# Labour Law (Advanced Course)

## Prof. Matteo Corti

Comparative Labour Law and Industrial Relations

COURSE AIMS AND INTENDED LEARNING OUTCOMES

The priority objective of the course is to convey advanced tools and techniques of Labour Law. Within the first module of the course, this is done through a delving into European Union labour law, which is becoming increasingly important in the regulation of labour relations within the Member States, including, of course, Italy. In the second module, this is done, *alternatively and at the choice of the student*:

a) through the analysis of specific aspects of the national labour discipline that reflect current issues of labour regulation and have been dealt with more summarily in the institutional course of Labour Law or Labour Law Institutions, *or*

b) through the study of industrial relations, addressed using a comparative approach and *in English*.

The first module aims to provide students with the aptitude to examine EU social policy using appropriate language, conceptual autonomy and a critical spirit.

In the second module, for students who opt for *alternative sub a)*, the following profiles of national labour law are explored: the typological articulation of the employment relationship; health and safety in the workplace; and the employment relationship under public administration. For students who, instead, opt for *alternative sub b)*, European industrial relations are examined in comparison with the United States.

At the end of the course, students will know and understand the main features of the specialist topics addressed in the course. They will be able to apply the knowledge acquired and solve problems related to the course topics, using the reference legislation with confidence, also in light of the most relevant doctrinal and jurisprudential guidelines. They will also be able to clearly communicate their conclusions, knowledge and underlying reasons to both specialist and non-specialist audiences, with full command of the technical-legal language and with adherence to the most concrete implications of the issues addressed. They will be able to advance their studies in Labour Law autonomously and with an openness to updates and developments in the subject, with particular reference to the different topics addressed in the programme.

Those who have opted for *alternative sub b)* of the second module, will also know the theoretical foundations of legal comparison in the field of labour law and industrial relations, as well as the basic rules of collective relations in the selected European and overseas legal systems. They will be able to use the comparison technique in the field of industrial relations in an adequate and controlled manner, critically comparing the main institutes within different countries, starting with the Italian legal system. They will also be able to express themselves on issues of comparative industrial relations with appropriate technical language, also *in English*.

COURSE CONTENT

First module

European Union labour law

* Work in the Treaties.
* Employment policies.
* Social policy directives.

Second module (*alternative sub a*)

National labour law

* The typological articulation of employment relationships.
* The protection of health and safety in the workplace.
* The employment relationship with public administrations.

Second module (*alternative sub b*)

*Industrial relations*

- Industrial relations as a particular field of study: the schools of industrial relations.

- The different systems of industrial relations.

- Industrial relations actors: State, trade unions and employer associations.

- What social partners do: collective bargaining and social dialogue.

- Employee representation in the workplace and co-determination: from enemies to partners?

- The conflict: does it still matter (or even exist)?

- Country case studies (USA, UK, Germany, Sweden and Denmark).

READING LIST

With reference to the first course module, students will prepare for the exam using the text:

M. Roccella-T. Treu, *Diritto del lavoro dell’Unione europea* Cedam (Parts 1, 2, 3; excluding Part 4), latest edition available.

With reference to the second course module, *alternative sub a)*, students will prepare for the exam using the following parts of the manual F. Carinci, R. De Luca Tamajo, P. Tosi, T. Treu, *Diritto del lavoro 2. Il rapporto di lavoro subordinato*, Utet, Turin, 2023:

1. L’articolazione tipologica dei rapporti di lavoro: Chapter 12, letters A)-D).
2. La tutela della salute e sicurezza nei luoghi di lavoro: Chapter 7, nos. 1)-7).
3. Il rapporto di lavoro alle dipendenze delle pubbliche amministrazioni: Chapter 13.

The lecturer provides students with a collection of in-depth materials for each of the topics 1-3 at the photocopying office: these materials are an integral part of the exam programme.

With reference to the second course module, *alternative sub b)*, students will prepare for the exam using the set of study materials compiled by the lecturer and made available at the photocopying office.

TEACHING METHOD

Lectures. The lectures related to the second module focus *exclusively* on industrial relations (*alternative sub b*) and are taught *in English*.

ASSESSMENT METHOD AND CRITERIA

An oral exam conducted in the following way:

Two questions related to the first module and two related to the second. Students must know the foundations of European Union labour law, as well as the national labour law institutes OR the topics of comparative industrial relations covered in the course depending on the alternative programme chosen for the second module (sub a or sub b). The exam covering the second module, *alternative sub b)*, will be carried out *in English* and will also be aimed at verifying the student's possession of the specialist lexicon of industrial relations in English. However, general expressive skills in English will not be subject to evaluation.

The exam will be marked out of thirty and the final mark will take into account the accuracy and breadth of the answers (70%), as well as the ability to adequately justify the statements and judgments made during the interview (30%).

More precisely, the following criteria will be applied for the attribution of the final mark.

Broad knowledge of the topics covered in the course programme, an ability to critically apply what has been learned, and a solid possession of the linguistic and expressive properties specific to the disciplines being studied will result in marks of excellence (between 27 and 30), with the possible award of honours only in cases where the student stands out for exceptional preparation.

A less than fully satisfactory knowledge of the course topics, the presence of difficulties in critically applying what has been learned, and the use of terminology that is not entirely appropriate will lead to a fair or good assessment (between 23 and 26), according to the level of preparation demonstrated in the exam.

The presence of learning gaps and the use of inappropriate terminology, even if not completely incorrect, will lead to a largely generic pass mark (between 18 and 22).

The presence of serious learning gaps on basic parts of the programme, as well as the complete omission of a part of the course, the use of specialist language in an inappropriate or incorrect manner will be negatively assessed and will result in the exam being failed.

NOTES AND PREREQUISITES

We review the preparatory aspects of Labour Law (Jurisprudence) and Institutions of Labour Law (Legal Services).

During the lectures of the second module (industrial relations), *attending students* will be offered the opportunity to prepare presentations in English on institutes of their choice in the countries being studied, and to discuss them critically with the lecturer and colleagues. These presentations will be taken into account for the final assessment.

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.