UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

# COURSE SYLLABUS

## Labour Law - A-L

**2627-2-LMG01A009-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 study of labor law encompasses two distinct yet converging areas: the regulation of individual employment relationships, and the rules governing the organization and activities of trade unions and employers' associations.
The primary focus of this course will be the study of the sources and techniques used to regulate employment relationships. Through an in-depth analysis of specific legal frameworks and sectors, students will acquire the

essential methodological tools needed to understand the defining characteristics of labor law, including:

- Constitutional Principles: The role and significance of constitutional law and mandatory protective regulations;
- European Integration: The growing impact and relevance of European Union (EU) law;
- Judicial Precedents: The role of case law and court rulings;
- Collective Bargaining: The development, core content, and legal challenges of collective bargaining;
- Individual Autonomy: The scope and limits of individual contractual autonomy;
- Reforms: Recent labor market reforms and regulatory policies in a transforming society.
  A dedicated portion of the course, structured with a separate class schedule, will focus on the practical analysis of legal documents and judicial rulings related to selected topics in the field.

## Detailed program

Sources of Labor Law: Constitutional principles; the role of European Union (EU) law; mandatory statutory regulations and contractual autonomy; collective agreements and individual employment contracts. Trade Unions and Workplace Representation: Union organization and employee representation structures within the workplace. Collective Bargaining: Frameworks, levels, and legal dynamics of collective bargaining. Industrial Conflict: Labor disputes and the right to strike. Labor Market Regulation: Policies and legal frameworks governing the labor market. Employment Categories: Subordinate employment (employee status) and alternative work/employment contracts. Direct and Indirect Use of Labor: Traditional employment relationship versus indirect labor utilization (e.g., agency work and outsourcing). Employer-Employee Relationships: Fundamental principles and regulations; protection of the worker’s health, safety, and personal integrity. Performance of Work: Rights and obligations of both parties during the execution of the employment contract. Termination of Employment: Resignation, dismissal, and the dissolution of the employment relationship. Enforcement of Rights: Legal techniques and mechanisms for safeguarding and enforcing employment rights.

## 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

Exam preparation also includes an in-depth study component. For this part, it is essential to review and study a selection of materials specified by the instructor (such as court rulings, collective agreements, etc.), which are available on the e-learning platform.
In addition—as is standard practice when studying positive law—students are strongly encouraged to directly consult the primary legal texts and statutes discussed in the textbook. You should also consult a National Collective Labor Agreement (CCNL), which is another highly significant source for the regulation of employment relationships.
The collective agreement (which you may freely choose from any sector, such as manufacturing or services, and can easily be found online) should not be memorized. Instead, it should be used to examine how collective bargaining supplements and specifies statutory law for each topic covered in the textbook. By analyzing its structure and main content while studying individual topics, you will understand how statutory law and collective agreements interact to shape the rules of specific legal frameworks or sectors.
Erasmus and Non-Law Students: Erasmus students (non-attending) and students from non-law degree programs may arrange a simplified version of the syllabus directly with the professors. Please contact them in advance via email at: franco.scarpelli@unimib.it; marta.giaconi@unimib.it. Please note that, regardless, the exam must be conducted in Italian.

## Sustainable Development Goals

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