#### MINISTRY OF EDUCATION AND SCIENCE OF UKRAINE WEST UKRAINIAN NATIONAL UNIVERSITY LAW FACULTY





# Work program discipline «International and comparative labor law»

Higher education degree - bachelor Field of knowledge - 29 International relations Specialty - 293 International law Educational and professional program – «International law»

#### Department of International Law and Migration Policy

Form of study	Study year	Semester	Lectures	Practical classes	Individual work	Training, CPIT	Student -self study	Total	Exam/ Credit
Full-	2	3	28	28	3	8	53	120	Exam

1.08.20231

Ternopil - WUNU, 2023

The work program was developed on the basis of the educational and professional program for Bachelor's field of knowledge 29 International relations, specialty 293 International law (approved by the Academic Council of WUNU, Protocol No 9 from 15.06.2022).

The work program was prepared by the Professor of the Department of International Law and Migration Policy, Prof. Valentyna SLOMA

The work program was considered and approved at the meeting of the Department of International Law and Migration Policy, Protocol No. 1 dated August 29, 2023.

Head of Department

Yaryna ZHUKORSKA

Considered and approved by the Support group of specialty 293 International law, Protocol No. 1 dated August 31, 2023.

Head of the SGS

Yaryna ZHUKORSKA

Guarantor of EP

Liudmyla SAVANETS

# 1. DESCRIPTION OF THE DISCIPLINE «INTERNATIONAL AND COMPARATIVE LABOR LAW»

Discipline.	Field of knowledge,	Characteristics of the		
International and comparative	Specialty,	academic discipline		
labor law	Educational and			
	Professional Program,			
	higher education degree			
Number of credits	Field of knowledge – 29	Discipline status: mandatory		
ECTS – 4	International relations	Language of study: english		
	Specialty – 293 International	Study year – 2		
The number of credit modules – 4	law			
		Semester – 3		
The number of content modules –	Educational and Professional	Lectures – 28 hours.		
2	Program - International Law			
2		Practical classes – 28 hours.		
Total hours – 120	Higher education degree -	Student-self study – 53 hours.		
	bachelor	-		
		Training, CPIT – 8 hours.		
		Individual work – 3 hours.		
Weekly hours: – 8 hours, of them		Type of final control -		
auditorium – 4.		examination		

# 2. THE PURPOSE AND TASKS OF THE DISCIPLINE «INTERNATIONAL AND COMPARATIVE LABOR LAW».

### 2.1. The purpose of studying discipline

The purpose of the discipline «International and Comparative Labor Law» is to provide students with a deep and thorough mastery of the system of knowledge of international and comparative labor law, the formation of practical skills and abilities to correctly interpret and apply labor law

**2.2. The tasks of studying discipline.** The task of studying the discipline is to acquire students' knowledge, skills and abilities to effectively implement the acquired theoretical knowledge in practice.

As a result of studying the academic discipline, the student should

#### know:

- existing doctrinal approaches to the definition of the concept, subject matter, functions of international and comparative labor law;
- the most important sources of legal regulation of labor relations;
- concepts and types of subjects of international and comparative labor law:
- peculiarities of legal regulation of employment, conclusion and termination of an labor contract, working time and rest time, remuneration, disciplinary and material liability, labor protection, and resolution of labor disputes.

#### be able to:

- operate freely with special legal terminology in the field of international and comparative labor law;
- work with international regulations and national legislation of Ukraine;
- use acquired knowledge of international and comparative labor law in legal practice;
- make optimal decisions on the effectiveness of the application of the rules governing labor relations in practice.

# 2.3. Name and description of competencies, the formation of which provides the study of discipline:

- ability to critically comprehend theories, principles, methods and concepts of international,
   European law, comparative jurisprudence, take into account the temporal factor and predict the main directions of development of legal systems;
- ability to form judgments in the field of international, European, national law, comparative jurisprudence, taking into account social, scientific and ethical aspects;
- ability to analyze the content of national legal norms, institutions and branches of law in a comparative legal context.

# 2.4. Prerequisites for studying the discipline:

The prerequisites for the study of the discipline «International and Comparative Labor Law» was the study of the disciplines: «Information technology in law», «Theory of the state and law», «Modern legal systems», «Comparative constitutional law».

# 2.5. Learning outcomes:

- to carry out comparative analysis of legal systems, assess and argue their disadvantages and advantages, find and interpret relevant foreign legislation, provide advice on its content and application practice, assess and minimize the risks of legally significant actions, taking into account the multiplicity of legal systems and jurisdictions;
- to provide legal support for international public relations and international private relations, to
   protect the rights and interests of individuals and legal entities, as well as the national interests of the
   state of Ukraine, through international and national legal mechanisms;
- to use the practice of the European Court of Human Rights, other international judicial and arbitration bodies, theoretical knowledge of international and national law to substantiate and defend their own position, protect the interests of the client and for other professional purposes;
- formulate conclusions, develop recommendations, and justify their own vision of ways to solve problems in the field of lawmaking, law interpretation and law enforcement;
- to know modern scientific achievements in the field of international and national law, to have skills in research work, to interpret the results of scientific research and take them into account in practical professional activities.

# 3. PROGRAM OF EDUCATIONAL DISCIPLINE «INTERNATIONAL AND COMPARATIVE LABOR LAW»

#### Content module 1.

# Topic 1: General characteristics of international labor law

The right to work is one of the fundamental human rights. Development of international legal regulation of labor. The concept of international labor law. Principles of international labor law.

# Topic 2. Subjects of international labor law.

Concept and types of subjects of international labor law. International Labor Organization: structure and principles of its activity. International trade union organizations. International associations of employers.

# Topic 3. Sources of international legal regulation of labor.

Concept and types of sources of international legal regulation of labor. UN documents in the field of labor relations regulation. Acts of the Council of Europe in the field of labor. Standard-setting activities of the International Labor Organization. Correlation of international and national labor legislation.

# **Topic 4. Comparative labor law**

The concept and subject of comparative labor law. Method of legal regulation. Sources of labor law in foreign countries. Labor legal relations.

# **Topic 5. Legal regulation of employment**

International legal acts on employment and unemployment protection. The concept of employment. State guarantees of the right to choose the type of employment. The concept of employment, its legal forms. Legal status of the unemployed.

#### Content module 2.

# **Topic 6. Labor contract.**

Labor contract as the basis for the emergence of labor relations. Parties and content of an employment contract. Form and duration of the labor contract. Types of labor contracts. The general procedure for hiring. Probationary period during employment.

Transfer to another job, its difference from transfer. Types of transfers to another job.

The concept and grounds for termination of an employment contract. Termination of the labor contract at the initiative of the employee. Termination of an labor contract at the initiative of the owner or his authorized body. Termination of an labor contract at the initiative of third parties.

# **Topic 7. Working time and rest time.**

Legal regulation of working time in UN and ILO regulations. Concept and types of working time. Working time regime, procedure for its establishment and types. Concept and types of working time accounting. Overtime work.

International legal regulation of rest time. The concept of rest time and its types. Vacations: concept and types.

# **Topic 8. Remuneration of labor.**

Employee's right to remuneration and its protection. The concept of wages and methods of its legal regulation. Remuneration system: concept and types.

The procedure for paying wages. Calculation of average earnings. Terms of payment of wages. Guarantee and compensation payments.

# Topic 9. Labor discipline and disciplinary responsibility

The concept of labor discipline and methods of ensuring it. System of measures to encourage employees for success in work. Grounds and procedure for applying incentives.

The concept of disciplinary responsibility of employees. The concept of disciplinary offense. Types of disciplinary sanctions. The procedure for applying disciplinary sanctions.

# Topic 10. Material responsibility of the parties to an labor contract

The concept of material responsibility. Grounds and conditions of liability. Types of material responsibility/ Liability of the owner for damage caused to the employee.

# Topic 11. Legal regulation of labor protection.

The concept of labor protection as an institution of labor law. International legal regulation of labor protection. Guarantees of workers' rights to labor protection. Special rules of labor protection in heavy, dangerous and harmful work.

# Topic 12. Labor disputes (conflicts) and the procedure for their resolution.

Causes of labor disputes. The concept and classification of labor disputes (conflicts).

Procedure for consideration of individual labor disputes. The concept and types of collective labor disputes. Procedure for consideration of collective labor disputes. Legal regulation of strikes.

# 4. STRUCTURE OF CREDIT IN THE DISCIPLINE «INTERNATIONAL AND COMPARATIVE LABOR LAW»

«INTERNATIONAL AND COMPARATIVE LABOR LAW»					C 1		
№	Topic	Lectures	Seminars	Number of hour Student-self study	rs Individual work	Training, CPIT	Control measures
Content module 1							
1.	Topic 1: General characteristics of international labor law	2	2	4	1	2	survey testing
2	Topic 2. Subjects of international labor law.	2	2	4			survey testing
3	Topic 3. Sources of international legal regulation of labor.	2	2	4		2	survey testing
4	Topic 4. Comparative labor law	2	2	4			survey testing
5	Topic 5. Legal regulation of employment	2	2	4			surveys, case studies, testing
		C	ontent mo	dule 2			
6	Topic 6. Labor contract.	4	4	6	1	1 2	surveys, case studies, testing
7	Topic 7. Working time and rest time.	4	4	4			surveys, case studies, testing
8	Topic 8. Remuneration of labor.	2	2	4			surveys, case studies, testing
9	Topic 9. Labor discipline and disciplinary responsibility	2	2	6			surveys, case studies, testing
10	Topic 10. Material responsibility of the parties to an labor contract	2	2	4	1	2	surveys, case studies, testing
11	Topic 11. Legal regulation of labor protection.	2	2	4			surveys, case studies, testing
12	Topic 12. Labor disputes (conflicts) and the procedure for their resolution.	2	2	5			surveys, case studies, testing
	Total	28	28	53	3	8	

# 5. TOPICS OF PRACTICAL CLASSES ON THE DISCIPLINE «INTERNATIONAL AND COMPARATIVE LABOR LAW»

Practical classes are aimed at deepening students' theoretical knowledge and acquiring the necessary practical skills to solve specific practical situations, work with regulations and their application.

Preparation for practical classes includes studying theoretical material, current legislation, and familiarization with special scientific literature on the topic of the class. In order to check the level of mastery of the material, you must answer control questions and complete practical tasks.

The work program for the course «International and Comparative Labor Law» provides for practical classes in the amount of 28 hours.

# Content module 1 Practical class № 1

# Topic 1: General characteristics of international labor law.

Purpose: Familiarization with the basic concepts and institutions of international labor law.

Questions for discussion:

- 1. The right to work is one of the fundamental human rights.
- 2.Development of international legal regulation of labor.
- 3. The concept of international labor law.
- 4. Principles of international labor law.

#### Practical class № 2

# Topic 2: Subjects of international labor law.

Purpose: To characterize the legal status of subjects of international labor law.

Questions for discussion:

- 1. The concept and types of subjects of international labor law.
- 2.International Labor Organization: structure and principles of its activity.
- 3.International trade union organizations. International associations of employers.

## Practical class № 3

# Topic 3: Sources of international legal regulation of labor

Purpose: To characterize the main sources of international legal regulation of labor.

Questions for discussion:

- 1. The concept and types of sources of international legal regulation of labor.
- 2.UN documents in the field of labor regulation.
- 3. Acts of the Council of Europe in the field of labor.
- 4. Standard-setting activities of the International Labor Organization.
- 5. Correlation of international and national labor legislation.

#### Practical class № 4

# **Topic 4: Comparative labor law**

Purpose: Characterization of comparative labor law.

Questions for discussion:

- 1. The concept and subject of comparative labor law.
- 2.Method of legal regulation.
- 3. Sources of labor law in foreign countries.
- 4.Labor legal relations.

#### Practical class № 5

# **Topic 5: Legal regulation of employment**

Purpose: Analysis of legislation in the field of employment regulation; study of the legal status of the unemployed.

Questions for discussion:

- 1.International legal acts on employment and unemployment protection.
- 2. The concept of employment.
- 3. The concept of employment, its legal forms.

# Content module 2 Practical class № 6-7

### **Topic 6: Labor contract**

Purpose: Characterization of certain types of labor contracts, study of the procedure for their conclusion and termination.

Questions for discussion:

- 1. The concept, parties and content of an labor contract.
- 2. Form and term of the labor contract.
- 3. Types of labor contracts.
- 4.General procedure for hiring. Probationary period during employment.
- 5. Transfer to another job, its difference from transfer. Types of transfers to another job.
- 6. The concept and grounds for termination of an labor contract.
- 7. Termination of the labor contract at the initiative of the employee.
- 8. Termination of an labor contract at the initiative of the owner or his authorized body.
- 9. Termination of the labor contract by the employee.

#### Practical class № 8-9

# **Topic 7: Working time and rest time**

Purpose: To characterize the legal acts regulating relations in the field of working time and rest time. Ouestions for discussion:

- 1.Legal regulation of working time in UN and ILO regulations.
- 2. The concept and types of working time.
- 3. Working hours, the procedure for its establishment and types.
- 4. The concept and types of working time accounting.
- 5.Overtime work.
- 6.International legal regulation of rest time.
- 7. The concept of rest time and its types.
- 8. Vacations: concept and types.

# Practical class № 10

# **Topic 8: Remuneration of labor.**

Purpose: Characterization of the elements of the labor remuneration system, study of the procedure for paying wages.

Questions for discussion:

- 1. The concept of wages and methods of its legal regulation.
- 2. Remuneration system: concept and types.
- 3. The procedure for paying wages.
- 4. Guarantee and compensation payments.

# Practical class № 11

# Topic 9: Labor discipline and disciplinary responsibility

Purpose: Characterization of incentives and penalties that may be applied in labor relations.

Questions for discussion:

- 1. The concept of labor discipline and methods of its enforcement.
- 2. Measures to encourage employees and the procedure for their application.
- 3. Disciplinary responsibility under labor law.

#### Practical class № 12

# Topic 10 Material responsibility of the parties to an labor contract

Purpose: To study the grounds and peculiarities of material responsibility of employees and employers.

Ouestions for discussion:

1. The concept, grounds and conditions of material responsibility under labor law.

- 2. Types of material responsibility of employees for damage caused to an enterprise, institution, organization.
- 3. Liability of the owner of the enterprise, institution, organization for damage caused to employees.

# **Content module 13**

# Topic 11: Legal regulation of labor protection

Purpose: To study the legal acts regulating relations in the field of labor protection.

Questions for discussion:

- 1. The concept of labor protection as an institution of labor law.
- 2.International legal regulation of labor protection.
- 3. Guarantees of workers' rights to labor protection.
- 4. Special rules of labor protection in heavy, dangerous and harmful work.

#### **Content module 14**

# Topic 12: Labor disputes (conflicts) and the procedure for their resolution

Purpose: To study the peculiarities of labor disputes and the procedure for their resolution.

Questions for discussion:

- 1. Concept and classification of labor disputes (conflicts).
- 2. The procedure for consideration of individual labor disputes.
- 3. The concept and types of collective labor disputes.
- 4. Procedure for consideration of collective labor disputes.
- 5.Legal regulation of strikes.

#### 6. COMPLEX PRACTICAL INDIVIDUAL TASK

Comprehensive practical individual task (CPIT) is a form of learning organization aimed at deepening, generalizing and consolidating the knowledge that students receive in the course of their studies, as well as applying this knowledge in practice. The CPIT is performed by students independently under the guidance of teachers, it is a completed theoretical or practical work within the course curriculum, which is performed on the basis of knowledge, skills and abilities acquired during lectures and practical classes.

The CPIT in the discipline «International and Comparative Labor Law» consists of:

- 1. The theoretical part.
- 2. Practical part.

# Proposed types of CPIT (to be chosen by the student) for the theoretical part of CPIT.

- 1. Human right to work, its guarantees and international standards.
- 2. Formation and development of international labor law.
- 3.Influence of international standards on the development of national labor legislation.
- 4. Acts of the United Nations in the field of labor.
- 5. Acts of the Council of Europe in the field of labor.
- 6.ILO Conventions.
- 7.ILO recommendations.
- 8.Legal status of the unemployed.
- 9.Ensuring the right to work of Ukrainian citizens in the EU.
- 10. Rights of migrant workers.
- 11. Characterization of the sources of labor law of individual countries.
- 12. Hiring and execution of an labor contract.
- 13. Changing the terms of the labor contract.
- 14. Overtime: the concept and procedure for their application.
- 15.International legal regulation of rest time.
- 16. Guarantees of employees in the field of labor remuneration.
- 17. Disciplinary responsibility of employees.
- 18. Features of the employer's liability.
- 19.Guarantees in the field of labor protection.
- 20. The procedure for resolving collective labor disputes.

The scientific work is formalized in the form of a presentation and defended with the help of multimedia in the presence of other students.

# 7. STUDENT-SELF STUDY ON THE DISCIPLINE

Independent work is the main way for students to master the educational material in extracurricular time without the participation of a teacher. The volume and content of independent work is determined by the work program and work plan within the established volume of hours in the discipline, methodological instructions of the teacher. The student's independent work is provided by a system of teaching aids: lecture notes, textbooks, teaching and methodological aids, monographic literature and periodicals, as well as self-control tools (tests, situational tasks).

№ п/п	Тематика
1.	International legal standards in the field of labor and labor relations
2.	The impact of international labor law on judicial practice.
3.	Standard-setting activities of the ILO
4.	International acts in the field of labor relations regulation
5.	EU labor law as a source of European labor standards
6.	Employment of persons with disabilities
7.	Legal status of the unemployed
8.	Types of labor contracts
9.	Termination of an employment contract at the initiative of the employee
10.	Types of working time
11.	Legal regulation of vacations
12.	The system of labor remuneration
13.	Guarantee and compensation payments
14.	The concept of labor discipline and methods of its enforcement
15.	Special disciplinary responsibility
16.	Grounds and conditions of material responsibility
17.	Types of material liability of employees
18.	Material liability of the owner
19.	Ensuring labor protection at the enterprise
20.	Features of labor protection of certain categories of workers
21.	Individual labor disputes
22.	Collective labor disputes

#### 8. TRAINING IN THE DISCIPLINE

Training is a planned process of modifying (changing) the attitude, knowledge or behavioral skills of the learner through the acquisition of learning experience in order to achieve effective performance in one type of activity or in a particular field. Training is a set of exercises for training in something. Training is a system of preparation of the human body in order to adapt it to the increased demands and difficult working and living conditions.

# **Topics of the training**

- 1. The role of judicial practice in the regulation of labor relations.
- 2. Conclusion of an labor contract with certain categories of employees.
- 3. Types of disciplinary sanctions.
- 4. Material liability of the employer.

# **Procedure of the training**

- 1. The introductory part is conducted to familiarize students with the topic of the training session.
- 2. The organizational part consists in creating a working mood in the team of students, determining the rules of the training session.
- 3. The practical part is realized by performing tasks in groups of students on certain problematic

issues of the topic of the training session.

4.Summarizing the results. Discussion of the results of the completed tasks in the groups. Exchange of views on the issues raised during the training sessions.

# 9. ASSESSMENT TOOLS AND METHODS OF DEMONSTRATION OF LEARNING RESULTS

In the process of studying the discipline «International and Comparative Labor Law» the following assessment tools and methods of demonstrating learning outcomes are used:

- tests, case studies;
- current survey;
- final express survey;
- presentations of the results of completed tasks and research;
- assessment of the results of the CPIT;
- student presentations and speeches at scientific events;
- examination.

# 10. CRITERIA, FORMS OF CURRENT AND FINAL CONTROL

The final score (on a 100-point scale) in the discipline «International and Comparative Labor Law» is determined as a weighted average, depending on the proportion of each component of the credit:

Credit	Credit	Credit	Exam	Total
module 1	module 2	module 3		
20%	20%	20%	40%	100%
Oral survey	Oral survey	Preparation of	1. Test tasks (10	100
during classes (5	during classes	CPIT - max. 40	tests of 2 points	
topics) - 5 points	(7 topics) - 5	points.	each) = $20$ points.	
per topic - max.	points per topic	Protection of	2. Theoretical	
25 points.	- max. 35	CPIT - max. 40	question = 30	
Modular control	points.	points.	points.	
work - max. 75	Modular control	1	3. Practical task =	
points	work - max. 65	trainings - max.	50 points.	
	points	20 points		

# Rating scale

On the scale university	On the national scale	On the ECTS scale
90-100	Excellent	A (excellent)
85-89	Good	B (verygood)
75-84		C(good)
65-74	satisfactory	D(satisfactory)
60-64		E(enough)

35-59	non-satisfactory	FX (non-satisfactory with possibility of repeated passing)
1-34		F (non-satisfactory with repeated cours of lectures)

11. TOOLS, EQUIPMENT AND SOFTWARE USED BY THE COURSE

Nº	Name	Topic number
1.	Flipchart	1-12
2.	Laptop	1-12
3.	Projector	1-12

# RECOMMENDED SOURCES OF INFORMATION

- 1. Universal Declaration of Human Rights, 1948: https://zakon.rada.gov.ua/laws/show/995\_015#Text
- 2. Convention for the Protection of Human Rights and Fundamental Freedoms (with Protocols) 1950 URL: <a href="https://zakon.rada.gov.ua/laws/card/995\_004">https://zakon.rada.gov.ua/laws/card/995\_004</a>
- 3. ILO Convention №. 111 concerning Discrimination in Respect of Employment and Occupation, 1958 URL: http://zakon.rada.gov.ua
- 4. ILO Convention №. 29 on Forced or Compulsory Labor, 1930. URL: <a href="https://zakon.rada.gov.ua/laws/show/993\_136#Text">https://zakon.rada.gov.ua/laws/show/993\_136#Text</a>
- 5. ILO Convention №. 168 concerning Employment Promotion and Protection against Unemployment, 1988. URL: <a href="https://zakon.rada.gov.ua/laws/show/993\_182#Text">https://zakon.rada.gov.ua/laws/show/993\_182#Text</a>
- 6. ILO Convention № 88 concerning the Organization of Employment Services, 1948: https://zakon.rada.gov.ua/laws/show/993\_224#Text
- 8. ILO Convention № 2 concerning Unemployment, 1919 URL: https://zakon.rada.gov.ua/laws/show/993\_143#Text
- 9. ILO Convention № 44 concerning Employment Benefits for Persons who are Unemployed due to Circumstances beyond their Control. URL: https://zakon.rada.gov.ua/laws/show/993\_204#Text
- 10. ILO Recommendation № 85 concerning Wages, 1949. URL: https://zakon.rada.gov.ua/laws/show/993 228#Text
- 11. ILO Recommendation № 184 concerning Home-Based Work, 1995: <a href="https://vk24.ua/regulations\_and\_jurisprudence/rekomendacii/rekomendacia-mop-sodo-nadomnoi-praci-no-184">https://vk24.ua/regulations\_and\_jurisprudence/rekomendacii/rekomendacia-mop-sodo-nadomnoi-praci-no-184</a>
- 12. Oleksandr Voroniatnikov, Danylo Leschukh, Valentyna Sloma, Valentyna Myronenko, Yuliia Trufanova. Modern Features of The Legal Regulation of Labor Rights in Ukraine. Res Militaris, 2023. Vol.13, N°2, January Issue. P. 1930-1941
- 13. Rym O.M., Pylypenko P.D. The principles of labor law of the European Union and Ukraine: in search of harmonization. URL: https://www.researchgate.net/publication/344225780\_THE\_PRINCIPLES\_OF\_LABOUR\_LAW\_OF\_THE\_EUROPEAN\_UNION\_AND\_UKRAINE\_IN\_SEARCH\_OF\_HARMONIZATION
- 14. Serhii Lukash. Place and significance of ILO regulatory documents in the system of labor law sources of Ukraine. Entrepreneurship, economy and law. 2022. № 1. P. 23-27.
- 15. Sloma V., Moskaliuk N. Legal regulation of home based work. Actual problems of jurisprudence. 2022. Issue 4 (32) pp. 140-145.
- 16. Yurii Chyzhmar. The role of International Labor Organization conventions in the system of sources of labor law of Ukraine. Entrepreneurship, economy and law. 2021. № 10. P. 16-22.

# INFORMATION SOURCES

- 1. The official web portal of the Verkhovna Rada of Ukraine. URL: http://portal.rada.gov.ua/
- 2. Official online representation of the President of Ukraine. URL: http://www.president.gov.ua/
- 3. The single web portal of executive authorities of Ukraine. URL: http://www.kmu.gov.ua/
- 4. Official web portal of the judicial authorities of Ukraine. URL: http://court.gov.ua/
- 5. The official web portal of the International Labor Organization. URL: https://www.ilo.org/global/lang-en/index.htm