# Labour Law

## Prof. Mirko Altimari

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

The course aims to transmit the key legal techniques for the management of human resources and industrial relations within companies to students, developing their aptitude for analysing the main disciplines of the Labour law in force using an appropriate language, conceptual autonomy, and critical thought. Starting from the analysis of the regulatory framework, the course aims to illustrate methodologies and solutions also on the basis of the legal procedures that characterise the structure and behaviours of the different parties involved in industrial relations. Thanks to a theoretical approach supported by the illustration of case studies, the course aims to guide students towards a general understanding of the subject, providing them with an adequate level of self-confidence, categorising the phenomena related to the market and individual and collective labour relations in the light of the knowledge of the rules established by Labour law, analysing them also in the fundamental context of their learning path.

At the end of the course, students will be able to:

1.know and understand the key rules regulating industrial relations within sole traders and companies in the light of the general principles of private and public law and the multiple sources that typically characterise Labour law, with a focus on the laws and the different levels of collective agreements, in order to get a basic understanding of the dynamic of individual and industrial law, conceived as part of the processes on which companies are based, especially in terms of human resource management, including topics of particular relevance nowadays, such as labour in Industry 4.0 and the Gig economy, and the different types of remote work (smart working) (knowledge and understanding).

2.put their knowledge into practice on the basis of their understanding of the topics explained during the course, in order to properly identify the legal and labour restrictions and opportunities related to business decisions, according to an approach oriented towards argumentation and problem-solving in the field of human resources, and considering the dynamics within trade unions; this will allow them to assess, from a critical perspective, the main implications on the decision-making process, also in the light of the diffusion and implementation of new technologies in business organisations (ability to apply knowledge and understanding).

3. collect and interpret data in order to exercise independent judgment, thanks to their ability to reflect upon the normative data with a juridical (sources of law) and social (legal procedures) origin related to industrial relations, taking into account the fundamental implications of the discipline in terms of labour relations dealing with the respect for human dignity in every professional aspect and field, on order to achieve a level of maturity of judgment allowing them to identify and solve decision-making problems through the application of an appropriate combination between qualitative and quantitative approaches in the organisation and management of human resources within companies, which is necessary to develop the ability to assess the opposed needs at the basis of the contractual dimension of labour within the different types of organisations (small and medium-sized enterprises, large enterprises, public administrations, third sector organisations) (independent judgment).

4. communicate information, ideas, problems, and solutions to specialist (legal experts and professional operators) and non-specialist audiences, using an appropriate legal terminology, and taking into account the concrete implications of the normative institutions regulating industrial relations within organisations (communication skills).

5. pursue further study in the field of Labour law with an appropriately high degree of autonomy, also in order to be able to update and integrate their knowledge through the search and use of sources of law and legal procedures on the basis of the usual evolutionary trends of the discipline over time, and in line with the developments of the subject linked to the emergence of issues related to the latest events.

***COURSE CONTENT***

The course explores individual (“Contracts of employment”) and collective (“Industrial relations with trade unions”) labour relations in sequential order. 2/3 of the lectures will be focused on the Contracts of employment, while the remaining 1/3 will analyse the Industrial relations with trade unions, according to the following *syllabus*:

Part 1 *Contracts of employment*

1. Labour relations in the civil code and the Constitution.
2. The legal organisation of the labour market.
3. Wage labour (*part-time* contracts, fixed-term contracts, supply contracts, apprenticeship) and self-employment (also “organised”).
4. The protection of professionalism: tasks, qualifications, categories, and the so-called *jus variandi*.
5. Working environment and time (including time schedules and days off).
6. The regulation of the job performance: the management, control, and disciplinary power.
7. Occupational safety and health protection.
8. Remuneration and severance indemnity (in Italian: *TFR*).
9. Termination of the employment relationship (leave of absence, temporary unemployment compensation, other welfare support systems).
10. The protection against unlawful dismissal and other guarantees at the end of the employment relationship.

Part II *Industrial relations with trade unions*

1. Trade union freedom in the Constitution and the *Statuto dei lavoratori* (the Workers’ statute).
2. Collective agreements.
3. Trade union representations in the workplace and trade union rights.
4. The right to strike and lockout.
5. The restrictions to the exercise of the right to strike in essential public services.

***READING LIST***

For the final exam, students will have to study the whole textbook, in which they can find – although exposed in a different order - all the topics included in the course content:

L. Gaeta-M. Esposito-A. Zoppoli-L. Zoppoli, *Diritto del lavoro e sindacale*, Giappichelli, the latest edition available.

***TEACHING METHOD***

Frontal lectures, including the illustration and analysis of case law of current interest.

***ASSESSMENT METHOD AND CRITERIA***

The final exam aims to assess the students’ preparation from the point of view of the intended learning outcomes, including the achievement of an adequate level of maturity in the exercise of independent judgment and the acquisition of proper communication skills.

The assessment method is based on a final oral exam consisting in three questions on the most significant parts of the course content; two of them will be focused on the “Contracts of employment”, while the third one on “Industrial relations with trade unions”. Students will be asked to answer these questions on the basis on the knowledge acquired during the course, and find connections with the aspects of the latest events that encourage the critical analysis of information and the working experiences within organisations.

Through these questions, students will be assessed on their level of general knowledge and their ability to adopt a critical approach towards the topics they have studied, also putting in relation the two parts of the course content (“Contracts of employment” and “Industrial relations with trade unions”).

The determination of the final mark will equally take into account the knowledge of the topics and the terminology shown in the exposition of the subjects, the critical approach towards the discipline, constructively oriented towards problem-solving, and the ability to find connections between the different fields and topics at the basis of the questions of the exam.

In particular, the final assessment, a single oral exam based on the whole course content, will consist in the formulation of three questions based on the topics illustrated in class and on the textbooks indicated in the reading list above for the individual study, and the final mark will result from the average between the results of the assessment of the three answers.

The assessment criteria for the determination of the final mark are mentioned below.

- The extensive understanding of the topics, the ability to make a critical use of the knowledge and the specific terminology employed in the legal field, and especially by labour law experts, will determine excellent marks, including the highest mark with honours (that will be assigned exclusively to students showing an extraordinary level of preparation).

- A not fully articulated ability to analyse concepts and be concise and/or the use of a slightly inappropriate terminology will determine acceptable/good marks, depending on the level of preparation shown during the exam.

- The presence of knowledge gaps or the use of an inappropriate terminology, even if it is not completely incorrect, and a basic understanding of the course content will determine a sufficient mark.

- Important knowledge gaps or, in any case, ignoring part of the course content, the use of an incorrect terminology or the poor knowledge of the reading list mentioned above will determine negative marks.

***NOTES AND PREREQUISITES***

There are no prerequisites for attending the course.

In case the current Covid-19 health emergency does not allow frontal teaching, remote teaching will be carried out following procedures that will be promptly notified to students.

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.