**Labour Law [for students attending the Undergraduate degree in Economics and Law and for students attending the two-year degrees of the School of Economics]**

## Prof. Antonella Occhino

***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 business, by developing in students the aptitude to examine the main norms of 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 be able to:

1.identify and understand the fundamental norms that regulate labour relations in companies, also considering the general principles at the basis of the private and the public sphere, and the multiple sources of Labour Law, with a focus on the regulations and the different levels of collective employment agreements. This will allow students to understand the dynamics at the basis of the relations between individuals and/or trade unions, which are fundamental for the correct functioning of a company, especially in terms of HR management. In particular, the course will explore a selection of key topics that characterise our society, such as labour in the Industry 4.0 and in the Gig economy, and smart working forms (knowledge and understanding).

2.put into practice the skills they have acquired during the course in order to identify the constraints and the opportunities of labour law associated to the choices made by a specific company, and adopt an argumentative approach that will help them face the issues related to HR management and trade unions. This kind of approach will allow them to critically identify main implications on decision-making processes, also considering the spread and implementation of new technologies within organisations (ability to apply knowledge and understanding).

3. collect and carry out an independent analysis of regulatory data that have a juridical and social origin (the sources of law and the praxis, respectively), and that are related to labour relations. This analysis will also take into account the fundamental implications of the norms on regulating labour relations, especially from the point of view of the respect of human dignity at the workplace. This will allow students to identify and face decision-making issues, thanks to the combination of the different qualitative and quantitative approaches adopted to organise and manage the workforce within companies. In addition, they will be able to recognise what needs to be changed in terms of contractual conditions within different organisations (e.g. small, medium-sized, and large enterprises; public administrations; third sector bodies) (independent judgement).

4. explain information, ideas, problems, and solutions to both specialist (jurists and other professionals) and non-specialist audiences, using proper terminology, and considering the concrete implications of the principles that regulate labour relations within organisations (communication skills).

5. continue their studies in the field of Labour law with a high degree of autonomy, and keep track of new regulations and standard practices, following the evolution of the subject over time, also in the light of the latest events (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 two sets of selected readings:

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

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

***TEACHING METHOD***

Lectures, including the presentation and analysis of actual examples of case law.

***ASSESSMENT METHOD AND CRITERIA***

The final exam aims to test students’ acquisition of the intended learning outcomes, including the development of independent judgement and communication skills.

It will consist in an oral exam based on three questions organised as follows: two questions on “Labour contracts”, followed by one question on the “Relations with trade unions”. Students will be asked to answer these questions using the knowledge they have acquired during the course, and put them in relation with the recent events that require a critical analysis of the information and the work experiences within organisations.

Through these questions 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 towards the subject, oriented towards 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.