

LABOR AND CONTRIBUTION LAW

Degree in Taxation

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Code: 16316

Main Scientific Area: Business Law

Lecturer: Iva Alberta Teixeira Faria

Language of Instruction: Portuguese

Regime: S1

Contact Hours: 60h Total Workload: 80h

ECTS: 5,0

Objectives

- Identification and understanding of the main themes of Labor Law today;
- Identification of the fundamental legal framework associated with the management of individual labor relations within companies;
- Know the legal framework of collective bargaining and the representation structures of workers;
- Identification and understanding of the various moments that an employment contract goes through, namely, with regard to formation, modification, suspension and termination;
- Apprehension of the most relevant aspects in terms of Social Security legislation.

Learning Outcomes

By the end of the semester, students should be able to:

- (1) Identify the legal and labor situation and its essential content;
- (2) Identify and articulate the universe of Labor Law sources;
- (3) Understand the differences in the regime of contracts of employment;
- (4) Understand the general scheme of the Contribution Code and - in particular - the rules on subordinate work.

Course Contents

1. Introduction

1.1. Concept of Labor Law

1.2. Object and scope of application of Labor Law

2 - Sources of Labor Law

2.1. Common sources: external and internal

2.2. Own sources: collective labor regulation instruments (IRCT): negotiation and non-negotiation

2.3. Hierarchy of sources of Labor Law

2.4. The principle of more favorable treatment for the worker

3 - Employment Contract

3.1. General aspects

3.1.1. Legal notion (arts. 1152 of the CC and 11 of the CT) and elements of the employment contract

3.1.2. Features of the employment contract

3.2. Formation of the employment contract

3.2.1. Right to work and freedom of work

3.2.2. The promise of employment contract

3.2.3. The subjective and objective assumptions of the employment contract

3.2.4. Accidental elements: the condition and the term

3.2.4.1. Fixed-term employment contracts

3.2.5. Form and formalities of the employment contract

3.2.6. The trial period

3.2.7. The invalidity of the employment contract

3.3. The subjects of the employment contract

3.3.1. The employer and the company

3.3.1.1. Notion of employer

3.3.1.2. The company, the individual employer and the plurality of employers

3.3.1.3. The Employer's Powers

3.3.1.4. The employer's duties

3.3.2. The worker

3.3.2.1. Notion of worker

3.3.2.2. Worker's duties

3.3.2.3. Workers' rights and guarantees

3.3.2.3.1. Personality rights

3.3.2.4. The professional category

3.3.2.5. The antiquity

4 - Content of the individual legal-labor relationship

4.1. The workplace

4.1.1. Determining the place of work

4.1.2. Modification of the work place

4.2. Work and rest times

4.2.1. Normal working period

4.2.2. Operating period

4.2.3. Work schedule

4.2.4. Exemption from working hours

4.2.5. Rest interval

4.2.6. Daily rest

4.2.7. Weekly rest

4.2.8. Part time work

4.2.9. Shift work

4.2.10. Night work

4.2.11. Extra work

4.2.12. Vacation

4.2.13. Holidays

4.2.14. Faults

4.3. The retribution

4.3.1. General notions and principles

4.3.2. Remuneration modalities

4.3.3 Form, place and time of fulfillment

4.3.4. The protection of retribution

4.3.5. Prescription of salary credits

5 - Modification and suspension of the employment contract

6 - Termination of the employment contract

6.1. General aspects and termination modalities

6.2. Expiry

6.3. Revocation by agreement of the parties

6.4. Termination at the initiative of the employer

6.4.1. Dismissal for reasons attributable to the worker

6.4.2. Collective redundancy

6.4.3. Dismissal due to extinction of job

6.4.4. Dismissal for inadequacy

6.4.5. Illicit dismissal

6.4.6. Challenge of dismissal

6.5. Termination at the worker's initiative

6.5.1. Resolution

6.5.2. Complaint

6.5.3. Abandonment

7 - Collective Labor Law

8 - Social Security Legislation

Recommended Bibliography

1. Lições de Direito do Trabalho - A relação individual de trabalho - de David Falcão e Sérgio Tenreiro Tomás - Edição: Edições Almedina, 12ª edição, maio de 2023.

2. Direito do Trabalho - Relação Individual, João Leal Amado, Milena Silva Rouxinol, Joana Nunes Vicente, Catarina Gomes Santos, Teresa Coelho Moreira, Almedina, 2019 - Reimpressão 2022.

3. Manual de Direito do Trabalho e de Processo do Trabalho, Paula Quintas, Hélder Quintas, Almedina, 2023.
4. Casos Práticos - Direito do Trabalho - Questões Práticas Resolvidas, Paula Quintas, Almedina, 6ª Edição, 2022.
5. CONCEIÇÃO, Apelles J. B, Segurança Social - Manual Prático, 14ª Edição, Almedina, 2023

Learning and Teaching Methods

Labor Law is an extensive and complex subject and the curricular unit's program corresponds to that which appears essential to the competencies of a Solicitor within the scope of Labor Law and Social Security.

The choice of syllabus was carefully engineered in order to provide the recipients of the discipline with the knowledge and tools necessary for the exercise of their future professional activity, in a theoretical-practical perspective.

Chapters I, II and III address the sources of law as well as the notions, characteristics, elements of the employment contract and the distinction of similar contractual figures.

Chapters IV to VI deal in detail with the employment contract, namely, training, modifications, accessory clauses, suspension and termination.

Chapter VII is entirely dedicated to the Collective Labor Law.

Finally, chapter VIII proposes the apprehension of the most relevant aspects of the Social Security Legislation.

Assessment Methods

The evaluation methodology for the Labor and Contribution Law Curricular Unit will be carried out as follows:

1. Continuous and periodic assessment:

Continuous and periodic evaluation will be the result of the following elements:

- a) A written, individual and in-person test, with a weighting of 40% in the final classification;
- b) A written, individual and in-person test, with a weight of 50% in the final classification;
- c) A written group work, with a weight of 10% in the final classification;

- The dates for the tests will be included in the Schedule to be made available by the Course Director.

- The minimum classification in each of the tests [a) and b)] is 8 rounded values,

- The grades for the assessment elements will be expressed on a scale of 0 to 20 values, with 2 decimal places.

- The three evaluation moments are mandatory, meaning that failure to complete any evaluation period implies failure to pass the curricular unit.

- The final classification is calculated by weighing all the evaluation elements and will be approved if you obtain a classification equal to or greater than 10 points.

- In tests, only legislation is allowed to be consulted without notes. - Group work must be submitted on the Moodle platform, in a dedicated location, by January 5, 2024.

2. Exam times and grade improvement

In exam periods (first semester exam period, special period and exceptional period) and grade improvement exams, the assessment will consist of a written, individual and face-to-face exam, in which the student takes advantage of the group work grade (10%) achieved in continuous assessment, so the exam classification will be calculated as follows:

1. A written, in-person and individual exam weighing 90% of the final grade;
2. Classification of the group work carried out in the continuous assessment with a weight of 10% of the final classification.

In the event that the student did not submit group work in the continuous assessment because he was absent or was excluded for not having completed the 3 assessment moments, the exam will be weighted 100%.

The student will be approved if they obtain a classification equal to or greater than 10 points.

No oral exams will be held.

The exam dates will be fixed and published by the School's own bodies, in accordance with the terms set out in the Academic Regulations.

3. Mobile students

ERASMUS students who do not speak Portuguese may choose to be assessed by carrying out research work.