

Cuestiones Unidades 5 a 8

Unit 5

1. Discuss the different types of change of duties (functional mobility) that exist.

Within the professional group: In this case the employer does not have to justify any reason for the change, as long as the worker's rights are not violated. The worker will have to obey and comply with these changes.

Out of the professional group: This is only justified by technical or organizational reasons and must be within a limited time. The employer may ask you to do a job that belongs to a lower professional category, there must be an urgent and unforeseeable need to ask the worker for changing their duties, and that this change must be for the minimum time required. The employer may ask you to do a job that belongs to a higher professional category, in this case the worker has the right to earn the salary that corresponds to the higher professional category.

2. Point out the difference between permanent transfer and displacement. Describe the options that has a worker before the transfer and displacement.

The permanent transfer lasts more than 12 months within a period of 3 years and the displacement consist of changing the usual workplace for the worker no longer than 12 months within a period of 3 years.

In the permanent transfer there are three different options for the worker: To accept the transfer. To terminate the contract with a compensation for the worker of 20 days for every year worked in the company, with a maximum of 12 monthly payments. To accept and go to court. If the worker believes that there are not economic, technical, organizational and/or production reasons to justify the transfer, the company can be summoned to court.

In the displacement the worker has the right to keep their previous position and salary, receive compensation for transportation expenses, take four extra days off every 3 months of displacement, be notified at least 5 days before the displacement takes place if it is going to last more than 3 months.

3. Comment three causes of substantial changes in the work contract and the different options that a worker has.

The employer can modify these contractual conditions if there are economic, technical, organizational and/or production reasons.

The different options that a worker has are: to accept the new conditions. To terminate the contract with a compensation of 20 days for every year worked with a maximum of 9 monthly payments (for modification of work patterns and work efficiency there is no compensation at all). To accept and go to court (within a period of 20 days). If the modification is considered unlawful or unjustified, the worker will have the right to work under their previous conditions.

4. Comment five causes of suspension of a work contract (no extended leave or absence).

- Mutual agreement of the parties.
- Temporary disability (illness or accident).
- Maternity, paternity, adoption or foster care of children under six years old.
- Disciplinary suspension of work and salary.
- Strike and lock out of business.
- Contract obligations, particularly those relating to good faith (prohibition on disloyal competition, professional secrecy, etc.)

5. Three causes of disciplinary dismissal. If the judicial judgment finds a dismissalunfair, what does it mean?

- Recurrent and unjustified non-attendance to work or late arrival.
- Lack of discipline or disobedience at work.
- Frequent alcohol or drugs intoxication whenever these affect the worker's job efficiency and performance.
- The continuous decreasing of job efficiency and performance voluntarily.
- Verbal or physical offence to the employer, to other work colleagues or to their relatives.

If it is considered that the dismissal is unfair, the employer must pay the salaries that accrued during the proceeding, (the salaries that the employee ceases to receive from the date of dismissal until the sentence of the judge). Furthermore, the employer must either reemploy the worker or compensate them with 33 days of salary per year worked in the company, with a maximum of 24 monthly payments.

6. Collective dismissal.

This is very common in recession periods. Collective dismissal must be based on economic, technical, organizational or production reasons. The conditions related to the number of workers being made redundant for collective dismissal are the same as for the collective transfers. A procedure for the regulation of employment must be instituted making a request to the labour authorities.

7. What is the conciliation process.

Conciliation is a voluntary process in which a professional facilitator assists employers and employees to resolve disputes when their own unassisted efforts have not succeeded. The process can be described as a facilitated search for agreement between disputing parties.

Unit 6

8. Obligations of employers to the Social Security.

- Registration of the company.
- Affiliation of the workers to the SS. Each worker must be registered in the SS system the first time they enter the labour market.
- Registration of the worker in the SS system before the worker starts working for the company
- As a result, employers will deduct the contributions of the worker to the SS and pay their own contributions and the workers' into an account of the General Treasury of the Social Security of the province or area in which they are working.
- Termination of the employee. When the work relationship is finished the employer must submit a notification to the Social Security within 6 days from the day the worker ceased working. Concept, causes and duration of temporary impairment.

9. Financial benefits in temporary impairment.

In the case of a common illness the first three days have no financial benefits, the next 18 days have a 60% of the regulatory base and from the 21st day onwards a 75% of the regulatory base.

If the contingency is an occupational illness and work-related accident is paid from the next day of the leave a 75% of the regulatory base.

10. Comment two types of permanent disability that you know.

- Partial disability for the usual profession: It causes a reduction in performance of no less than 33% within their profession.
- Total for the current profession: Prevents the worker from carrying out their current profession, but they are still capable of working in another one.
- Serious disability: When the permanently disabled worker requires the assistance of another person to carry out the most basic activities.

11. Requirements to collect the birth and childcare. How many weeks does it last? Which is the amount that must be paid?

Requirements:

- Be affiliated and registered or in a situation assimilated to registration.
- Have a minimum contribution period covered that varies depending on age:
 - o If the workers are under 21 years of age on the date of childbirth or on the date of the administrative or judicial foster care decision or the judicial resolution establishing the adoption: No minimum contribution period will be required.
 - o If the workers are 21 years of age or under 26 on the date of the childbirth or on the date of the administrative or judicial foster care decision or the judicial resolution establishing the adoption:
 - 90 days within the 7 years immediately prior to the start of the break or, alternatively
 - 180 days of contributions throughout your working life prior to that date.
 - o If the workers are over 26 years of age on the date of childbirth or on the date of the administrative or judicial foster care decision or the judicial resolution establishing the adoption:
 - 180 days within the 7 years immediately prior to the start of the break or, alternatively
 - 360 days of contributions throughout your working life prior to that date.
- Be up to date in the payment of Social Security contributions.

The duration is of 16 weeks and the economic benefit for the birth and care of a minor will consist of a subsidy equivalent to 100% of a regulatory base that is equivalent to that of temporary disability, derived from common contingencies.

12. Requirements to collect unemployment benefit.

- Be affiliated to Social Security and currently inscribed or have a situation assimilated to inscription.
- Be legally unemployed.
- Confirm availability to actively seek employment and accept a suitable employment according to the characteristics of the worker.
- Have paid contributions for a minimum period of 360 days during the previous 6 years prior to becoming legally unemployed or from the date that the obligation to pay contributions ended.
- To have not reached the standard age of entitlement to a retirement pension.

13. Duration of the unemployment benefit and its amount.

The minimum is 4 months unemployment benefit for 1 contributed year. The maximum is 2 years of unemployment benefit for 6 or more contributed years.

The unemployment benefits varies depending on the amount of children you have and the contributed days.

14. Requirements to collect the retirement pension.

Having reached the standard age, with exceptions.

From 01/01/2013, the age for claiming a retirement pension depends on the person's age and the contributions paid over their working life, so they are required to have reached: 67 years of age or 65 years of age and 38 years and 6 months' contributions paid.

The minimum contribution period is 15 years of which, at least 2, must have been included during the 15 years immediately prior to the causal event.

Unit 7

15. What is a trade union? Who are the trade union representatives?

This is an organization whose membership consist of workers and union leaders, united to protect and promote their common interests. Its organization is democratic and the sources of financing are the affiliated feed and public allowances.

16. Comment who are personnel delegates and workers' committee and their composition.

If the company has fewer than 50 workers, there will be from 1 to 3 personnel delegates elected.

If the company has 50 or more workers there is a workers' committee. There are two polling stations, one for technicians and administrative assistants, and another one for the workers. Each section votes for its workers' representation.

17. Comment two rights and responsibilities and two guarantees of workers' representatives.

Rights:

- To receive information from the company related to the economic and accounting situation, work accidents, work contracts made by the company, absence, change of personnel, penalization for employees...
- To be consulted on dismissals, personnel reorganization, transfers, working day cuts, suspensions of work contracts, etc.

Guarantees:

- They cannot be fired or sanctioned for holding their position of workers' representatives. This protection will last one year after the worker finishes in their position. If the dismissal is unfair the workers' representative has the right to decide to continue or leave the company.

18. Define a collective agreement and its scope of application.

Is a process of negotiations between employers and a group of employees aimed at reaching agreements to regulate working conditions. The collective agreement reached by there negotiations usually set out wage brackets, working hours, training, health and safety, overtime, grievance mechanisms, and rights to participate in the workplace or company affairs.

Scope of application:

Personal application: refers to the workers affected by the collective agreement.

Territorial application: refers to the territory where the collective agreement takes effect (state level, province level, autonomous community level, company level).

Temporal scope: refers to the period of time the collective agreement will be in force.

19. Comment what is a strike and who is entitled to call it.

During the labour relationship there can be disputes between workers and the company. There are individual disputes: one worker and the company (these have already been studied in previous units), and collective disputes: between a group of workers and the company.

It is called by the personal delegates, workers' committee, the majority of the workers of the company or the trade unions.

20. What is the lockout? Explain in what cases is possible to do it.

A lock out is a temporary work stoppage or denial of employment initiated by the management of a company during a labour dispute. This is different from a strike, in which employees refuse to work.

Causes:

- Risk of violence against people or serious damages to company's belongings.
- Illegal occupation or risk of illegal occupation of the company's premises.
- Work absences whenever there seriously impede on the work activity.

Unit 8

21. Labour force participation rate and unemployment rate.

The labour force participation rate is the percentage of working-age people in an economy who are employed or unemployed but looking for a job (labour force). Is calculated by dividing the labour force (employed + unemployed) by national population over 16 years old per 100.

The unemployment rate is the percentage of people who are not working but who are actively seeking employment. It is calculated by dividing unemployed by labour force (employed + unemployed) per 100.

22. Describe two steps in the career planning.

- Knowing yourself, begin by thinking about where you are now, where you want to be and how you are going to get there. Once you have thought about where you are at now and where you want to be, you can work on getting to know your skills, interests and values. At the end of this step you will have a clearer idea of your work or learning goals and your individual preferences.
- Finding out, this step is about exploring the occupations and learning areas that interest you. Once you have some idea of your occupational preferences you can research the specific skills and qualifications required for those occupations. At the end of this step you will have a list of preferred occupations and/or learning options.
- Making decisions, this step involves comparing your options, narrowing down your choices and thinking about what suits you best at this point in time. At the end of this step you will have narrowed down your options and have more of an idea of what you need to do next to help you achieve your goals.

23. Point out four characteristics of the candidates that are searched and four that are rejected in the recruitment process.

Searched:

- Initiative
- Teamwork
- Leadership
- Flexibility and being able to adapt
- Good appearance

Rejected:

- Passivity
- Arrogance
- Dependency
- Laziness
- Rigidity

24. Describe three job seeking information sources.

- Internet, There are many web pages related to job seeking which facilitate contacts between companies and job seekers (candidates for a job) including: infojobs or linkedin.
- Self introduction, This is a way of introducing yourself to various companies that may not presently have an advertised position or job opportunity. By sending your CV to different companies, they can keep it in their personnel database for any future job openings/opportunities.
- Temporary employment agencies (TEA), provide people with an opportunity to be hired by other companies which require assistance for a period of time.
- Work placement or hands on training, every vocational training student must complete practical training in a company at the end of the vocational training period. The company can preselect workers among these students.

25. Describe the difference between an application letter and a prospecting letter.

An application letter is a detailed document that provides deeper insight into an applicant's experience and skills. You may send an application letter when you have an interest in working for a company, even if they don't have any openings currently.

A prospecting letter is also known as a letter of interest or an inquiry letter. It states the interest of a sender to work for a company and lists their qualifications. You may send a prospecting letter when you want to explore potential opportunities with a company.

26. Describe the parts of a CV and the differences between a chronological and a skills-based CV.

Personal details, education and qualifications, work experience, skills, hobbies and interests and referees (These can simply be 'Available on request').

Chronological: outlining your career history in date order, normally beginning with the most recent items (reverse chronological).

Skills-based: highly-focused CVs which relate your skills and abilities to a specific job or career area by highlighting these skills and your major achievements.

27. Explain three types of selection tests and psychometric tests.

- Psychometric tests: These include ability tests, aptitude tests and personality questionnaires.
- Situational Judgement Test (SJT): Basically, SJTs measure behavior and attitudes to work-related scenarios.
- Case study exercises: Common in consultancy interviews.
- In-tray exercises: These simulate a real work situation.
- Group exercises: This involves some form of group exercise with other candidates, this might be a practical task or taking part in some form of discussion.