

5.00 credits




45.0 h + 6.0 h

Q1

Language :	French
Place of the course	Bruxelles Saint-Louis
Prerequisites	<i>The prerequisite(s) for this Teaching Unit (Unité d'enseignement – UE) for the programmes/courses that offer this Teaching Unit are specified at the end of this sheet.</i>
Main themes	<p>Labour law is the set of rules that govern <b>subordinate labour relations</b>, i.e., the relationship between workers and their employers. This law was created to address the "social question": how to guarantee that workers do not fall into precariousness in an industrialized (and then, financialized) economic system? To this end, labour law lays down rules that aim to <b>balance the power relationship</b> between the "strong" party to the employment contract, the employer, and the "weak" party, the worker.</p> <p>However, labour law is not limited to this protective aim. It also seeks to <b>promote the functioning and competitiveness of businesses</b> and to <b>stimulate the labour market</b>.</p> <p>Labour law also touches on <b>fundamental societal issues</b>. Indeed, as the balance of power on the labour market evolves, labour law shapes the way in which the risks of economic activity are distributed between workers, employers, and the community. Labour law also addresses "small" issues that are of <b>crucial importance on a daily basis</b> for millions of workers and companies. Can a worker be forced to work overtime? What remuneration can be claimed for a given job? What are the grounds for dismissal? etc.</p> <p>All the questions that will be discussed during the course will mainly be addressed from the <b>perspective of positive law</b>. However, and in accordance with the <a href="#">manifeste pour la formation en droit</a> adopted by the Faculty (R.I.E.J., 2016/1, Vol. 74, pp. 169-175), the teaching will include <b>openings to other human sciences</b>, in particular history, economics, and sociology. These openings will aim to trace the reasons that led to the adoption of the legal mechanisms described, but also the functions (social, economic, political) that they perform on the labour market. In addition, the <b>concrete effects</b> of the standards taught will be systematically highlighted.</p> <p>Finally, the main legal concepts and terms taught in the course will be systematically <b>translated into Dutch</b></p>
Learning outcomes	<p><b>At the end of this learning unit, the student is able to :</b> (text taken from the <a href="#">website</a>)</p> <p>With regard to the programme's framework of learning outcomes, the teaching unit contributes to the development and acquisition of the following skills:</p> <ol style="list-style-type: none"> <li>I. Acquiring a general culture</li> <li>II. Acquiring specific legal knowledge</li> <li>III. Acquiring the methods and tools of the scientific approach</li> <li>IV. Acquiring analytical, reflective, and argumentative skills based on concrete situations</li> <li>V. Proficiency in written and oral communication</li> </ol> <p>More specifically, at the end of the course, the student will be able to:</p> <ol style="list-style-type: none"> <li>1. Understand and expose the major stages of Belgian social history.</li> <li>2. Understand and expose the legal mechanisms, principles, and concepts specific to labour law, as well as the different actors and institutions that shape it.</li> <li>3. Understand and explain how collectively negotiated sources of law (collective labour agreements and labour regulations) are articulated with each other and with the "classical" sources of law, whether state-based (laws, decrees, etc.) or negotiated (contracts).</li> <li>4. Solve a practical case using the rules taught in class and following the method presented in the practical work.</li> <li>5. Take a critical distance from positive law by relying on the extra-legal components (mainly historical, sociological, and economic) of teaching.</li> <li>6. Translate the important terms of the subject from French or Dutch and vice versa</li> </ol>

<p>Evaluation methods</p>	<p><u>Type of assessment</u>  Three-hour written examination</p> <p><u>Language of assessment</u>  French</p> <p><u>Assessment criteria</u>  The <b>examination pertaining to the ex-cathedra lectures</b> may include four types of questions:  (1) Questions testing comprehension of the subject matter taught.  (2) Solving a case based on those solved during practical sessions.  (3) Reflection questions, inviting students to take a step back from the subject matter taught.  (4) Translation from Dutch to English and vice versa of certain terms seen during the course (based on a glossary that accompanies each session).</p> <p>The <b>skills acquired by students during practical sessions</b> are assessed as part of the lecture exam (see above, question type 2). With regard to practical sessions specifically, unjustified absences are penalised by the deduction of one point per absence/session. To be taken into account, justification for absences must be provided no later than the day after the end of the impediment. The regulations of the University and the Faculty apply.</p>
<p>Teaching methods</p>	<p>At the beginning of each <b>ex-cathedra lecture</b>, the teacher will briefly review the content of the previous session and ensure that the material to be covered is placed within the context of the course as a whole.</p> <p>Each session will begin with an « <b>eye-catcher</b> » drawn from practical experience. This eye-catcher may be a legal decision, a factual situation, a press clipping or recent political statements related to the course. For certain courses, a document will be published in advance on Moodle. However, this document will not be part of the material to be studied for the exam. A moment of discussion is planned to discuss the eye-catcher presented to students, in order to identify the issues that will be addressed and the interests that labour law must reconcile.</p> <p>Students are encouraged to ask questions and make comments both during and between classes. Tests and surveys will be conducted using the Wooclap application.</p> <p>The course is accompanied by three two-hour <b>practical sessions</b>. These sessions provide an opportunity to examine the practical aspects of the subject through case studies. For each session, a topic covered in the lecture is selected based on its practical importance.</p> <p>Attendance at practical sessions is compulsory.</p> <p>The <b>teaching materials</b> are as follows:</p> <ol style="list-style-type: none"> <li>1. PowerPoint presentations, which will be made available via Moodle before each session.</li> <li>2. Case law decisions presented during the lecture or practical session.</li> <li>3. 'Eye-catchers' (press clippings, case studies, political statements, etc.) submitted to students via Moodle before certain lecture sessions.</li> </ol>
<p>Content</p>	<p>The course provides an overview of labour law, with the aim of enabling students to: (1) <b>master the basics</b> (specific features and concepts that structure the subject, institutions, mechanisms, etc.) of labour law; (2) solve <b>simple cases</b> taken from everyday life; and (3) take a <b>critical distance</b> from the subject matter taught.</p> <p>To this end, the course will be structured in five parts.</p> <p>The first part will focus on <b>the history and functions</b> of labour law.</p> <p>The second part deals with <b>collective labour relations law</b>, i.e. the relationship between employees represented collectively (by trade unions) and employers represented collectively (by federations). The following topics will be covered: freedom of association, social dialogue, collective labour agreements, the right to strike, etc.</p> <p>The third part focuses on <b>labour regulation</b>, which govern the conditions under which an employee may be occupied. Rules on working time and well-being at work will be discussed.</p> <p>The fourth part relates to <b>individual labour law</b>, which governs employment contracts. All the major stages in the life of an employment contract (conclusion, execution, suspension, especially in the event of illness/accident, termination with a focus on dismissal) will be covered.</p> <p>Finally, the fifth part is devoted to the examination of <b>a cross-cutting issue</b>, which involves combining the various elements of the subject matter examined during the course. The emphasis is on issues relating to fundamental rights at work and equality in the workplace.</p> <p><b>Social security law</b> will be addressed incidentally when it is part of the essential information needed to deal with an issue covered in the course (e.g. the intervention of mutual insurance companies in the event of incapacity for work or unemployment insurance coverage following dismissal).</p> <p>During the sessions, students' attention will be supported by a PowerPoint presentation. PowerPoint presentations are posted on Moodle before each class to facilitate note-taking.</p>
<p>Inline resources</p>	<p>The PowerPoint presentations, case-law discussed during ex-cathedra lectures or practical sessions as well as "eye-catchers" submitted to students will be published on Moodle (<a href="https://moodle.uclouvain.be/">https://moodle.uclouvain.be/</a>).</p> <p>Furthermore, for students willing to go further or that are faced with practical questions with regard to labour law, the website of the federal public service for employment contains interesting explanations, examples and documents (<a href="https://emploi.belgique.be/fr">https://emploi.belgique.be/fr</a>).</p>

Bibliography	J. Clesse et F. Kéfer, <i>Manuel de droit du travail</i> , Bruxelles, Larcier, 2018. La collection, fréquemment rééditée : R. Janvier, I. De Wilde, P. Humblet, J. Peeters, W. Rauws, <i>Synopsis van het Belgisch social recht</i> , Larcier Intersentia, <a href="https://www.larcier-intersentia.com/nl/synopsis-belgische-sociaal-recht-set-9789400015937.html?utm_source=google&amp;utm_medium=paid&amp;utm_campaign=NL_Shopping&amp;utm_id=19873245985&amp;utm_term=&amp;utm_content=vQjmqyn3saAIYaAjLSEALw_wcB&amp;gad_source=1&amp;gad_campaignid=19873245985">https://www.larcier-intersentia.com/nl/synopsis-belgische-sociaal-recht-set-9789400015937.html?utm_source=google&amp;utm_medium=paid&amp;utm_campaign=NL_Shopping&amp;utm_id=19873245985&amp;utm_term=&amp;utm_content=vQjmqyn3saAIYaAjLSEALw_wcB&amp;gad_source=1&amp;gad_campaignid=19873245985</a>
Faculty or entity in charge	DRTB

Programmes containing this learning unit (UE)				
Program title	Acronym	Credits	Prerequisite	Learning outcomes
Bachelor in Law	<a href="#">DROB1BA</a>	5	<a href="#">BDROI1211</a> AND <a href="#">BDROI1212</a>	
Bachelor in Law (French-English)	<a href="#">DRAB1BA</a>	5	<a href="#">BDROI1211</a> AND <a href="#">BDROI1212</a>	
Bachelor in Law French-Dutch (and French-Dutch-English)	<a href="#">DRNB1BA</a>	5	<a href="#">BDROI1211</a> AND <a href="#">EMHUB1280</a>	
Bachelor of Laws (French-Dutch-English / Droit-Rechten-Laws)	<a href="#">DREB1BA</a>	5		