

Substantive and Procedural Labour Law

The topic areas covered during the second and third years of the Programme will study aspects of labour law in detail, in particular, the discipline of individual and collective employment relations in a European and trans-national context, as well as basic profiles of employment procedures and arbitration.

This part of the Programme will look at in detail, through interdisciplinary studies, the discipline of employment relations (employed, parasubordinate and self-employed) as well as the forms and methods of protection for workers (judicial and extra-judicial), in a broad sense and in a national and trans-national context.

As the study of these topics enters the realms of a system in which a multitude of national, international and Community sources of law interact, in order to optimise the use of comparative methods, the vocational curriculum has been structured in two levels: the first level studies in depth the general principles of the protection of fundamental individual rights and the principles characterising a fair trial; the second level studies more specific topics which are closely related to substantial and procedural labour law and the protection of workers. These are two different focuses of attention, they both play a part in the same unitary perspective, on a national and comparative law scale as well as an international and supranational scale.

From this point of view, special attention will be paid to issues related to the increasingly forceful drive towards legislative harmonisation, undoubtedly due to the strengthening of the European Union, but also noticeable on a trans-national scale, which substantially weakens the role of national sovereignty which is at the heart of all traditional social security systems.

As a result, in addition to generalised problems concerning the protection of rights and fundamental individual liberties, the curriculum area will also deal with the following major topics:

- the relationship between supranational law – with particular regard for European Union and ILO law (International Labour Organisation) – and national law;
- the harmonisation or “communitisation” of disciplines in different areas, with particular reference to: freedom of movement for workers
 - free movement of workers
 - the rights of EU and non-EU workers
 - the protection of gender equality and positive action
 - the protection of privacy and new technologies
 - the promotion of employment and professional training
 - safety and the workplace
 - types of employment relationships: employed, parasubordinate and self-employed
 - the promotion and enhancement of flexible means of entering and exiting the job market
 - the creditor’s powers and workers’ rights
 - instruments and methods of protection: self-protection and judicial protection: civil, criminal and administrative
 - alternative protection measures to judicial action: conciliation and arbitration
 - the role of collective interest organisations in a national, Community and international context
 - trans-national and European collective contract negotiation.

The doctoral students will also be encouraged to participate in cultural and research initiatives organised by the Italian Association of Labour Law and Social Security (AIDLASS) and in the initiative promoted by the Italian Association of researchers into civil procedure.