Labour Law

## Prof. Nicolò Rossi

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

The course aims to provide students with the fundamental legal tools and techniques for the management of human resources and trade union relations in companies. It aims to develop students’ ability to analyse current Labour Law with appropriate language, conceptual autonomy, and critical thinking skills. 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 labour relations from a legal point of view, as part of the social studies in their formative programme.

At the end of the course, students will:

1. know and be able to understand the legal categories and the essential features of labour law including individual and collective labour relations and acquire analysis and evaluation skills of the dynamics that characterize the discipline, including more topical issues, such as the technological context of Industry 4.0;

2. be able to deal with problems relating to employment relations and trade union relations and be able to evaluate various practical implications of the issues examined in class, making use of the legal categories necessary for the resolution of disputes;

3. be able to critically select information from different professional areas and company contexts and will develop their own independent judgement and the ability to argue solutions identified from time to time, also in the light of the social and ethical implications connected to the particular involvement of the person in employment relations;

4. be able to communicate information, ideas, problems and solutions to specialised (jurists) and non-specialised interlocutors, demonstrating mastery of legal language;

5. have developed critical thinking skills and learning skills that will enable them to make progress in their future studies of labour law and to navigate in future changes of the legislation.

***COURSE CONTENT***

The course will first address individual labour relations and then collective labour agreements. Approximately two thirds of the lectures will be dedicated to employment relations and one third will cover union relations, as follows:

*Employment relations*

1. Employment relations in the civil code and in the Constitution.
2. The legal organization of the labour market.
3. Wage labour (*part time*, fixed term, supply work, apprenticeship) and autonomous (including “organised”).
4. Protecting professionalism: tasks, qualifications and categories, the so-called *jus variandi*.
5. Location and time of the work performance (including hours and breaks).
6. Employment regulations: the power to manage, monitor, 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 relation.

*Trade union 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***

Students may choose one of the following two books to prepare for the exam:

* A. Occhino, G. Zilio Grandi, *Diritto del lavoro*, Giappichelli, latest available edition.
* A. Tursi, P.A. Varesi, *Istituzioni di diritto del lavoro (Rapporti di lavoro e relazioni sindacali nel settore privato),* Cedam-Wolters Kluwer, latest available edition.

***TEACHING METHOD***

Frontal lectures in class, with possible practical activities and talks by experts.

***ASSESSMENT METHOD AND CRITERIA***

The final exam is designed to assess students’ preparation in relation to the learning objectives. Students will be assessed by means of a written pre-selective test with mainly multiple-choice questions followed by an oral exam that can be taken only by students who have passed the written test. Therefore, failing the written test prevents access to the subsequent oral exam. As a rule, the written test is corrected shortly after the submission of the papers, so that the oral exam can start on the same day. Both the written and the oral exam can focus on all the topics of the course syllabus. The final mark considers the results obtained in both tests, in equal measure. The criteria for assessing students are as follows.

To pass the exam students must demonstrate knowledge of content, definitions, and key concepts of the subjects, which must first of all be demonstrated in the written test. Students who demonstrate broad knowledge of course topics, an ability to use critical knowledge and mastery of legal language and argumentative techniques will be awarded excellent marks. 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 awarded fair/good marks, depending on the level of preparation demonstrated in the exam. 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 sufficient marks. 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***

There are no specific prerequisites for this course.

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.