

## **LABOR LAW IN PUBLIC FUNCTIONS**

Degree in Public Management

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Code: 11117

Main Scientific Area: Business Law

Lecturer: Maria da Conceição Soares Alves

Language of Instruction: Portuguese

Regime: S2

Contact Hours: 60h Total Workload: 108h

ECTS: 6,0

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### **Objectives**

- Define the scope and object of Labor Law in Public Functions
  
- know how to characterize the different types of bond and work provision for the exercise of public functions and requirements of the parties for the constitution of the bond;
  
- Characterize the content of the employment contract in public functions and master the experimental period and the specificities that each type of bond involves;
  
- Know the different rights and duties of the parties to the public employment relationship;
  
- Explain and characterize the careers of workers in public functions;
  
- Master the regimes of duration of the contract and different types of working hours;
  
- Know qualitatively and quantitatively the remuneration and other equity benefits;
  
- Know and know how to correctly apply the vacation and absence regime of workers in public functions;
  
- Identify and understand the legal regime of the different forms of termination of the employment contract.

### **Learning Outcomes**

It is intended that students, at the end of the Curricular Unit:

1. Master the general principles of labor law in public functions;
2. Know, understand and know how to apply the most relevant regimes provided for in the General Labor Law in Public Functions, with regard to the different types of contracting; organization of working time; retribution; vacation; contractual absences and vicissitudes, as well as the various forms of termination of the employment contract in Public Functions;
3. Be able to advise and know how to solve practical questions in the domain of the application of Labor Law in Public Functions.

### **Course Contents**

1. Types of employment relationship and provision of work for the exercise of public functions
2. Requirements for the constitution of a public employment relationship
3. Impartiality guarantees
4. Formation of public employment relationship
5. Forms and modalities of the employment contract in public functions, trial period and invalidities  
Invalid public employment relationship
6. Rights, duties and guarantees of the public worker and employer
7. Powers of the public employer
8. Agreements limiting freedom of work
9. Activity, workplace and careers
10. Time and working hours
11. Right to vacation
12. Absence from work regime

13. Remuneration

14. Exercise of disciplinary power and disciplinary sanctions

15. Licenses

16. Termination of contract

### **Recommended Bibliography**

1. Legislação da Função Pública Anotada -Fernando Gonçalves,Manuel João Alves,Vitor Manuel Freitas Vieira,Rui Miguel Gonçalves, Almedina,
2. Comentários à Lei Geral do Trabalho em Funções Públicas, Paulo Veiga e Moura, Almedina;
3. O CONTRATO DE TRABALHO EM FUNÇÕES PÚBLICAS FACE À LEI GERAL DO TRABALHO - Cláudia Sofia Henriques Nunes, Coimbra Editora, Outubro 2014.
4. TEIXEIRA, Mariana Rufino, CONTRATO DE TRABALHO EM FUNÇÕES PÚBLICAS, Verlag Dashofer, 2009

### **Learning and Teaching Methods**

Through points 1. to 6. of the syllabus, students will be able to identify, characterize and distinguish the different types of bond in public functions, as well as the different forms of contract; duration of the trial period and consequences of non-observance of the legal rules provided for the formation of the bond; students will also be able to identify the requirements that the parties (employer and worker) must meet for the constitution of the public employment relationship.

In turn, and with regard to point 6. of the syllabus, students will master the rights, guarantees and duties that the law grants to each of the parties in the public employment relationship.

The mastery by students of the sphere of action of the public employer, in terms of management power, will be achieved by point 7. of the syllabus, and, point 8. of the syllabus, will provide students with the necessary knowledge in terms of agreements limiting freedom of work.

Points 9. and 10. of the syllabus will enable students to understand the content of the activity of workers in public functions, as well as characterize their workplace and the regime of their general and special careers.

As for the topic of working time and rest breaks, as well as the definition and modality of the working hours of public servants, students will be reached through point 10. of the syllabus.

With the study of points 11. and 12., students will be able to apply in practice the regime of the right to vacation, in particular with regard to the special cases of this right - year of admission; year of suspension of the contract and year of termination of the bond, as well as mastering the different typology of faults and their effects.

With the study of the subject contained in point 13. of the syllabus, students will be able to know the system of remuneration of workers in public functions and its components and through point 14. students will be able to know the scope and limits to power disciplinary action of the public employer, as well as to know the different disciplinary sanctions that can be applied.

With regard to points 15. and 16. of the syllabus, they will be achieved through a detailed analysis of the unpaid leave regime - different types and effects, and with regard to point 16., students will be able to know and characterize the different modalities of termination of the bond - expiry; wake up; termination for disciplinary reasons; termination by the worker with prior notice; termination by the worker with just cause - being able to identify the required procedures to operate the termination of the bond in each of these forms of termination thereof.

### **Assessment Methods**

Two evaluation tests with a weighting of 50% each to be carried out on dates to be announced in due course.

The minimum grade for the student to remain in continuous assessment is 8 points.

For approval, students must obtain a minimum grade of 9.5.

Erasmus students must carry out a written work subordinated to the analysis of the legal regime in their country of origin around one of the subjects studied in this Curricular Unit. The deadline for the submission of works will be announced in due course.