

Faculty of Law



DESO2332 Advanced and comparative labour law

[30h] 4.5 credits

This two-yearly course is taught in 2007-2008, 2009-2010,...

This course is taught in the 1st semester

Teacher(s): Pierre-Paul Van Gehuchten
Language: French
Level: Second cycle

Aims

The objective is to lead the student to make summaries and criticisms of the general principles ; he also needs to be able to handle the technical data needed for solving practical cases.

Main themes

The course is positioned within the prolongation of the course on labour law taught in the second year of the " licence " programme. It concentrates on the study of various severing mechanisms for work contracts. This subject matter has been chosen in view of the principles it puts at stake and the highly special practical interest it represents. The questions studied will not be situated in the single context of work contract legislation, but will lead to the envisaging of the consequences of the dismissal on the level of other legal or conventional procedures (e.g. closing down of companies, collective redundancies etc.). Depending on the amount of time available, another topic may be tackled ; this will be chosen in accordance with the evolution of the topic and the current nature of such or such a problem (e.g. juridical aspects of work policies). The lectures focus both on the principles and on the application of these by jurisprudence.

Content and teaching methods

The majority of the work force carry out their services in the context of an employment contract. Experience shows that, in the face of work jurisdictions, the problems linked to breaking contract are more numerous, if we exclude those arising from the application of

the various Social Security sectors. The objective pursued in this course is to help the student acquire the capacity to use the theoretical tool, namely the law of 3 July, 1978.

The legal procedures concerning the breaking of an employment contract will be studied in depth in order to lead the student to a relative mastery of the mechanisms presiding over a break in contract. The student will have the opportunity to participate in numerous case studies enabling the application of juridical techniques and, beyond these, to study the ensuing stakes linked to work relations on an individual and a collective level. Actual factual situations will be presented to the students, most of which are pleaded before labour jurisdictions.

The students will be called on to speak in public and to propose their solutions to solve the litigation. The pooling of the reflections of each student constitutes a source of real enrichment leading to the integration of new knowledge. Evaluation is ongoing, even if it is sanctioned by the results of the exam, the approach and content of which are clearly situated within the development of the pedagogical objectives.