UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Trade-union Law

2122-5-A5810201

Learning objectives

This course intends to provide a good knowledge of juridical regulation of the Italian trade unions structure and union actions in Italy, by analysing law sources as well as social issues with a case-law approach.

Contents

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Detailed program

This course intends to provide a good knowledge of juridical regulation of the Italian trade unions structure and union actions in Italy, by analysing law sources as well as social issues with a case-law approach. The course also includes an historical approach of Italian industrial relations since World War II and a reflection on the industrial relations system and it’s possible evolution in Italy.
The topic of the course will be dedicated to point up the fundamental institutes of labour law and industrial relations system.
Namely:
- Origins of Unions' existence and historical evolution of labour law;
- Freedom of association;
- Trade Unions organization and labour representation (workers and employers);
- Collective Bargaining;
- Collective Bargaining and employment contracts regulation (private and public sector);
- The right to strike (in general and in essential public services) and lock-outs

Prerequisites

Knowledge of the general principles of Employment and labour law.

Teaching methods

Frontal class-room teaching with a case-law approach.

Please note that during Covid-19 emergency period there will be some frontal class-room lessons, and some asynchronous videotaped lessons.

Assessment methods

Students who do not attend the course will take an oral examination

Students who attend the course will take the examination through procedures to be defined during the course, comprehensive of the possibility of specifics reading list, written examinations, working papers and a final oral examination.

During Covid-19 emergency oral examinations could be online.

Textbooks and Reading Materials

Some monographic works, lecture notes, judicial decisions related to issues discussed, and necessary to pass the examination, will be suggest and place at students' disposal during the lessons.

All the students have to get judicial decisions contained in the following resource:

- L. Giasanti, Compendio di Giurisprudenza, 2021/2022.

This reporter will be at students' disposal at the beginning of the new academic year on the University website (Giasanti, e-learning, Diritto sindacale, Compendio).

Students who attend the course have to study the following essays (all of those can be found at the University library or on the University website):

1. F. Scarpelli, *La libertà sindacale*, in F. Carinci (diretto da), Commentario di diritto del lavoro, C. Zoli (a cura di), Il diritto sindacale, Utet, 2007, pp. 65-109;

2. G. Proia – M. Gambacciani, *Il contratto collettivo di diritto comune*, in M. Persiani, F. Carinci (diretto da), Trattato di diritto privato, G. Proia (a cura di), Organizzazione sindacale e contrattazione collettiva, Cedam, 2014, pp. 595-670;

3. L. Giasanti, *Il testo unico sulla rappresentanza del 2014 e la facoltà di indizione di assemblea da parte della rsu*, in Rivista italiana di Diritto del lavoro, Giuffrè, 3, II, 2015, pp. 776 – 783;

4. A. Zoppoli, *Diritto di sciopero e rappresentatività sindacale: il paradosso dei servizi essenziali tra sistema "di fatto", istanze di moderna democrazia e bilanciamento dei diritti*, in Diritto delle Relazioni Industriali, Giuffrè, 4, 2017, pp. 1145 – 1164;

5. R. De Luca Tamajo, *Incertezze e contraddizioni del diritto sindacale italiano: è tempo di regolamentazione legislativa*, in Rivista italiana di Diritto del lavoro, Giuffrè, 2, I, 2018, pp. 273 – 285.

Students who do not attend the course have to study the following text:

M.V. BALLESTRERO, Diritto sindacale, Giappichelli, Torino, ult. ed.;