

**National Research University
Higher School of economics**

LAW FACULTY

Course syllabus

«COMPARATIVE LABOUR LAW »

Program drafted by: Daria V. Chernyaeva, associate professor, LL.M, PhD

dchernyaeva@hse.ru empllaw@gmail.com

Recommended by the law sector of the

Learning&methodical council

Chairman

A.S. Shatalov

«__» _____ 201_

**Approved by the Scientific Council
of the Law Faculty**

Scientific Secretary

«__» _____ 201_

Endorsed by the labour law department meeting

The Head of the labour law department

Prof. Yu. P. Orlovsky, LL.D

«__» _____ 201_

Moscow

2015

I. EXPLANATORY NOTE

Course description: labour and employment law is an important branch of law which aims at teaching social values and their reflection in international agreements and national legislation.

Course aim: The course aimed at making students grasp the essence of modern labour and employment law from a comparative and conceptual viewpoint.

Prerequisites: before attending this course students shall have knowledge of general legal theory, constitutional law, administrative law, general civil law and national labour law.

Course objectives:

After successful completion of this course, students will be able to:

- know all the aspects of the core labour law concepts and ideas;
- analyze national approaches to the regulation of particular labour issues (employment contract, conditions of work, trade unions activity, etc.) and compare them against international labour standards and known schemes of their regulation in the world
- consult clients and provide legal support for employers, employees and other stakeholders seeking to protect their rights in regards to labour and employment matters;
- understand an international dimension of labour and employment law;
- acquire skills necessary for drafting legal papers concerning labour and employment issues.

Session: The course lasts for 1 module.

II. COURSE OUTLINE

No.	Topics	Total hours	Auditorium hours		Self study
			Lectures	Seminars	
1.	Introduction to comparative method in labour law	16	2	2	12
2.	System and sources of labour law	14	2	-	12
3.	Employment contract and employment relationship: concepts, types, forms; conclusion, variation and termination	17	1	2	14
4.	Concept of an employee and an employer. Responsibilities of the parties to an employment contract	15	1	2	12
5.	Working conditions: working time, rest periods and leaves, remuneration.	18	2	2	14
6.	Rights and duties of trade unions and employers organizations	15	1	2	12
7.	Labour and employment dispute resolution. Strikes and lockouts	13	1	-	12
TOTAL:		108	10	10	88

Basic textbook:

1. International Encyclopaedia of Laws: Labour Law and Industrial Relations. / Ed. by: R. Blanpain. – Kluwer Law International. - ISBN: 9789065449054. - Current version of a loose-leaf edition or an online version: <http://www.kluwerlawonline.com/toc.php?area=Looseleafs&mode=bypub&level=4&values=Looseleafs~~IEL+Labour+Law>

Comparative Labour Law and Industrial Relations In Industrialized Market Economies. Ed. by: R. Blanpain. – Wolters Kluwer, 2010.

Additional sources:

1. Countouris N. The Changing Law of the Employment Relationship. – Ashgate, 2013.

2. The Global Workplace: International and Comparative Employment Law Cases and Materials. Ed. by: R. Blanpain, S. Bisom-Rapp, et al. - Wolters Kluwer, 2012.
3. Shutsha D.D. Transaction et contrat de travail: Une analyse comparative en droits congolais, français et belge. - Éditions Universitaires Européennes, 2012.
4. The Idea of Labour Law. Ed. by: G. Davidov, B. Langille. – Oxford University Press, 2011.
5. Bronstein A.S. International and Comparative Labour Law: Current Challenges. – Plaggrave McMillan, 2009.
6. Aaron B.A., Van Wezel Stone K. Rethinking Comparative Labour Law: Bridging Past and Future. – Vandepas Publishing, 2007.
7. International Labour Law Reports.
8. Bulletin of Comparative Labour Relations.
9. Comparative Labour Law and Policy Journal.
10. International Encyclopaedia of Laws: Labour Law and Industrial Relations. / Ed. by: R. Blanpain. – Kluwer Law International. URL: <http://www.kluwerlawonline.com/toc.php?area=Looseleafs&mode=bypub&level=4&values=Looseleafs~~IEL+Labour+Law>

Electronic sources:

Electronic subscriptions of the NRU HSE library: <http://library.hse.ru/e-resources/e-resources.htm>

World Legal Information Institute website: <http://www.worldlii.org/>

Database of national labour legislation of the International Labour Organization NATLEX: <http://www.ilo.org/dyn/natlex/>

GARANT, electronic database system, English edition

Measurement and evaluation of student achievement:

Student achievement is measured and evaluated by:

- ability to understand the scope and specifics of labour and employment law;
- knowledge of the core principles and main provisions of the sources of labour and employment law;
- ability to analyze legal provisions of labour and employment legislation in order to consult clients and provide legal support for employers, employees and other stakeholders seeking to protect their rights in regards to labour and employment matters;
- ability to understand an international dimension of labour and employment law;
- ability to draft legal papers concerning labour and employment law issues.

Grading:

The Law Faculty of the State University Higher School of Economics grading system is mostly numerical, but sometimes verbal notions synonymous with numerical grades are also used. At an exam knowledge of each student is assessed with two grades given simultaneously due to the University policy and the national educational standard requirements. The grade scale looks as follows:

Numerical 10-point scale	Verbal/numerical 5-point scale
1 – unsatisfactory 2- very bad 3- bad	Totally unsatisfactory – 1 Unsatisfactory – 2
4- satisfactory 5 – very satisfactory	Satisfactory - 3
6 – good 7 – very good	Good – 4
8 – almost excellent 9 - excellent 10 – brilliant	Excellent - 5

Grades below 4 out of 10 (satisfactory or “3” out of 5) mean that the topic/course hasn’t been mastered by the student and requires re-testing/re-examination.

Class policies:

1. Assigned reading should be completed before each class. Students are expected to come to class prepared to share questions and thoughts related to the assigned topics.
2. The Labour law Department of the Law Faculty of the State University Higher School of Economics policy permits a student to incur no absences without providing evidence of a good reason.
3. Written homework (if given) must be turned in at the class session following the class at which it has been given. Coursework/essay must be turned in a week before the date of the last class in the course schedule. It is not limited in pages/words and assessed on the basis of its academic value, but it is advised to have it between 6 000 and 9 000 words (or between 10 and 15 PowerPoint slides). Students must make arrangements with the Lecturer/Instructor to make up any missed assignments.
4. Lecturer/Instructor may review the completion of the homework anonymously with the class after the students works have been graded and returned to students. Students are welcome to ask questions and discuss any homework related matters (preferably after the class at which it was given or via e-mail).