Labour Law

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

The course aims to provide students with the fundamental and advanced legal tools and techniques for the management of human resources and trade union relations in companies. It aims to develop students’ ability to analyse Labour Law with appropriate language, conceptual autonomy and critical thinking skills, also in the light of historical data and the social, political and economic context. Starting from the analysis of the regulatory data, the course aims to illustrate methodologies and legal solutions, also based on the practices that characterise the structures and behaviours of the parties in work relations. Through a theoretical approach and with the illustration of applicative cases, the course aims to guide students towards a clear understanding of the discipline, which allows students to frame market phenomena and individual and collective labour relations in light of the rules of Labour Law, as part of the social studies in their formative programme.

By the end of the course, students will:

1. know and be able to understand the essential features of labour law covered on the advanced syllabus (including individual and collective labour relations) and, depending on their ability to develop/apply original ideas, in the context of social, political and economic research, including in relation to more topical issues such as working in Industry 4.0 and protecting workers in the current industrial relations context;

2. be able to apply basic knowledge when interpreting course themes and resolve labour-related issues, particularly in relation to new technologies and within an interdisciplinary context that incorporates other labour-related disciplines (sociological, political and economic); demonstrate the ability to accurately process information from the professional sphere regarding key players in the labour market and the management of human resources and industrial relations;

3. be able enhance their knowledge and manage the complex nature of labour law as a discipline, formulating judgements on the basis of the available information, even when limited or incomplete; be able to reflect on the social responsibilities and ethical questions associated with the implications of personal dignity in labour relations; and demonstrate an aptitude for applying knowledge acquired and weighing up the potential consequences of the various interpretative solutions available against the legal standards and regulations for collective agreements;

4. be able to communicate their own conclusions and knowledge and the reasoning behind the interpretation of regulations to various interlocutors, demonstrating mastery of technical language and respecting the concrete implications of the content studied;

5. be able to make progress in their studies of labour law and generally in disciplines related to companies; and make good use of resources, demonstrating independence of thought, so that they can keep themselves up to date in future, supplementing their own knowledge with an awareness of new legislation and developments in the field.

***COURSE CONTENT***

The course will first address individual labour relations (“Employment contracts”) and then collective labour agreements (“Union relations”). Approximately two thirds of the lectures will be dedicated to employment contracts and one third will cover union 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, apprenticeship) 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 according to the Constitution and Workers’ Statute.
2. The collective agreement.
3. Trade union representatives in companies and trade union rights.
4. The right to strike and the economic freedom to boycott.
5. The limits to the exercising of the right to strike in essential public services.

***READING LIST***

A. Tursi-P.A. Varesi, *Istituzioni di diritto del lavoro (Rapporti di lavoro e relazioni sindacali nel settore privato),* Cedam, latest available edition.

***TEACHING METHOD***

Frontal lectures.

***ASSESSMENT METHOD AND CRITERIA***

The final examination is designed to assess students’ preparation in relation to the learning objectives. Students will be assessed by means of an oral exam comprising questions: two on “Employment contracts” and one on “Industrial relations”. Asking a series of questions on the significant points of the syllabus, the examiner will assess students’ overall knowledge and ability to critically address the topics studied, including in relation to the two sections of the syllabus (“Employment contracts” + “Industry relations”).

The mark will be based equally on knowledge of course content and the specialist language students demonstrate in formulating their arguments; their critical approach to the content and their ability to connect the various fields and topics within the scope of the question asked. 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:

– The performance of students who demonstrate broad knowledge of course themes, an 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.

– The performance of students who demonstrate a capacity for analysis and synthesis that is sometimes lacking in structure and/or fail to use entirely appropriate language will be deemed “fair/good”, depending on the level of preparation demonstrated in the exam.

– The performance of students who reveal gaps in their knowledge and use inappropriate if not entirely incorrect language whilst demonstrating basic knowledge of the syllabus will be awarded a “sufficient” mark.

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

***NOTES AND PREREQUISITES***

In case the current Covid-19 health emergency does not allow frontal teaching, remote teaching and assessment 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.