

National Research University “Higher School of Economics”

FACULTY OF LAW

Course syllabus

«Labor and Migration Law: Russia in the Global Context»

For specialty 40.04.01 – Jurisprudence

For muster studies

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**Endorsed by the labour law and social
security law department meeting**

The Head of the labour law department

« ____ » _____ 2017

Moscow

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1. Course Description

- a. **Title of a Course:** “Labor and Migration Law: Russia in the Global Context”
- b. **Pre-requisites:** theory of law and state, civil law, constitutional law
- c. **Course Type:** elective
- d. **Abstract**

The world became global in the 20th century: neither economies and labour markets, nor legal systems can stay closed. All countries respond to the changing rules of the game induced by global business, financial markets and leading countries. The influence of globalization is obvious not only in economy, but also in labour relations and social systems. Enterprises hire world-wide, people move to different countries trying to find jobs and better living and working conditions. Sometimes they escape from war and hunger, sometimes look for better chances in life and their children.

This is the field where labour, employment and migration laws intersect playing vital role in employers’ and employees choices and decision making process. There are many regulative layers that must be taken into account when going global. There are also specific areas – like work in multinational enterprises, international organizations, global projects, etc. – that enjoy particular regulative approaches and a considerable level of regulatory independence. A pool of supranational and bilateral treaties develops constantly affecting and changing the landscape.

At this course students will be given an opportunity to study Russian labour and migration law, its development under the influence of international standards, and how various international trade, economic and other mechanisms may be used to optimize human resource management and improve compliance in multinational business environment, to improve fulfilment of labour rights and increase the level of labour standards in the country.

2. Learning Objectives

Students should obtain knowledge of international labour standards, labour and employment law of Russia, legislation of the Russian Federation on labour and migrating, international trade agreements with labour closures, regulation of obligations of TNC in labour relations, practice of implementations of listed norms.

3. Learning Outcomes

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

- know main international labour standards, structure and competence of the ILO, it’s supervisory machinery; design and norms of main international organizations, adopting norms on labour, implemented in Russia;
- the content of main international norms on labour and their correlation with international labour standards;
- provisions of Russian migration law and practice of its implementation;
- regulation of work of transnational companies, specific instruments, applied to TNC and their employees;

- content and practice of implementation of international trade agreements with labour closures.

4. Course plan

No.	Topics	Total hours	Auditorium hours		Self-study
			Lectures	Seminars	
1.	Labour relations and globalization. International organizations and norms on labour. International mechanisms of supervision over implementation of labour standards.	8	2	2	4
2.	Fundamental principles and rights at work. Elimination of discrimination. Prohibition of forced labour. Protection against discrimination. Freedom of association as an international principle and human rights. Social partnership in the Russian Federation: scope, participants, levels, procedures and outcomes.	8	2	2	4
3.	Russian labour and employment law in international context. Scope and system. Sources and subjects of the labour and employment law of the Russian Federation. Contract of employment: parties, types, forms, conclusion, variation and termination	8	2	2	4

4.	Russian labour and employment law in international context. Working conditions: working time, rest periods and leaves, remuneration and work measurement. Workplace discipline. Protection of labour and employment rights. Labour and employment dispute resolution	8	2	2	4
5.	Transnational companies and labour rights.	8	2	2	4
6.	International mechanisms on labour rights and trade agreements with labour closures.	8	2	2	4
7.	Migration. Regulation of migration in Russia. Protection of migrants at the global level.	8	2	2	4
8.	Use of international mechanisms on labour rights. Case studies.	8	2	2	4
TOTAL:		64	16	16	32

5. Reading List

a. Required

1. Zh.A. Gorbacheva. Labour Law in Russia. Second edition. 2013. Kluwers Law International. 194 p. (pdf)
2. Rules of the Game: a brief introduction to International Labour Standards. ILO. Revised edition 2014.
http://www.ilo.org/global/standards/information-resources-and-publications/publications/WCMS_318141/lang--en/index.htm
3. Giving globalization a human face (General Survey on the fundamental Conventions). General Survey on the fundamental Conventions concerning rights at work in light of the ILO Declaration on Social Justice for a Fair

Globalization, 2008. http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_174846.pdf

4. Handbook of procedures relating to international labour Conventions and Recommendations (Rev. 2012) http://www.ilo.org/global/standards/information-resources-and-publications/publications/WCMS_192621/lang--en/index.htm

5. Freedom of association - Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO. Fifth (revised) edition, 2006. http://www.ilo.org/global/standards/information-resources-and-publications/publications/WCMS_090632/lang--en/index.htm

6. Promoting fair migration: General Survey concerning the migrant workers instruments. Information and reports on the application of Conventions and Recommendations Report of the Committee of Experts on the Application of Conventions and Recommendations (articles 19, 22 and 35 of the Constitution). http://www.ilo.org/ilc/ILCSessions/105/reports/reports-to-the-conference/WCMS_453898/lang--en/index.htm

7. Assessment of labour provisions in trade and investment arrangements. ILO. 2016. http://www.ilo.org/global/publications/books/WCMS_498944/lang--en/index.htm

8. Key documents of the ILO:
<http://www.ilo.org/dyn/normlex/en/f?p=1000:61:::NO:61::>

9. NORMLEX database of the ILO:
<http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:20010:0::NO::>

10. NATLEX database of the International Labor Organization:
http://www.ilo.org/dyn/natlex/natlex4.countrySubjects?p_lang=en&p_country=RUS

b. Optional

1. Chesalina Olga, Temporary agency work in the Russian Federation, in: Zeitschrift für ausländisches und internationales Arbeits und Sozialrecht (ZIAS) 28 (2014) 1, pp. 3447.
2. Chernyaeva D.V., Gerasimova E.S., Korshunova T.Yu. New Russian legislation on employment of teleworkers: Comparative assessment and implications for future development // Pravo. Zhurnal Vyssheyshekol'noy ekonomiki. 2017. No. 2. Pp. 116–129
3. Chernyaeva D. V. Mediation in employment dispute settlement in Russia // Hungarian Labour Law E-Journal. 2017. No. 1

4. Chernyaeva, D.V. 2014, 'The Regulation of Mobbing and Harassment in Russia: Current Challenges and Future Prospects', *E-Journal of International and Comparative Labour Studies*, Vol. 3, No. 2, pp. 14-31.
5. Gerasimova E., Bolsheva A. *The Russian Federation, Minimum Wages, Collective Bargaining and Economic Development in Asia and Europe. A Labour Perspective.*: монография. — Palgrave Macmillan, 2015. — 370 С. P. 325-343.
6. Gerasimova E. *Work-Life Balance and the Use of Child-Care Leave by Fathers Serving in the Military: The Case of Konstantin Markin v. Russia, Improving Workplace Quality. New Perspectives and Challenges for Worker Well-Being*: сборник статей. — (Bulletin of comparative labour relations), Issue 97 — Netherlands: Wolters Kluwer, 2017. — 284 P. P. 55-66.
7. Gerasimova E. *The Resolution of Collective Labour Disputes and the Realization of the Right to Strike in Russia*, T. Fashoyin, M. Tiraboschi, V. Lebedev, E. Radevich (eds.). *Labour Law in Russia: Recent Developments and New Challenges*. ADAPT Labour studies Book Series. Issue 6. Newcastle upon Tyne : Cambridge Scholars Publishing, 2014. P. 259-288.
8. Gerasimova E. *Collective Labor Disputes and Strikes in Russia: the Impact of Judicial Precedents and Enforcement* // *Russian Law Journal*. — 2017, No. 2 P. 5-32.
9. Lyutov N. L. *Disability and Age Discrimination in Employment: Conformity of Russian Law to the International Labour Standards* // *Bulletin of Comparative Labour Relations*, Vol. 97, 'Improving Workplace Quality', Wolters Kluwer, 2017
10. Lyutov N. L. *Russian Law on Discrimination in Employment: Can it be Compatible with International Labor Standards?* // *Russian Law Journal*. 2016. Vol. 4. No. 3. P. 7-50.
11. Lyutov N. L., Gerasimova E. *The Concept of 'Employee': The Position in Russia* // *Restatement of Labour Law in Europe*. Vol. I. Ed. B. Waas, G. Heerma van Voss. Oxford, Portland (Oregon): Hart, 2017
12. Lyutov N. *Russian Employment Protection Regulation and Employment Policy: an analysis from the perspective of the EU flexicurity policy* // *The International Journal of Comparative Labour Law and Industrial Relations*. — 2012. — Vol 28, No. 3. P. 335-363.
13. Lyutov N. *The Compliance of Russian Labour Law with International Labour Standards*, in: *Labour Law in Russia: Recent Developments and New Challenges*. Issue 6. Newcastle upon Tyne : Cambridge Scholars Publishing, 2014. P. 71-90.

14. Lyutov N. The Right to Strike: Russian Federation. // The right to strike: a comparative view. B. Waas (ed.). Wolters Kluwer, 2014. P. 451-466.
15. Lyutov N., Gerasimova E. Chapter 13. Non-trade Union Employees' Representation in Russia // Bulletin of Comparative Labour Relations No.85 "Workers' Representation in Central and Eastern Europe: Challenges and Opportunities for the Works Councils' System". R. Blanpain, N. Lyutov (eds.). Aspen: Wolters Kluwer, 2014. P. 183-201.
16. Lyutov N. Freedom of Association: the Case of Russia // Comparative Labor Law and Policy Journal. – 2011. – Vol. 32, No. 4. P. 933-949.
17. Lyutov N. Russia. The Laval and Viking Cases: Freedom of Establishment v. Industrial Conflict in the European Economic Area and Russia // Bulletin of Comparative Labour Relations. – 2009. – Vol. 69. P. 153-166.

NRU HSE library electronic resources: <http://library.hse.ru/e-resources/e-resources.htm>

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

6. Grading System

At an exam knowledge of each student is assessed with two grades given simultaneously due to the HSE 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.

7. Guidelines for Knowledge Assessment

Students' knowledge is measured and evaluated by knowledge of the core international labour principles, the composition of international organization,

developing international labour standards and their supervisory system; system of various trade agreements with labour closures and system of their implementation.

Students should demonstrate ability to understand the scope and specifics of the Russian labour and employment law, migration law; knowledge of main provisions and sources of the Russian labour and employment law; legal provisions of the Russian labour, employment and migration legislation in order to consult clients and stakeholders seeking to protect their rights in regards to labour and employment matters, including with the use of international mechanisms; ability to draft legal papers concerning labour and employment law issues.

8. Methods of Instruction

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.

Students are not permitted not to visit classes without providing evidence of a good reason.

Assigned homework must be turned in at the class session following assignment. Students must make arrangements with the Lecturer/ Instructor to make up any missed assignments or risk losing credit for the assignment.

Lecturer/ Instructor may review homework assignments with the class after the assignment has been graded and returned to students. Students are welcome to ask questions and discuss any homework related matters (preferably before or after the class session or via e-mail).

9. Special Equipment and Software Support (if required)

Students will be provided with reader. The regular equipment to use presentations during classes is needed.