Labour Law

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

The main aim of the course is to equip students with the core legal tools and techniques for managing human resources and industrial relations within companies, and to help them develop the ability to examine the main labour laws in force, using appropriate language, thinking independently and applying a critical approach. Beginning with the analysis of normative data, the scope of the course is to illustrate methodologies and solutions, including by practical means, which essentially characterise the attitudes and behaviour of the parties in labour relations. By means of a theoretical approach that incorporates case studies, students will learn to understand the discipline with a degree of confidence, contextualising market phenomena and individual and labour relations in light of their knowledge of labour law and of the economic and business areas covered on their degree programme.

At the end students will:

1. identify and understand the fundamental norms that regulate labour relations within 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 the smart working (knowledge and understanding).

2.put into practice the skills they have acquired during the course in order to identify the limits 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 identify the 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 have to take into account the fundamental implications of the norms regulating labour relations, especially from the point of view of the respect of human dignity on the work place. 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 a proper terminology, and considering the concrete implications of the institutions 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 will first address individual labour relations (“Employment contracts”) followed by collective labour relations (“Industry relations”). Two thirds of the lectures will be dedicated to employment contracts and one third will cover industrial relations, as follows:

*Employment contracts*

1. Employment contracts in the civil code and in the Constitution.
2. The legal organisation of the labour market.
3. Wage labour (part time, fixed term, supply contracts, apprenticeships) and autonomous (including “organised”).
4. Protecting professionalism: tasks, qualifications and professions, the so-called *jus variandi*.
5. Employment conditions: time and location (including hours and breaks).
6. Employment regulations: the power to manage, monitor and discipline.
7. Health and safety in the workplace.
8. Remuneration and employee severance pay.
9. Suspending the employment contract (leave and the Italian redundancy fund system and other social shock absorbers).
10. Protection against unlawful dismissal and other guarantees relating to the end of the employment contract.

*Industry relations*

1. The freedom of trade unions in the Constitution and in the Workers’ Statute.
2. The collective contract.
3. The trade union representative in the company and trade union rights.
4. The right to strike and the economic freedom to boycott.
5. Limits to the exercising of the right to strike in essential public services.

***READING LIST***

To prepare for the exam, students must read the entire text, which covers - albeit in a different order - all the topics on the syllabus:

L. Gaeta-M. Esposito-A. Zoppoli-L. Zoppoli, *Diritto del lavoro e sindacale,* Giappichelli, most recent edition.

***TEACHING METHOD***

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

***ASSESSMENT METHOD AND CRITERIA***

The final exam aims to test the 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, the examiner will assess students’ overall level of knowledge and their ability to critically address the topics studies, including in relation to the two sections of the syllabus (“Employment contracts” and “Industry relations”).

The mark will be based equally on knowledge of course content and on the specialist language students demonstrate in formulating arguments; their critical approach to the content, oriented towards problem solving, and their ability to connect the various fields and topics within the scope of the question. More specifically, the exam will be oral in format and cover the entire syllabus. Students will be asked three questions pertaining to areas of the syllabus illustrated in class and based on the texts on the reading list indicated above. The final mark will be the average of the marks awarded for the various questions.

Marks will be awarded a follows:

– Performances demonstrating broad knowledge of the themes of the course, the ability to use critical knowledge and linguistic and expressive skills specific to the field of law and particularly labour law will be deemed “excellent”, with the potential for distinction (*lode*) in cases of particularly excellent exam preparation.

– Performances demonstrating a capacity for analysis and synthesis that is sometimes lacking in structure and/or some inappropriate language will be deemed “fair/good”, depending on the level of preparation.

– Students with gaps in their knowledge, who also use inappropriate if not entirely incorrect language whilst demonstrating basic knowledge of the syllabus will be awarded a grade of “sufficient”.

– Students demonstrating serious gaps in their knowledge or who have, in any case, missed part of the syllabus, use incorrect language or are unfamiliar with the reading material will not pass the exam.

***NOTES ANND 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.