# Labour Law

## Prof. Michele Faioli

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

The course aims to promote the in-depth study, also following 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 several 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 regulation in global/local dynamics (1. Profiles of European and international labour law; 2. Labour law and international competition)

B. Collective labour law (1. Legal status of unions, workplace representatives, exclusivity/majority; 2. Unions’ and employers organisations memberships and activities; 3. Collective bargaining and duty to bargain; 4. Strike; 5. Paritarian institutions)

C. Decent work (1. Legal status of employees; 2. Individual employment contracts and certification procedures; 3. Irregular work/inspections and labour law enforcement; 4. Segmentation of the production process and effects on the employment relationships)

D. Individual labour law (1. Subjects, object, and form of the employment contract; AI as third element of the employment contract; 2. Powers and obligations; 3. Individual and collective dismissal – 4. Conciliation/Arbitration)

E. Labour market policies (1. Active labour market policies; 2. European strategies; 3. Self-employment and coordinated autonomous work; fixed-term work, temporary work, training contracts, part-time work)

F. Public and private social security systems (1. General principles. Benefits and contributions. 2. Pensions. Unemployment Benefits.).

***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 (*Industrial relations system and collective bargaining agreement - first part of the course*):

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

Or as an alternative

M.V. Ballestrero, *Diritto sindacale,* Giappichelli, ultima edizione

Or as an alternative

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

Or as an alternative

A. Occhino, G. Zilio Grandi, *Diritto del lavoro,* Giappichelli, lasta 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.

Or as an alternative

A. Occhino, G. Zilio Grandi, *Diritto del lavoro,* Giappichelli, last edition

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

M. Faioli, T. Nannicini, *L’uguaglianza è una cosa seria. Come riformare pensioni e welfare,* Il Mulino, 2023

***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***

- In relation to the written exam, 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).

- 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***

Further information can be found on Michele Faioli's webpage at http://docenti.unicatt.it/web/searchByName.do?language=ENG, or on the Faculty notice board.