UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Diritto del Lavoro - A-L

2526-2-A5810128-AL

Learning objectives

Knowledge and understanding
Provide basic knowledge on the actual labour market law and employee contracts law.

Applying knowledge and understanding
Develop the ability to select, interpret and apply the regulations relevant to the management of employment and trade union relations

Autonomy of judgment
Develop the ability to identify interpretative problems of the legal discipline of labor, resolve them using the hermeneutic techniques of the jurist and using the available information tools (manuals, scientific texts, case law)

Communication skills
Develop the ability to illustrate the interpretative and applicative issues of a legal problem, arguing the different options and highlighting the possible critical application profiles

Learning ability
Develop the ability, in relation to legal issues, to acquire sufficient preparation by distinguishing between general theoretical profiles and special and detailed rules; develop the ability to constantly update on regulatory and jurisprudential innovations

Contents

The course of labour law aims to give students an understanding of the principles of two different but strictly linked aspects: legal rights and obligations regulating all aspects of the workplace relationship between employer and employee on one hand, and, on the other hand, role, regulation and actions of trade unions and employers organizations. The emphasis of the course will be put on the sources of regulation of the employment relationships.

By examination and discussion of some other different issues of labour law it is intended that students will develop their skills of analysis to understand the principal characteristics of the topic: namely role of the constitutional principles; legal provisions and imperative law in employment law; important role and impact of European law; role of the judges and case law; development, characteristic and juridical problems of collective bargaining; role and limits of the contractual freedom of the parties.

Detailed program

Sources of the labour law: Constitutional principles; European Community law; legal provisions and imperative law; contractual freedom of the parties; collective agreement; individual employment contract. Trade unions organisation and representation of Trade Unions. Collective bargaining. The social conflict and the right to strike. The structure of the Labour market. Employment status: full-time permanent contract and different forms in contract relationships. Direct and indirect utilisation of workforce. Fundamental principles and terms of the relationship between employer and employee; protective rights of the worker. The content of the employment contract: legal rights and obligations of the parties. Discipline and Dismissal. Unfair dismissal.

Prerequisites

No specific prerequisites are required

Teaching methods

The Course consists of 72 hours, for the part entrusted to Prof. Franco Scarpelli, and an additional 24 hours for the part entrusted to Prof. Marta Giaconi, of which approximately 80% with teaching delivery (frontal lessons, also with the use of slides) and 20% with interactive teaching (discussion of cases and documents, meetings with operators and witnesses). The preparation and presentation by students of group work, with an in-depth analysis of specific topics, is foreseen on a voluntary basis.

Assessment methods

Oral exam, consisting of an interview on the topics covered in the reference manual and in the supplementary materials made available on the e-learning page. For attending students, the interview will also take place partly on the topics covered in the lessons and on the supplementary materials connected to the lessons and made available on the e-learning page.
For attending students, an optional written exam on parts of the subject is planned.
There are no intermediate tests.

Textbooks and Reading Materials

For the basic study of the subject, it is recommended to use a manual updated (at least) to 2022.

For the study of the subject, one of the following manuals is recommended, at the student's choice:

- R. Del Punta, Diritto del lavoro, Giuffrè, 2022 edition or later;
  -M.V. Ballestrero, G. De Simone, Diritto del lavoro, Giappichelli, 2022 edition or later.The study of labour law needs an up-to-date textbook. The suggested textbook are

The preparation for the exam also includes a part of further study, for which it is essential to examine and study a set of materials indicated by the teacher (judicial provisions, collective agreements, etc.) and made available in e-learning.
It is also recommended to consult the main legal texts on the subject directly (those whose contents are described or discussed in the manual), as always should be done by studying subjects of positive law, but also the consultation of a national collective labor agreement (a further "source" very relevant for the regulation of labor relations).
The latter (which can be freely chosen from among the national collective agreements of any productive sector, for example industry or the tertiary sector, easily found online) must be used not to remember the specific contents, but to verify (for each topic covered in the manual) the way in which collective bargaining integrates and specifies the legal discipline: therefore grasping its structure, the main contents, and consulting it during the study of individual topics relating to the discipline of subordinate employment relationships (in order to understand how the legal source and the collective bargaining source relate to and integrate for this purpose in the "construction" of the rules of a given institution or sector of discipline).

Erasmus students (not attending) and students of other non-law degree courses can agree directly with the professor (after contacting via e-mail: franco.scarpelli@unimib.it, marta.giaconi@unimib.it) a simplified version of the program.

Sustainable Development Goals

NO POVERTY | GENDER EQUALITY | DECENT WORK AND ECONOMIC GROWTH | REDUCED INEQUALITIES