTERSHIP	. The aim of the contract is to put into practice the knowledge the students have
	learned in their studies
CONTRACTS	. It is not fair the way they are paid.
	.Those are contracts with a determined period of time.
TEMPORARY	.These are the situations:
CONTRACTS	-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.