**Labour and Social Security Law**

## Prof. Daniele Chapellu

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

The course aims to provide students with a solid grounding in current labour and social security law as well as clear understanding of the dynamics in connection with labour and industrial relations. Through the historical and systematic framing of the principles and the presentation of the current law, the course aims to provide students with a solid conceptual basis, a wealth of clear and up-to-date knowledge and a solid mastery of technical and specialised language. By presenting concrete case studies and their classification in the labour law and social security categories, the course aims to develop in students a conscious and critical approach to the multi-faceted problems that permeate individual and collective work relationships and juridical social security relationships.

By the end of the course:

1. Students will know and be able to contextualise all sources on the subject from an interdisciplinary perspective, including labour law, trade union law and social security. They will be aware of the various regulatory levels, from international and European to national and collective agreements.

Specifically, in relation to labour law, students will be able to understand the basic rules governing employment contracts in individual and corporate enterprises, in light of the general principles of private and public law and the many sources that typically characterise labour law.

With regard to trade union law, students will develop awareness of the importance of the presence of collective agreement sources within the Italian labour market and of their typical position and effectiveness in regulating individual employment relationships. They will be able to identify trade union rights and the figures involved in protecting these rights. With regard to laws and collective agreements at different levels, students will therefore understand the dynamics of individual and trade union relations as part of business processes, in particular: personnel management, including particularly topical issues such as employment in Industry 4.0 and the Gig economy, forms of remote working (smart work) and the principles and procedures to be followed in the event of a company crisis.

With regard to social security, students will be able to recognise the main principles and understand their position within the Italian welfare system, distinguishing the strictly *previdenziale* field (social security for working people) from the *assistenziale* field (welfare regardless of employment status). They will be able to orient themselves within a very fragmented and stratified system of sources, taking into account the main characteristics of the legal benefits relationship and the main features of its regulation within the various principles.

(“Knowledge and ability to understand” objective).

2. Students will be able to apply knowledge learned about the various course topics to correctly identify the legal, labour-related and strategic constraints and opportunities associated with company decisions, taking an approach geared towards discussing and resolving the problems related to managing human resources, defining individual contracts, establishing effective industrial relations and observing social security regulations. (“Applied knowledge and ability to understand” objective).

3. Students will develop the ability to critically interpret the information learned by making independent judgements based on reflection on legal data (sources of law) as well as social data (practice) associated with employment relations and social security.

They will be able to identify the fundamental implications of the regulation on employment and social security relations, having developed a maturity of judgement that will enable them to identify and resolve the decision-making problems typically encountered in managing personnel, industrial and social security relations.

They will develop the ability to assess the opposing demands underlying the contractual aspect of labour in the various organisational structures (small and medium-sized enterprises, large enterprises, third-sector organisations) (“Independence of judgement” objective).

4. They will be able to communicate information, ideas, problems and solutions to specialists (lawyers and professionals) and non-specialists using appropriate legal terminology and with regard to the tangible implications of the regulatory principles governing employment contracts in organisations and legal benefits relationships.

The part of the course delivered using the blended learning approach will familiarise students with ways of communicating legal content effectively and innovatively, including by remote means (“communication skills” objective)

5. They will be able to advance their studies of labour law, trade union law and social security with an appropriate degree of autonomy, including by updating their knowledge in future. They will therefore be able to add to their own knowledge by identifying and using new sources of legislation, collective agreements and new practices, keeping up with the developments of the discipline over time and with the developments of the subject associated with the emergence of current issues.

As the course is partially delivered in blended-learning mode, students will have developed the ability to use digital tools (data bases and IT platforms), which will support them in remaining updated on the course topics in future (“Ability to learn” objective).

***COURSE CONTENT***

The beginning of the course will cover the topic of Labour Law and Trade Union Law (about 2/3 of lectures) and then the course will explore Social Security Law (about 1/3 of lectures). The following topics will be covered:

*Labour Law and Trade Union Law*

* The work in the Constitution and international sources.

– Dependent and self-employed work (including collaborations); occasional jobs.

– Types of dependent employment relationships (part-time work, fixed-term contracts, temporary work, apprenticeship).

– Trade Union and liberty.

– Workers’ representation in the company.

– Collective bargaining.

– Striking.

– Active labour policies and services.

– Outsourcing: work and contract administration.

– Objects of the contract: job descriptions, qualifications, and categories.

– Place of work and schedule.

– Obligations of employers (safety and retribution) and employee (diligence, obedience, loyalty). The employer’s powers. Discrimination.

– Management power (control and rule power).

– Suspension of the work relationship: protection of parenthood and work-life balance.

– Discriminations.

– Individual and collective dismissals.

– Guarantees of workers’ rights.

*Social Security Law*

– The historical evolution of the welfare state.

– The welfare state in the Constitution.

– Work accidents and disease insurance and security in working environment.

– Disability and old age insurance.

– Unemployment insurance and other income support measures (in particular, the redundancy fund).

– Social assistance: in particular the tools supporting the poverty related with labour policies.

***READING LIST***

The following textbooks are recommended for the:

*For the part about Labour Law and Trade Union Law*

Attending students:

A. Occhino, G. Zilio Grandi, *Diritto del lavoro,* Giappichelli, Torino -Ultima edizione.

Non attending students:

O. Mazzotta, *Manuale di diritto del lavoro,* Wolters Kluwer Cedam, Milan, 2019.

*For the part about Social Security Law*

For all students (attending and non-attending)

V. Ferrante-T. Tranquillo, *Nozioni di diritto della previdenza sociale,* Cedam, Padua, latest edition available.

Video lessons may be provided on the single topics and support material is made available on *Blackboard* whose content is to be considered an integral part of the study syllabus and subject to assessment during the oral exam.

***TEACHING METHOD***

The course is mostly taught through lectures but also with an innovative blended mode characterised by short pills available online. Presentations in class will integrate, when appropriate, the illustration of theoretical foundations of the subject with discussion of practical cases.

***ASSESSMENT METHOD AND CRITERIA***

Oral exam.

Students will be assessed through an oral exam as follows: two questions on Labour Law and two on Social Security Law. Students will have to prove knowledge of labour and social security principles studied during the course, as well as confidence in the subject, and be able to explain practical and applicative aspects of what studied in class.

The exam will be evaluated out of 30 and the final mark will take into consideration accuracy and depth of answers (70%) as well as students’ ability to support and express their ideas during the exam (30%).

More specifically, the following criteria will be applied to the final mark.

Broad knowledge of the course topics, ability to critically apply acquired knowledge and solid usage of specialised language in the employment and social security area will result in marks of excellence (between 27 and 30), with possible attribution of honours (‘*cum laude’*) only in the cases in which the student demonstrates an exceptional preparation.

A not entirely satisfactory knowledge of the course topics, difficulties in applying the concepts learned to concrete cases, use of a language not entirely appropriate will result in intermediate or good marks (between 23 and 26), according to 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 a more or less sufficient mark (between 18 and 22).

Significant content gaps on basic parts of the syllabus, as well as omission of parts of it, usage of inappropriate or incorrect specialised language will result in failing the exam.

***NOTES AND PREREQUISITES***

It is recommended that students use an up-to-date version of the Civil Code also during lectures, for example, M. T. Carinci (edited by), *Codice del lavoro. I codici tascabili,* Giuffrè, Milan, latest edition available; L. Ciardini-F. Del Giudice-F. Izzo (edited by) *Codice del lavoro. I codici MINOR,* XVI edition, Edizione Giuridiche Simone, latest edition available.

Being subject to the incessant flux of contemporary political, social and economic factors, labour law and social security law are constantly evolving. As a result, to be able to learn most effectively, students should be actively interested and curious about current affairs, both national and international.

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.