

LABOUR LAW I

IE University

Professor: **ANTONIO ALOISI**

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Academic year: 19-20

Degree course: THIRD

Semester: 1º

Category: **COMPULSORY**

Number of credits: 3.0

Language: English

PREREQUISITES

There are no mandatory prerequisites.

SUBJECT DESCRIPTION

This course is aimed at providing LLB students with a general introduction of the main principles, institutions, sources and mechanisms of labor law which are necessary to handle most legal issues that arise at today's global workplace and to tackle common day-to-day problems related to this area of practice. Most of the topics will be covered from an **international, European and comparative perspective**. Where possible and useful, reference will also be made to the national systems of Labor Law of the EU member states.

OBJECTIVES AND SKILLS

The objective of the course is that students become familiar with the key principles of labor law. Likewise, the students will:

1. Acquire the skills to apply labor law and be able to apply it in connection with other relevant the areas of law (such as private, company and criminal law)
2. Assess the role of international laws and EU law in governing workplace's interactions and power relationships
3. Apply theories of judicial interpretation of key legal notions in concrete empirical cases
4. Be able to analyze and discuss common labor law issues on the basis of valuable insights into employers' strategies and practical options

METHODOLOGY

The Professor will lead the learning process through lectures and presentations, students are expected to show a **proactive attitude** by participating in class discussion and activities.

Legal materials, cases and news reports will help students to investigate the key issues that labor law deals with and the solutions it provides.

Students will be asked to question what they already know and to think about a number of legal questions critically. They will be given elements to discuss work-related issues from a purely legal / technical perspective.

Active participation in class, presentations and debates are essential elements. **Dynamic, informed** and **independent interaction** in class will be positively rewarded in the final evaluation.

Students are encouraged to demonstrate a deep knowledge of the course topics (i) through an independent research activity and (ii) showing interest in employment related news / situations they come across during the course.

Note: All sessions are face to face.

Teaching methodology	Weighting	Estimated time a student should dedicate to prepare for and participate in
Lectures	26.67 %	20 hours
Discussions	13.33 %	10 hours
Exercises	20.0 %	15 hours
Group work	20.0 %	15 hours
Other individual studying	20.0 %	15 hours
TOTAL	100.0 %	75 hours

PROGRAM

SESSION 1 (FACE TO FACE)

Introduction and presentation.

SESSION 2 (FACE TO FACE)

Concept and goals. What is labor law? Why does it exist? What does it stand for?

SESSION 3 (FACE TO FACE)

Sources of labor law. International legislation. ILO principles. EU law. Domestic legislation.

SESSION 4 (FACE TO FACE)

Collective bargaining agreements. Company policies and handbooks. Individual contracts.

SESSION 5 (FACE TO FACE)

Fundamental institutions. Dispute resolution mechanisms: courts and other alternative measures. Enforcement machinery: labor inspectorate and other public agencies.

Homework: presentation

SESSIONS 6 - 7

In-class exercise. Presentation on sources of labor law and dispute resolution mechanisms around the world.

SESSION 8 (FACE TO FACE)

Collective organization. Works councils and unions. Collective action.

Homework: Watch the movie 'Norma Rae'.

SESSIONS 9 - 10 (FACE TO FACE)

Class activity. Essay on 'Norma Rae'.

SESSIONS 11 - 12

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

Homework: Read rulings on the collaborative and platform economy. Prepare written allegations and speeches for moot.

SESSIONS 13 - 14

Moot: Are workers employee or independent contractors?

SESSION 15

Exam

BIBLIOGRAPHY

A. COMPULSORY

Title: ***EU Employment Law***

Author: Catherine Barnard

Publisher / Edition / Year: Oxford, 4th edition, 2012

ISBN: 978-0-19-969292-7

Medium: PRINT

Materials are also provided on-line for preparation of each session. Additional readings will be posted on the Internet (through campus online).

[Buy your books here](#)

[IE Library permalink](#)

B. RECOMMENDED

Title: ***Handbook of Spanish Employment Law***

Author: Francisco Javier Gómez Abelleira

Publisher / Edition / Year: Tecnos, 1st edition, 2012

ISBN: 978-84-309-5519-0

Medium: PRINT and ELECTRONIC

EVALUATION CRITERIA

A. GENERAL OBSERVATIONS

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

Students must attend at least 70% of the sessions. Students who do not comply with the 70% 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 of class participation, the presentation, the essay and the moot: (i) depth and quality of contribution, (ii) clarity and correct use of legal terminology and (iii) in the case of class participation, attendance.

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

Criteria	Percentage	Comments
Class Participation	15 %	
Group Presentation	15 %	
Essay	20 %	
Moot Court	20 %	
Final Exam	30 %	

B. RETAKE POLICY

In July'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 July (except those not complying with the attendance rules, which are banned from this possibility).

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

PROFESSOR BIO

Professor: **ANTONIO ALOISI**

E-mail: aaloisi@faculty.ie.edu

Antonio Aloisi is Assistant Professor of European and Comparative Labour Law. Prior to joining IE University, Antonio was a Max Weber Postdoctoral Fellow at the European University Institute (EUI), Florence. He defended his doctoral dissertation, entitled "*Facing the challenges of platform-mediated labour. The employment relationship in times of non-standard work and digital transformation*", in 2018 at Bocconi University, Milan, where he was a Lecturer at the School of Law and the LLM of Internet Technology. Previously, he was a visiting researcher at the Saint Louis University School of Law. After graduating in Law from Bocconi University (2013), Antonio worked on a long-term policy framework for school reform in Italy at the Ministry of Education, Universities and Research.

Antonio's interests span employment law and industrial relations. His research mainly focuses on the impact of digital technologies on labour regulation and social institutions. In particular, he studies non-standard forms of employment, automation, artificial intelligence, and new organisational arrangements and practices of collective action. He has been involved in several research projects, some of which were developed in consortium with or commissioned by international institutions or research centres (the Joint Research Centre and the Directorate-General for Employment of the European Commission, the Eurofound and the OECD). He has authored and co-authored a number of articles, book chapters and op-eds in international peer-reviewed journals, books and blogs.

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OTHER INFORMATION

CODE OF CONDUCT IN CLASS

1. **Be on time:** : Students arriving more than 5 minutes late will be marked as “Absent”.

Only students that notify in advance in writing that they will be late for a specific session may be granted an exception (at the discretion of the professor).

2. **If applicable, bring your name card and strictly follow the seating chart.** It helps faculty members and fellow students learn your names.

3. **Do not leave the room during the lecture:** Students are not allowed to leave the room during lectures. If a student leaves the room during lectures, he/she will not be allowed to re-enter and, therefore, will be marked as “Absent”.

Only students that notify that they have a special reason to leave the session early will be granted an exception (at the discretion of the professor).

4. **Do not engage in side conversation.** As a sign of respect toward the person presenting the lecture (the teacher as well as fellow students), side conversations are not allowed. If you have a question, raise your hand and ask it. If you do not want to ask it during the lecture, feel free to approach your teacher after class.

If a student is disrupting the flow of the lecture, he/she will be asked to leave the classroom and, consequently, will be marked as “Absent”.

5. **Use your laptop for course-related purposes only.** The use of laptops during lectures must be authorized by the professor. The use of Social Media or accessing any type of content not related to the lecture is penalized. The student will be asked to leave the room and, consequently, will be marked as “Absent”.

6. **No cellular phones:** IE University implements a “Phone-free Classroom” policy and, therefore, the use of phones, tablets, etc. is forbidden inside the classroom. Failing to abide by this rule entails expulsion from the room and will be counted as one absence.

7. **Escalation policy: 1/3/5.** Items 4, 5, and 6 above entail expulsion from the classroom and the consequent marking of the student as “Absent.” IE University implements an “escalation policy”: The first time a student is asked to leave the room for disciplinary reasons (as per items 4, 5, and 6 above), the student will incur one absence, the second time it will count as three absences, and from the third time onward, any expulsion from the classroom due to disciplinary issues will entail 5 absences.