

## **LABOUR LAW I**

### **FINAL EXAM STUDY GUIDE**

#### **Definition of Labor Law:**

Labor Law is a branch of law that deals with the relationship between employers and employees, including legal institutions surrounding it. It is also considered a branch of private law that regulates the relationship between individuals in the workplace. The main aim of labor law is to protect employees from market-associated risks.

#### **Origins of Labor Law:**

Labor law originated in the 19th and 20th centuries in response to the crisis caused by overproduction and the oversupply of labor force due to migration from the countryside to the cities, and mechanization. Employees were made to work in dreadful and unsafe conditions, creating deep social unrest. The underlying problem was the imbalance in the bargaining power of employers and employees. Employment law originated by moving away from the basic traditional principles of common law, when the customary restraints and the intimacy of employment relationships in small communities ceased to provide adequate protection against the abuses that originated in industrial areas.

#### **Legal Context:**

Before the 20th century, the legal context of labor law was characterized by absolute free will of the parties, protection of private property, and non-intervention in the employment relationship. Civil liability rules in Spain for work accidents before 1900 meant that the employer was only liable if the employee could prove the employer's fault. After 1900, employers became liable unless the accident was caused by force majeure.

#### **Fundamental Aim of Labor Law:**

The fundamental goals of labor law are to achieve equality, employee's safety, and employee's participation, including the right to speak. Employment law limits contractual freedom and promotes collective bargaining. It establishes mandatory terms such as minimum wage and maximum workday, and gives employees a voice by allowing the setting up of employee representative bodies such as works councils, employee's delegates, and unions. Appropriate protection is given to representatives, and conditions are created that allow them to carry out their role properly.

#### **Limits of Labor Law:**

Labor law needs to find a balance between employee protection and the right to freedom of enterprise. Otherwise, it can become an obstacle to economic efficiency. However, employment law does not generate or destruct employment per se.

#### **Other Aspects of Labor Law:**

Social Security Law is not strictly speaking part of employment law. However, it shares the aim of protecting individuals' economic stability (income security) in situations of hardship or unemployment and at society's expense.

# Labor Law Study Guide

**Douglas E. Ray, Calvin William  
Sharpe, Robert N. Strassfeld**



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