UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Diritto del Lavoro

2122-3-E3301M152

Learning objectives

Students will acquire the basic knowledge for understanding the law of the employment relationship (subordinate and self employement), as well as to reconstruct and apply the rules relating to the concrete contexts in which they will be called to operate.

Contents

Employment relationship law.

Detailed program

1. The sources of employment law: national and international. The collective agreement: national, territorial and corporate. The principle of Trade Union Freedom and activity of Trade Unions.
2. The subordinate work. The jurisprudential work of qualifying the subordinate employment relationship.Self-employment. Coordinated and continuous work.
3. The subordinate employment contract. The elements of the contract of employment. Probationary period.
4. The classification of workers: work tasks, qualifications and categories.
5. The duration of work: the regulation of working hours
6. Contractual types. The general form. The part-time contract. The fixed-term contract. The intermittent employment contract. The apprenticeships. The smart working.
7. Work without a contract: the orientation internship.
8. The outsourcing of work. The staff leasing. The works contract. The company and branch transfer.

9. The worker's obligations:diligence, obedience and loyalty. Non compete clause.
10. Employer powers and duties. The governing power, control and discipline of the employer. The disciplinary proceedings and conservative sanctions. The appeal. The adjustment in the national collective bargaining agreement.
11. Health and safety at work.
12. Remuneration: sufficiency, proportionality and equal pay. The forms of pay. The TFR. Waivers and transactions, art. 2113 C.C.
13. The prohibition of discrimination.
14. Suspension of work: illness, accident, maternity leave and parental leave.

15. The termination of the employment relationship. The reisignation. The individual dismissal. The just cause and justified reason, subjective and objective.The discriminatory dismissal, for unlawful purposes, of fraud in law, during the ban on withdrawal.
16. Form and procedure for dismissal:disciplinary and economic.The appeal. The sanctions regime. Real and indemnity protection. Work contract with increasing protection. Collective dismissal. The sanctions regime.

Prerequisites

Private law.

Teaching methods

Frontal lessons.

In the event of a new Covid-19 health emergency, lessons could take place remotely in synchronous and or asynchronous videoconference.

Assessment methods

Interview on the topics covered in class.

Attending students have the chance to divide the exam into two parts. More information during class lecture.

In the event of a new Covid-19 health emergency oral exams could be exclusively online. They will be carried out using the WebEx platform and on the e-learning page of the course there will be a public link to access the examination of possible virtual spectators.

Textbooks and Reading Materials

Riccardo Del Punta: DIRITTO DEL LAVORO - Giuffrè - Milano 2021;

Other updated books can also be studied;

During the lessons supplementary material will be made available;

In any case, the study must be accompanied by consultation of the regulatory sources, in particular the Constitution, the Civil Code and special laws and main judgements.

Semester

First semester.

Teaching language

Italian.