# Labour Law

## Prof. Michele Faioli

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

The course aims to promote the in-depth study, following also a comparative law logic, of the fundamental legal instruments used in the employment contract, industrial relations and social security. Using a theoretical approach, accompanied by the illustration of applied cases, the course provides students with a general and adequately sure understanding of the discipline, framing the phenomena of the market, and individual and collective work contracts, within the context of their own economic and business studies. Starting from the normative data of law and collective agreement, students will be shown a number of methodologies and solutions based on industrial relations practices that characterise the behaviours of the parties in company contexts.

At the end of the course, students will be able to: (i) *understand* the main features of national, comparative and international labour, according to the teaching syllabus, based on knowing how to apply original ideas within the context of Italian and European industrial relations; and (ii) *apply* complex knowledge based on an *understanding* of the course topics, in the form of problem solving skills related to new topics within wider contexts (transformation of labour, transformation of the company, individual and collective rights, professional training).

Students will also be able to (iii) clearly and unambiguously *communicate* their conclusions, knowledge and rationale regarding labour law, to both specialist and non-specialist interlocutors.

***COURSE CONTENT***

The following topics will be studied:

A. Labour in global/local dynamics (1. Profiles of European and international labour law; 2. Labour law and international competition)

B. The industrial relations system (1. Italian trade union system; 2. Trade union freedom and trade union rights; 3. Collective bargaining; 4. Collective conflict; 5. Bilateralism)

C. Decent work (1. Employment and self-employment; 2. Treatment differentiation; 3. Certification; 4. Irregular labour/inspections; 5. Segmentation of the production process and effects on the employment relationship)

D. The employment contract in the employer organisation (1. Subjects, object and form of the contract; 2. Powers and obligations; 3. Lay-offs; 4. Individual and collective dismissal - Conciliation/Arbitration)

E. The labour market and employment policies (1. Employment services; 2. European employment policies; 3. Contract types - self-employment; coordinated autonomous work and delivery work; fixed-term work, temporary work, training contracts, part-time work - JOBS ACT Reform and 2018/2019 Reforms. Post-COVID-19 Reforms)

F. Public and private pension provision in Italy and in Europe (1. Institutions. General principles. Contributions. 2. Pensions. Income support).

***READING LIST***

Further material for in-depth study will be distributed during lectures and on Blackboard. In any event, the reference texts are as follows:

For the topical modules A and B (*Trade union system and collective bargaining agreement - first part of the course*):

G. Giugni, *Diritto sindacale,* Cacucci, last edition.

Or as an alternative

M. Magnani, *Diritto sindacale,* Giappichelli, last edition.

For the topical modules C, D and E (*Individual employment contract - second part of the course*):

A. Tursi-P.A. Varesi, *Istituzioni di diritto del lavoro,* CEDAM , last edition

Or as an alternative

M. Magnani, *Diritto del lavoro,* Giappichelli, last edition.

For the topical module F (*Elements of* *public and private welfare* *- second part of the course*)

M. Faioli, *Il costo dei diritti previdenziali tra sostenibilità finanziaria ed equilibrio intergenerazionale,* in *Diritti lavori mercati*, 2018, fasc. 1, pp. 138 - 14; P. Sandulli, *La pensione di vecchiaia e quella anticipata*, in Treccani, *Libro dell’anno del diritto*, 2013; M. Faioli, *Appunti di diritto della previdenza complementare*, Ed. Nuova Cultura, 2011

***TEACHING METHOD***

Students will be involved in (i) readings and in-depth studies (see Blackboard and the timetable); (ii) class discussions and work groups on practical cases. Students will be required to (iii) keep notes, jurisprudence, doctrine, etc. in order. Class discussions will be focused on solving problems and arriving collectively at reasoned and well-argued solutions. The readings, published in advance on Blackboard, are extracted from case studies, jurisprudence, laws, doctrine, and collective agreements.

***ASSESSMENT METHOD AND CRITERIA***

* The interim test is aimed at students attending lectures. It is a written test on the topical modules A and B, comprising three open-ended questions. The interim test contributes 50% towards the final mark.

- The exam at the end of the course is oral in nature. For students attending lectures it will cover the topical modules C, D, E, and F. For non-attending students it will cover modules A, B, C, D, E, F. Students will be asked questions on general and practical case topics, the analytical methods for which were covered/taught in class (i.e. students, during the exam, will be presented with a number of hypothetical facts of some juridical relevance, and will be invited to offer an interpretation that a third party - a judge, a client, the legislator, etc. - would find useful).

- In the two tests mentioned, students will have to identify the issue, provide reasoning and argumentation, and conclude with a possible solution. Students will be assessed on their ability to (i) summarise the case, (ii) identify and apply the principles of law, (iii) conduct a legal research/analysis and debate, (iv) effectively communicate the legal concepts and legal reasoning.

***NOTES AND PREREQUISITES***

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.