LABOUR LAW AND EMPLOYMENT RELATIONS

Code: 21129

Main Scientific Area: Business Law

Lecturer: Iva Alberta Teixeira Faria

Language of Instruction: Portuguese

Regime: S2

Contact Hours: 25h Total Workload: 110h

ECTS: 5,0

Objectives

- Identification and understanding of the main themes of Labor Law today;
- Identification and understanding of the various moments that an employment contract goes through, namely, in terms of formation, modification, suspension and termination;
- Understanding collective bargaining;
- Understanding of the various legal instruments that the employer has at its disposal in terms of the management of industrial relations: changes to the workplace, working time, functional content, among others.

Learning Outcomes

At the end of the semester, students should be able to:
(1) master the general principles of labor law;
(2) to identify the legal and labor situation and its essential content;
(3) identify and understand the contractual modalities and accessory clauses;
(4) identify and understand contractual vicissitudes;
(5) understand the various types of employment contract termination.

Course Contents

Chapter I - Formation of the legal-labor relationship
1. The Individual Employment Contract - Concept, elements
2. Rights, Duties and Guarantees of Labor Subjects
3. Employment contract formation processes
4. Accessory Clauses
5. Trial Period

6. Collective bargaining.Chapter II - Content in general and the special contents in the Employment Contract

1. Contracted Activity, Functional Flexibility
2. Category and Seniority
3. Employment contract modalities
4. Workplace

Chapter III - Time off work
1. Fouls.

2. Vacation.

3. Holidays

Chapter IV - Termination of the Employment Contract

1. Expiry
2. Repeal
3. Individual Dismissal - Justified Objective and Subjective Cause
3.1. Power, Disciplinary Procedure and Dismissal for a Fact Attributable to the Worker (Justified Subjective Cause)
3.2. Dismissal with Just Objective Cause

3.2.1. Collective Dismissal
3.2.2. Dismissal due to extinction of the job
3.2.3. Dismissal for Inadaptation
3.3. Illegality of Dismissal
4. Termination of the Employment Contract by the Worker
5. Denunciation and Abandonment of Work

Recommended Bibliography

1. Lições de Direito do Trabalho - A relação individual de trabalho - de David Falcão e Sérgio Tenreiro Tomás - Edição: Almedina,11ª edição.

2. Contrato de Trabalho – de João Leal Amado, 4ª Edição - Reimpressão 2023

3. Tratado de Direito do Trabalho, Parte II - Situações Laborais Individuais – de RAMALHO, Maria do Rosário Palma Ramalho, Edição: Almedina, 8.ª Edição, 2021.

4. Direito do Trabalho – de António Monteiro Fernandes, Edição: Almedina, 21ª Edição, 2022.

5. Direito do Trabalho – de Pedro Romano Martinez, Edição: Almedina, 10ª Edição - Reimpressão 2022.

Learning and Teaching Methods

Labor law is an extensive and complex discipline. The choice of syllabus was carefully engineered in order to provide the recipients of the course with the necessary knowledge to understand the essential principles of Labor Law and the necessary tools for the development of techniques for solving practical cases on legal situations.
The student, with the apprehension of Chapter I, will be able to define the Labor Law, distinguish the employment contract from similar contractual figures, identify the essential elements of the formation of the employment contract and to list and explain the rights and duties of the subjects of the employment contract.
Chapter II will allow students to learn and understand the various legal instruments that the employer has at their disposal in terms of the management of industrial relations: changes to the workplace, working time, functional content, among others.
Through Chapter III, students will be able to identify contractual vicissitudes and changes to the employment contract.
The identification and understanding of the legal regime of the forms of termination of the employment contract is achieved through Chapter IV.

Assessment Methods

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

Continuous and periodic assessment:

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

a) A mini-test (in person) with a weighting of 25% of the final classification to be carried out on June 5, 2024;

b) A test (in person) with a weighting of 75% of the final classification to be carried out on June 26, 2024;

- The two evaluation moments are mandatory, meaning that failure to carry out any evaluation period implies failure to pass the curricular unit.

- The final classification is calculated by weighing both assessment elements and the student will be approved if they obtain a classification equal to or greater than 10 points, obtained with rounding.