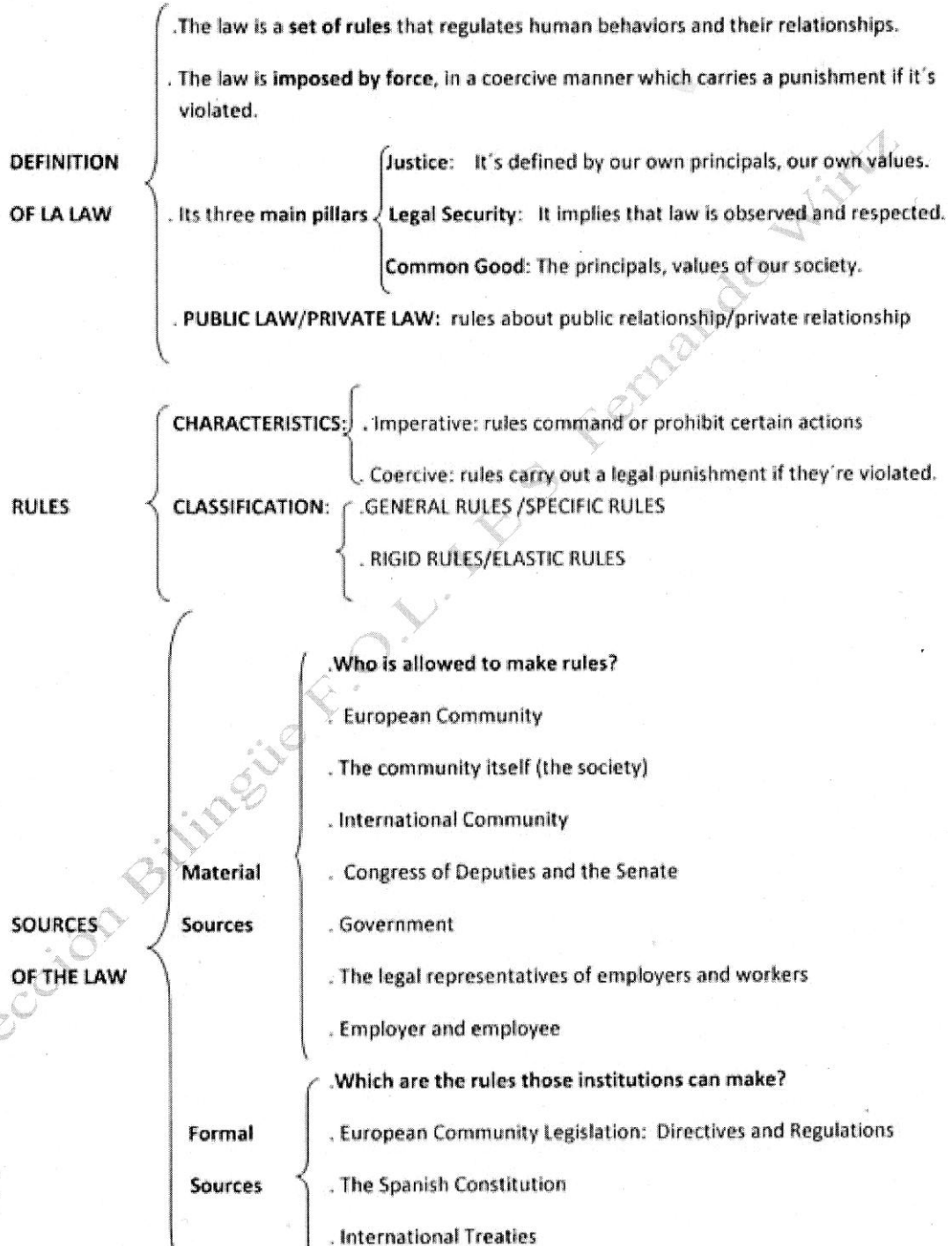


UNIT 05: LABOUR LAW. LABOUR RELATIONSHIP. LABOUR CONTRACTS. COLLECTIVE BARGAINING.

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.