Ministry for economic development of the Russian Federation

National Research University
Higher School of Economics

LAW FACULTY

Course syllabus

«COMPARATIVE LABOUR LAW AND SOCIAL SECURITY LAW»

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Recommended by the law sector of the Learning & methodical council
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Endorsed by the labour law department meeting
The Head of the labour law and social security law department

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Approved by the Scientific Council of the Law Faculty

Scientific Secretary

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Moscow

2015
I. EXPLANATORY NOTE

Course description: Labour and social security law are important branches of law which aim at teaching social values and their reflection in international agreements and national legislation. It employs comparative law methodology to study diverse landscape of approaches towards regulation of labour and social security issues. This course allows students to grasp reflection of the ideas of legal regulation of work and social protection both on international, supranational and national levels, as well as study basics, specific examples and most illustrative cases in the field both in class and while performing home assignments and written coursework/essay(s).

Course aim: The course aimed at making students grasp the essence of modern labour and social security 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, as well as national labour and social security law.

Course objectives:
After successful completion of this course, students will be able to:
- know all the aspects of the core labour and social security law concepts and ideas;
- analyze national approaches to the regulation of particular labour and social security law issues (employment contract, conditions of work, trade unions activity, etc.; social security systems, benefits, pensions, etc.) and compare them against international labour and social security standards, as well as with 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 social security matters;
- understand an international dimension of labour and social security law;
- acquire skills necessary for drafting legal papers concerning labour and social security issues.

Session: The course lasts for 3 modules.
## II. COURSE OUTLINE

<table>
<thead>
<tr>
<th>No.</th>
<th>Topics</th>
<th>Total hours</th>
<th>Auditorium hours</th>
<th>Self study</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Lectures</td>
<td>Seminars</td>
</tr>
<tr>
<td>1.</td>
<td>Introduction to Comparative Law</td>
<td></td>
<td></td>
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<tr>
<td>1.1</td>
<td>Introduction to comparative method</td>
<td>17</td>
<td>1</td>
<td>4</td>
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<tr>
<td>1.2</td>
<td>Concept of legal systems/families/traditions.</td>
<td>17</td>
<td>1</td>
<td>4</td>
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<tr>
<td>1.3</td>
<td>Peculiarities of the continental legal tradition. Roman and German roots of continental law</td>
<td>18</td>
<td>2</td>
<td>4</td>
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<tr>
<td>1.4</td>
<td>Peculiarities of the Anglo-Saxon legal tradition. Ancient law of Angles and Saxons. Common law vs equity law.</td>
<td>18</td>
<td>2</td>
<td>4</td>
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<tr>
<td>1.5</td>
<td>Other legal traditions and mixed legal systems.</td>
<td>14</td>
<td>2</td>
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<td>2.</td>
<td>Comparative Labour Law</td>
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<tr>
<td>2.1</td>
<td>Application of comparative method to labour law studies. Systems of labour law</td>
<td>15</td>
<td>1</td>
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<tr>
<td>2.2</td>
<td>Employment contract and employment relationship: concepts, types, forms; conclusion, variation and termination</td>
<td>18</td>
<td>2</td>
<td>2</td>
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<tr>
<td>2.3</td>
<td>Concept of an employee and an employer. Responsibilities of the parties to an employment contract</td>
<td>14</td>
<td>2</td>
<td>2</td>
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<tr>
<td>2.4</td>
<td>Working conditions: working time, rest periods and leaves, remuneration.</td>
<td>18</td>
<td>2</td>
<td>2</td>
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<tr>
<td>2.5</td>
<td>Occupational safety and health. Disciplinary issues in employment relations.</td>
<td>15</td>
<td>1</td>
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<tr>
<td>2.6</td>
<td>Rights and duties of trade unions, non-union employees' organizations and employers’ associations.</td>
<td>17</td>
<td>1</td>
<td>2</td>
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<tr>
<td>2.7.</td>
<td>Collective bargaining and collective agreements</td>
<td>17</td>
<td>1</td>
<td>2</td>
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<tr>
<td>2.8.</td>
<td>Employment and labour disputes.</td>
<td>17</td>
<td>1</td>
<td>2</td>
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<tr>
<td>2.9.</td>
<td>Strikes and lockouts.</td>
<td>15</td>
<td>1</td>
<td>-</td>
</tr>
</tbody>
</table>

### 3. Comparative Social Security Law

| 3.1. | Emergence and development of social security law | 18 | 2 | 4 | 12 |
| 3.2. | International and supranational social security law | 18 | 2 | 4 | 12 |
| 3.3. | Systems of social security organization and regulation | 18 | 2 | 4 | 12 |
| 3.4. | Legal aspects of old-age pension systems | 18 | 2 | 4 | 12 |

**TOTAL:** 152 28 44 80

**Basic textbook:**


**Additional sources:**


Scholarly journals:
Bulletin of Comparative Labour Relations.
International Labour Law Reports.
Social Security Bulletin

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 social security law;
- knowledge of the core principles and main provisions of the sources of labour and social security 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 social security law;
- ability to draft legal papers concerning labour and social security 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:
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.

Students are required to submit an essay on the topic of their choice approved by the lecturer. The essay grade counts as part of the accumulated grade for the course. Students wishing to have this course officially listed in their papers are required to pass an exam in the 3rd module.

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 Department of Labour law and Social Security Law 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).