Labour Law [for students attending the Undergraduate degree in Economics and management and for students attending the Undergraduate degree in Economics, organisations and markets]

## Prof. Mirko Altimari

***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

The aim of the course is to provide students with the fundamental legal tools and legal methods for managing human resources and trade union relations in a companies, by developing in students the aptitude to examine the main disciplines of current Labour Law with appropriate language, conceptual autonomy and critical thinking. Starting with the analysis of current regulation, the course then illustrates methodologies and normative solutions based on practices that characterise the structures and behaviours of the parties involved in labour relations. Through a theoretical approach accompanied by applied case studies, the course aims to guide students to a general understanding of the discipline with adequate security, framing market phenomena and individual and collective work relationships in the light of labour law rules, also read in the context of economic and business studies of students’ own training path.

At the end of the course, students will:

1. know and be able to understand the basic regulations governing labour relations in individual enterprises and corporations, in light of the general principles of the private and public framework and of the many sources that typically characterise labour law, with particular reference to laws and collective agreements at different levels, so as to develop an initial understanding of the dynamics of the individual and trade-union relationships as part of the operational processes of enterprises and, in particular, in the management of staff, including particularly topical issues such as working within Industry 4.0 and in the gig economy and forms of distance working (smart working) (objective knowledge and capacity for understanding).

2. be able to apply basic knowledge to the topics covered on the course, enabling them to correctly identify the legal and labour-related constraints and opportunities associated to decisions made by a company, taking an approach geared towards systematically discussing and resolving HR-management issues and trade-union dynamics, and thereby enabling them to critically evaluate the main relative implications on decision-making processes, including in terms of the dissemination and implementation of new technologies in business organisations (application of objective knowledge and capacity for understanding).

3. be able to collect and interpret data for developing  independent evaluations, thanks to an ability to reflect on regulatory data of legal origin (sources of law) and of social origin (practice) related to labour relations, taking into account the main implications of the regulations on labour relations associated with respecting the dignity of individuals, in relation to every dimension and field in which they work, so as to develop mature critical skills that enable them to identify and resolve decision-making problems by applying an appropriate combination of qualitative and quantitative approaches for organizing and managing personnel in companies, and required for developing the ability to evaluate the conflicting demands underlying the contractual dimension of work in various organisations (small and medium-sized enterprises, large enterprises, public administrations and third-sector organisations) (objective independence of judgement).

4. be able to communicate information, ideas, problems and solutions to specialist (legal experts and practitioners) and non-specialist interlocutors, using appropriate legal language and making reference to the concrete implications of the legal administrations that regulate labour relations in organisations (objective communication skills).

5. be able to further advance their studies of labour law with an appropriate degree of autonomy, and to remain updated in future, supplementing their knowledge and identifying and using legal sources and new practices based on the standard processes by which the discipline develops over time, and in line with developments in the field related to the emergence of topical issues (objective learning skills).

***COURSE CONTENT***

The course addresses individual work relations (‘Labour Contracts’) and collective ones (‘Trade Union Relations’) in sequential order. 2/3 of lectures will cover Labour Contracts and 1/3 will cover Trade Union Relations, as written in the following *syllabus*:

*Labour contracts*

1. Work relations in the Civil Code and in the Constitution.
2. The legal organisation of the labour market.
3. Dependent employment contracts (part-time work, fixed-term contracts, temporary work, apprenticeship) and self-employment contracts (also ‘organised’).
4. Protection of professionalism: job descriptions, qualifications, and categories and the so-called *jus variandi.*
5. Work place and schedule (including schedule and time off).
6. Work regulations: management, control and rule powers.
7. Healthcare and safety in workplaces.
8. Remuneration and severance pay (TFR).
9. Suspensions of employment (leave of absence and unemployment benefit and other income support measures).
10. Protection towards illegal dismissal and other guarantees upon termination of employment.

*Trade Union Law*

11. Liberty and trade union in the Constitution and in the Workers’ Statute.

12. Collective bargaining.

13. Union delegations in the company and union rights.

14. The right to strike and to lockout.

15. Limits to strikes involving essential public services.

***READING LIST***

Students may prepare for the exam by choosing any of the following options:

Either study both of the following textbooks (latest editions available): M. Roccella, *Manuale di diritto del lavoro* (edited by D. Gottardi-F. Guarriello), Giappichelli + M.V. Ballestrero, *Diritto sindacale*, Giappichelli;

Or study both volumes of the textbook F. Carinci-R. De Luca Tamajo-P. Tosi-T. Treu, *Diritto del lavoro,* Utet (vol. II *Il rapporto di lavoro subordinato* + vol. I *Il diritto sindacale*), latest editions available.

***TEACHING METHOD***

Lectures, including the illustration and description of topically significant case law.

***ASSESSMENT METHOD AND CRITERIA***

The final exam aims to assess students' preparation on learning outcomes, including the maturity acquired in terms of independence of judgement and communication skills. Students will be assessed by means of a final oral exam based on three questions on the main points of the syllabus: two on "employment contracts" and one on "industrial relations". Students must answer the questions using the knowledge acquired on the course and make links to topical issues that call for the critical analysis of the information and experiences of work in organisations.

Through these questions students will be assessed on their overall knowledge and their ability to critically address studied topics also by connecting the two parts of the syllabus (‘Labour Contracts’ and ‘Trade Union Relations’).

The mark is equally based on students’ thematic and language mastery demonstrated in the development of topics, their critical approach to the subject geared towards constructive problem-solving and their ability to link different areas and themes of the exam questions. Specifically, the oral exam, which is the only one on the entire syllabus, consists of three questions on the syllabus illustrated in class and in the texts from the reading list for individual in-depth study, and the final mark is the weighted average of the results of the three questions.

The criteria used to determine the final mark are as follows:

– Broad awareness of the topics, ability to critically apply knowledge and specific language mastery in the legal area and especially labour law area will result in marks of excellence, with possible attribution of honours (‘*cum laude’*) only in the cases in which students demonstrate an extraordinary preparation.

– Analysis and synthesis skills not entirely articulated and/or use of a language that is not entirely appropriate will result in intermediate/good marks, with differentiation of the mark depending on the level of preparation demonstrated in the exam.

– Content gaps or use of not appropriate language, even if not entirely incorrect, in areas of basic knowledge of the syllabus will result in sufficient marks.

* Significant content gaps and omission of parts of the syllabus, use of incorrect language and lack of knowledge regarding the suggested reading list will result in failing the exam.

***NOTES AND PREREQUISITES***

There are no specific prerequisites for such teaching.

Further information can be found on the lecturer's webpage at http://docenti.unicatt.it/web/searchByName.do?language=ENG, or on the Faculty notice board.