

Course Unit Information Sheet (*Syllabus*)
EMPLOYMENT LAW – SEMESTER II

Course Unit

Employment and Labour Law – II Semester

Teaching Staff

Guilherme Dray (Coord.)

Others

Learning goals

Studying Employment and Labour Law

Contents

CHAPTER I

Performance and Non-Performance of the employment contract

1. Performance of the employment contract and its governing principles
2. Rights and duties
 - 2.1. Rights and guarantees of the employee
 - 2.2. Duties of the employer
 - 2.3. Duties of the employee
3. Non-performance and breach of contract
4. Breach of contract by the employee
 - 4.1. Concept of labour infraction
 - 4.2. Disciplinary procedure: deadlines and procedure
 - 4.3. Dismissal by just cause
5. Breach of contract by the employer
 - 5.1. Contractual liability
 - 5.2. Resolution of contract and right to compensation

CHAPTER II

Work Accidents

1. General overview. General idea and evolution
2. Work accident and work sickness
3. Accident-prevention; health & safety rules
4. Work accident and work sickness
5. Objective and subjective civil liability
6. Increased liability of the employer
7. Fact generating responsibility: delimitation of accident at work
 - 7.1. Workplace
 - 7.2. Time of work
 - 7.3. Accident in itinere
8. Damage
9. Causality between the fact and the damage
9. Compensation and liability



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Chapter III

Termination of the Employment Contract

1. Common rules
2. Major principles
3. Causes of termination
 - 3.1. Expiration
 - 3.2. Revocation
 - 3.3. Dismissal for just cause
 - 3.4. Collective dismissal
 - 3.5. Redundancy
 - 3.6. Dismissal based on inadaptability
 - 3.7. Denunciation of the contract by the employee
 - 3.8. Resolution of the contract by the employee
4. Unlawfulness of the dismissal by the employer: rules and consequences

CHAPTER IV - Labour Law

1. General Overview
2. Collective Structures
 - 2.1. Workers 'councils
 - 2.2. Trade unions
 - 2.3. Associations of employers
3. Collective bargaining
 - 3.1. Contractors
 - 3.2. Procedure
 - 3.3. Modalities of collective agreements
 - 3.4. Contents
4. Collective disputes
 - 4.1. Types of conflicts
 - 4.2. Means of resolution disputes: arbitration, mediation and conciliation
5. Right to strike
 - 5.1. Competence
 - 5.2. Previous notice
 - 5.3. Effects

Skills to be developed

This course intends to develop new areas of Employment and Labour Law that were not studied throughout the First Semester. During the II Semester, students will study the performance and non-performance of the employment contract, the legal regime of work accidents, the termination of the contract, as well as collective bargaining and collective disputes, such as the strike.

Methodology

The Course will be organized through lectures and practical classes. Students are invited to participate, work at group, and to present papers based on specific cases and court decisions from different geographies. Ultimately, the Students will have to do a final exam, that values 50% out of 100%. The other 50% includes the participation, the presentation of cases and the attendance of classes.



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Ultimate goals

The main objective of this course is to provide the Students with the idea of Employment and Labour Law as a discipline that seeks justice, balanced relationships, and full citizenship.

Readings

Bibliography

DAVIDON, Guy / Langille, Brian, The Idea of Labour Law, Oxford, 2013
DRAY, Guilherme, An Introduction to Portuguese Employment and Labour Law, 3rd Ed., Almedina, Coimbra, 2023
DRAY, Guilherme, Equality, Welfare State and Democracy, Almedina, Coimbra, 2018
DRAY, Guilherme, The Influence of the United States spreading the principle of equality, Almedina, Coimbra, 2016
DEAKIN & MORRIS, Labour Law, 7th Ed., Hart Publishing, 2021

Legislative acts and official publications

[Universal Declaration of Human Rights](#)

[European Union Charter of Fundamental Rights](#)

[Portuguese Constitution \(1976\)](#)

[Portuguese Labour Code](#)