

LABOUR LAW I

Bachelor of Laws LLB [2504110] SEP-2023 LL1-NLL.2.S.A

Area Private and Business Law

Number of sessions: 15

Academic year: 23-24

Degree course: SECOND

Number of credits: 3.0

Semester: 2^o

Category: COMPULSORY

Language: English

Professor: **ANTONIO ALOISI**

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Antonio Aloisi is a professor of European and Comparative Labour Law at IE University Law School, Madrid, where he is a member of the *Lawtoration Jean Monnet Centre of Excellence*. His research focuses on the impacts of innovation on labour regulation and social institutions.

In 2020, he was awarded an EU-funded Marie Skłodowska-Curie fellowship. The *Boss Ex Machina* project aims to map practices of automated decision-making and assess the adequacy of EU and national legal frameworks for enabling worker-centred workplaces.

Before joining IE University, Antonio was a Max Weber postdoctoral fellow at the European University Institute (EUI), Florence, and a visiting researcher at Saint Louis University, USA. He holds a PhD in Business and Social Law (2018) from Bocconi University, Milan.

Antonio regularly publishes research papers in major academic journals. He has co-authored *Your Boss is an Algorithm. Artificial Intelligence, Platform Work and Labour* (Hart Publishing 2022, with Valerio De Stefano), which provides a compass to navigate the era of radical advancements. His research has been cited by policy documents, case law and media reports.

He is currently involved in various projects on the sociolegal implications of algorithmic management, platform work, non-standard employment, remote work, and collective rights, commissioned by international institutions, national governments and research centres.

Office Hours

Office hours will be on request. Please contact at:

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SUBJECT DESCRIPTION

This course offers students an insightful introduction to the fundamental principles, institutions, sources, and mechanisms of labour law essential for addressing contemporary global workplace challenges and daily issues in this practice field. We will approach topics from an international, European, and comparative standpoint. When relevant, we'll also draw connections to the labour law systems of individual EU Member States.

LEARNING OBJECTIVES

The primary aim of this course is to familiarize students with the central principles of labour law through a global and comparative lens. Upon completion, students will:

- Master the art of interpreting and integrating labour law alongside other pertinent legal fields such as private, corporate, and competition law.
- Understand the influence of international labour law and EU social law in shaping workplace dynamics and power structures.
- Employ judicial interpretation theories to elucidate critical legal concepts in real-world scenarios.
- Critically assess and deliberate on prevailing labour law challenges, drawing on practical insights while emphasizing adherence to international labour standards in alignment with the Sustainable Development Goals and Agenda 2030.
- Recognize and evaluate the emerging trends revolutionizing the modern work environment.
- Determine the significance of technology and assess its implications on work conditions and safeguards.

TEACHING METHODOLOGY

IE University teaching method is defined by its collaborative, active, and applied nature. Students actively participate in the whole process to build their knowledge and sharpen their skills. Professor's main role is to lead and guide students to achieve the learning objectives of the course. This is done by engaging in a diverse range of teaching techniques and different types of learning activities such as the following:

Learning Activity	Weighting	Estimated time a student should dedicate to prepare for and participate in
Lectures	26.67 %	20.0 hours
Discussions	6.67 %	5.0 hours
Exercises in class, Asynchronous sessions, Field Work	20.0 %	15.0 hours
Group work	13.33 %	10.0 hours
Individual studying	33.33 %	25.0 hours
TOTAL	100.0 %	75.0 hours

PROGRAM

SESSIONS 1 - 2 (LIVE IN-PERSON)

Introduction.

Article: On uses and misuses of comparative law (The Modern Law Review, Vol. 45, May 1982) (CED)

Book Chapters: The Oxford Handbook of Comparative Labor Law (CED)

SESSIONS 3 - 4 (LIVE IN-PERSON)

Concepts and goals of labour law.

Working Paper: What is Labour Law? (Cornell Law School research paper No. 06-010) (CED)

Article: What is International Labor Law For? (Law & Ethics of Human Rights Volume 3, Issue 1 2009 Article 3) (CED)

SESSIONS 5 - 6 (LIVE IN-PERSON)

International law. ILO principles. EU social law.

SESSIONS 7 - 8 (LIVE IN-PERSON)

Group presentations on domestic sources, judiciary systems and dispute-resolution mechanisms around the world.

SESSIONS 9 - 10 (LIVE IN-PERSON)

Collective organization. Works councils and unions. Collective action. Right to strike.

Collective bargaining agreements.

Case law analysis.

Practical Case: Albany International BV v Stichting (C-67/96; EU) (curia.europa.eu)

Practical Case: FNV Kunsten Informatie en Media (C-413/13; EU) (curia.europa.eu)

Practical Case: Case of Demir and Baykara V. Turkey (Cour Européenne, 2008)

SESSIONS 11 - 12 (LIVE IN-PERSON)

Basic concepts. Employee – employer – employment contract – independent contractor.

Focus on the classification conundrum through the lens of the gig economy.

Analyze the rulings on the platform workers' status. Prepare pleadings and speeches for the Moot Court.

Practical Case: Case C-692/19 (europa.eu)

Article: The Concept of 'Worker' in European Labour Law: Fragmentation, Autonomy and Scope (Industrial Law Journal, Volume 47, Issue 2, July 2018; Pages 192–225) (CED)

SESSIONS 13 - 14 (LIVE IN-PERSON)

Moot competition.

Focus on the classification conundrum.

Recap & coaching.

Practical Case: Lawrie-Blum (C-66/85) (europa.eu)

Practical Case: Allonby (C-256/01) (europa.eu)

Practical Case: Danosa (C-232/09) (europa.eu)

Practical Case: O'Brien (C-393/10) (europa.eu)

SESSION 15 (LIVE IN-PERSON)

Final exam.

EVALUATION CRITERIA

Each student has four attempts over two consecutive academic years to pass the exam.

Students must attend at least 80% of the sessions. Students who do not comply with the 80% attendance rule will lose their 1st and 2nd chance, and go directly to the 3rd one (they will need to enroll again in this course in the next academic year).

Students who are in third or fourth call should contact the professor during the first two weeks of the course.

Three main criteria will be used in the evaluation: (i) depth and quality of contribution, (ii) clarity and correct use of legal terminology and (iii) personal contribution.

In case of absence, it will not be possible to complete an assignment in a different date.

The final exam will cover everything that students have learned in class, including lectures, case discussions and group exercises.

criteria	percentage	Learning Objectives	Comments
Class Participation	10 %		
Assignments	45 %		
Final Exam	45 %		

RE-SIT / RE-TAKE POLICY

In June's retake the maximum final score would be of 8 out of 10. Grading for retakes will be subject to the following rules:

Students failing the course in the first regular period will have to do a retake in June (except those not complying with the attendance rules, which are banned from this possibility).

Dates and location of the retakes will be posted in advance and will not be changed.

BIBLIOGRAPHY

Compulsory

- Teun Jaspers, Frans Pennings and Saskia Peters. (2019). *European Labour Law*. 1st edition. Intersentia. ISBN 9781780687049 (Printed)

Recommended

- Francisco Javier Gómez Abelleira. (2012). *Handbook of Spanish Employment Law*. Tecnos. ISBN 9788430955190 (Printed)

BEHAVIOR RULES

Please, check the University's Code of Conduct [here](#). The Program Director may provide further indications.

ATTENDANCE POLICY

Please, check the University's Attendance Policy [here](#). The Program Director may provide further indications.

ETHICAL POLICY

Please, check the University's Ethics Code [here](#). The Program Director may provide further indications.

