

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

Endorsed
by the academic council of the program
Protocol No 18 September 13, 2018

Author	Nikita L. Lyutov, assistant professor, PhD, Department of General and Interbranch Legal Disciplines (nlioutov@hse.ru)
Number of credits	3
Auditorium hours	32
Self study hours	32
Year of studies	2
Discipline study- ing format	Without the use of online-course

I. Course Description

a. Title of a course

Labor and Migration Law: Russia in the Global Context

b. Pre-requisites

Before attending this course, students shall have knowledge of:

- General legal theory;
- National labor 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 man-

agement and improve compliance in multinational business environment, to improve fulfilment of labour rights and increase the level of labour standards in the country.

II. 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.

III. 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.

IV. Course Plan

1. Labour relations and globalization. International organizations and norms on labour. International mechanisms of supervision over implementation of labour standards.
2. Fundamental principles and rights at work. Elimination of discrimination. Prohibition of forced labour. Protection against discrimination.
3. Freedom of association as an international principle and human rights.
4. Social partnership in the Russian Federation: scope, participants, levels, procedures and outcomes.
5. Russian labour and employment law in international context. Scope and system. Sources and subjects of the labour and employment law of the Russian Federation.
6. Contract of employment: parties, types, forms, conclusion, variation and termination
7. 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. Transnational companies and labour rights.
9. International mechanisms on labour rights and trade agreements with labour closures.
10. Migration. Regulation of migration in Russia. Protection of migrants at the global level.
11. Use of international mechanisms on labour rights. Case studies.

V. Reading List

a. Required

1. Bogg, Alan; M R Freedland. The contract of employment. – Oxford University Press, 2016. – [HSE library electronic resources: Oxford Scholarship Online (Law)].
2. Casale, Giuseppe, and Gianni Arrigo. International Labor Law Handbook: from A to Z, G. – Giappichelli, 2017. – [HSE library electronic resources: ProQuest Ebook Central - Academic Complete].
3. Ebisui, M., Cooney, S. and Fenwick C. Resolving individual labor disputes: A comparative overview. – International Labor Organization, 2017. – [HSE library electronic resources: ProQuest Ebook Central - Academic Complete].
4. Mundlak, Gai Finkin, Matthew W. Comparative Labor Law. Edward Elgar Publishing, 2015. – [HSE library electronic resources: Elgar Law].
5. Rules of the Game: a brief introduction to International Labour Standards. ILO. Revised edition 2014. – URL: http://www.ilo.org/global/standards/information-resources-and-publications/publications/WCMS_318141/lang--en/index.htm

b. Optional

6. Aylott, Elizabeth. Employment Law: A Practical Introduction. Kogan Page, 2018. – [HSE library electronic resources: Books 24x7 Business Pro Collection].
7. 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 Vyssheyshkoly ekonomiki. 2017. – URL: <https://law-journal.hse.ru/en/2017-2/207695169.html>
1. 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. – URL: http://www.ilo.org/global/standards/information-resources-and-publications/publications/WCMS_090632/lang--en/index.htm
2. Gerasimova E. Collective Labor Disputes and Strikes in Russia: The Impact of Judicial Precedents and Enforcement // Russian Law Journal. № 2. 2017.– URL: <https://www.russianlawjournal.org/jour/article/view/271/161>
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. – URL: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_174846.pdf

VI. 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:

A. Assessment

- Seminar attendance / participation in quizzes, presentations and case studies – 40%;
- Examination (written assignment) – 60%.

The teacher evaluates the work of students at the seminars: participation in discussions of the problematics of the seminar, the correctness of solving problems at the seminar. Evaluation on a 10-point scale for work in seminars is determined before the interim certification.

An overall assessment formula comprises a sum total of the following variables: (seminar attendance / participation) * 0.4 + (exam)* 0.6 = final course grade.

B. Grading

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

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.

Task 1.

Write down fundamental labour rights and principles point out and explain its main specificities in Russia legislation (Open question, where full substantiate answer is needed).

VII. 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.

VIII. 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).

IX. Special Equipment and Software Support (if required)

Software support

№	Text	Access conditions
1.	Microsoft Windows 7 Professional RUS Microsoft Windows 10 Microsoft Windows 8.1 Professional RUS	<i>From intranet (license)</i>
2.	Microsoft Office Professional Plus 2010	<i>From intranet (license)</i>

Professional databases, inquiry and communications system, internet resources (electronic educational resources)

№	Text	Access conditions
<i>Professional databases, inquiry and communications system</i>		
1.	Consultant Plus	<i>From intranet (license)</i>
2.	Electronic library HSE electronic resources	URL: https://elib.hse.ru/e-resources/e-resources.htm
<i>Internet resources (electronic educational resources)</i>		
1.	Open education	URL: https://openedu.ru/

Course material-and-technical support

Lecture halls for course auditorium classes provides the usage and demonstration of subject illustration, related to the course plan, composed of

- multimedia projector with remote control.

Classrooms for course self-study are equipped with an option for Internet connectivity and access to electronic information educational resources of HSE University.