



UNIVERSITÀ DEGLI STUDI DI PALERMO

| | | | |
|--------------------------------|---|----------------------|------------------|
| DEPARTMENT | Giurisprudenza | | |
| ACADEMIC YEAR | 2023/2024 | | |
| MASTER'S DEGREE (MSC) | MIGRATIONS, RIGHTS, INTEGRATION | | |
| INTEGRATED COURSE | SOCIOLOGICAL AND LEGAL ASPECTS OF LABOUR MIGRATION - INTEGRATED COURSE | | |
| CODE | 20889 | | |
| MODULES | Yes | | |
| NUMBER OF MODULES | 2 | | |
| SCIENTIFIC SECTOR(S) | SPS/09, IUS/07 | | |
| HEAD PROFESSOR(S) | MARINELLI MASSIMILIANO | Professore Ordinario | Univ. di PALERMO |
| OTHER PROFESSOR(S) | MARINELLI MASSIMILIANO | Professore Ordinario | Univ. di PALERMO |
| | SCIURBA ALESSANDRA | Professore Associato | Univ. di PALERMO |
| CREDITS | 10 | | |
| PROPAEDEUTICAL SUBJECTS | | | |
| MUTUALIZATION | | | |
| YEAR | 2 | | |
| TERM (SEMESTER) | 1° semester | | |
| ATTENDANCE | Not mandatory | | |
| EVALUATION | Out of 30 | | |
| TEACHER OFFICE HOURS | MARINELLI MASSIMILIANO Friday 12:00 15:00 Online Microsoft teams SCIURBA ALESSANDRA Wednesday 15:00 16:00 Piazza Bologni 8, IV piano | | |

| | |
|---------------------------|---|
| PREREQUISITES | Basic knowledge of the general principles on human rights, economic and social rights and civil law. |
| LEARNING OUTCOMES | <p>- Knowledge and understanding: students will gain a general knowledge of the foundations of sociology of labour and labour law related to immigrants within the Italian and the European contexts characterised by multiculturalism.</p> <p>- Applying knowledge and comprehension: students will learn to understand law and sociology from a different perspective than their domestic systems and in a foreign language. In particular, students will acquire specific knowledge and skills, which are necessary to understand: the contemporary labour market evolution processes, by devoting particular attention to dynamics of segmentation, exploitation and segregation based on gender, nationality and legal status; and to understand the rights of migrants related to the execution of the contract of employment and to welfare benefits (pensions and social assistance measures) within the multilevel legal framework (international, EU and domestic law), and the related antidiscriminatory implications.</p> <p>- Making judgements: students will develop a critical approach about some evolving legal and sociological concepts which are central to the protection of migrant rights in the fields of labour and welfare. They will learn how to make an independent assessment on legal and sociological issues in a multidisciplinary perspective.</p> <p>Thanks to the acquired critical capabilities, students will be able to develop an autonomous reasoning, with regard to both practical cases and scholarly opinions.</p> <p>- Communicating skills: students will gain awareness of the meaning of the words used to communicate ideas, considering the single relevant context. They will be able to use appropriately sociological and legal terminologies in the labour field; to deal with a controversial legal and sociological questions individuating its key points; to use different communicating skills - either orally or in written - in order to illustrate a legal or sociological specific matter, using an adequate academic terminology; to conduct bibliographic researches and to use appropriately web instruments, such as electronic data banks, electronic reviews etc.;</p> <p>- Learning skills: students will learn the use of labour law and sociology under an international, European and domestic perspective. They will obtain an overall understanding of sociology and labour law of migrations and an appropriate studying methodology, which will provide them with the capability to undertake activities (such as the consultation of relevant bibliographic, normative and case law material) in order to carry-out high specialised studying paths. Students will be able to apply the specific learning methods acquired in the course in order to enhance and update their skills in professional contexts.</p> |
| ASSESSMENT METHODS | <p>The exam consists of an interview aimed at ascertaining the level of knowledge of the topics in the syllabus, the level of command in the specialised Language and the ability of the candidate to develop a reasoning aimed at the application of theoretical knowledge to specific cases in order to argue and possible solutions.</p> <p>Grades are on a scale between 18 and 30 cum laude, according to the following evaluation grid:</p> <p>-Excellent 30-30 cum laude: the student shows excellent knowledge of the topics, excellent property language, excellent capacity of analysis; the student is able to apply theoretical knowledge to real cases which are proposed to be analysed. He/she is also able to properly argue possible solution, including multiple alternatives.</p> <p>- Very good 26-29: the student shows good knowledge of the topics, good properties of language, good capacity analytical; the student is able to apply theoretical knowledge to real cases which are proposed to be analysed. The student is able to adequately apply theoretical knowledge to real cases which are proposed to be analysed.</p> <p>- Good 24-25: the student shows basic knowledge of the main topics, good property of language, the student shows limited ability to apply theoretical knowledge to real cases which are proposed to be analysed.</p> <p>-Satisfactory 21-23: the student does not show that complete command of the main teaching topics, although showing to know the basic knowledges; he/she shows satisfactory property of language albeit with a poor ability to adequately apply theoretical knowledge to real cases which are proposed to be analysed.</p> <p>- Sufficient 18-20: the student shows minimal knowledge of the main teaching and technical language issues, limited or no capacity to adequately apply theoretical knowledge to real cases which are proposed to be analysed.</p> <p>The outcome of the exam is insufficient if the student does not have an acceptable knowledge of the contents of the various topics on the agenda.</p> <p>N. 1 Mid-term oral exam on voluntary basis (mark out of 30).</p> |
| TEACHING METHODS | Lessons, seminars, tutorials. |

MODULE LEGAL ASPECTS

Prof. MASSIMILIANO MARINELLI

SUGGESTED BIBLIOGRAPHY

Camas Roda F. (2019), The Approach of the European Union Towards Economic Immigration for Work Purposes, *Revue comparée de droit du travail et de la sécurité sociale-English electronic edition*, 64-77, ISSN 2117-4350 .

W. Chiaromonte, M.D. Ferrara, F. Malzani (2019). The Migration Governance through Labour Law: The Italian Case, in *Rivista del diritto della sicurezza sociale*, pp. 367-392, ISSN1720-562X.

Chiaromonte W. (2015), The New EU Legal Regime on Labour Migration and its Effects on Italy: The Implementation of Directive 2009/500, 2011/98 and 2014/36. Towards a Human-Rights-Based Approach?, in W.P. Csdle «Massimo D'Antona». INT, n. 122, - ISSN 1594-817X, 1-56.

Korda M., Pennings F. (2008), The legal character of international social security standards, in *European Journal of Social Security*, n. 2, ISSN1720-562X, 131-158.

Olney S., Cholewinski R. (2014), Migrant Workers and the Right to No-discrimination and Equality, in Costello C., Freedland M., *Migration Status in Labour and Social Security Law. Between Inclusion and Exclusion*, Oxford University Press, Oxford, 2015, ISBN 9780198714101, 259-281.

Sciarra S., Chiaromonte W. (2007), Migration Status in Labour Law and Social Security in Italy, in Costello C., Freedland M. (a cura di), *Migration Status in Labour and Social Security Law. Between Inclusion and Exclusion*, Oxford University Press, Oxford, 2015, ISBN 9780198714101, 121-133.

Servais J.M. (2020), *International Labour Law*, Wolters Kluwer, The Netherlands, 2020, ISBN 9789403521206, 94-115.

Servais J.M. (2014), International Labour Migration Law or The Misfortunes of Virtue, in *Revue de droit comparé du Travail et de la Sécurité Sociale-English electronic edition*, n. 4, ISSN 2117-4350, 18-51.

VV.AA., *European Labour Law*, Intersentia, 2019, ISBN 9781780687049, 45-129.

| | |
|-------------------------------|---|
| AMBIT | 21047-Attività formative affini o integrative |
| INDIVIDUAL STUDY (Hrs) | 76 |
| COURSE ACTIVITY (Hrs) | 24 |

EDUCATIONAL OBJECTIVES OF THE MODULE

Critical awareness of international, European and domestic labour and social security law related to migratory movements and their values in the current context, characterized by multicultural societies. Ability to use legal language in a comprehensive and convincing way.

Analysis of the most significant law cases within this field of the European Court of Justice, the European Court of Human Rights, the Italian Constitutional Court and the Italian Court of Cassation.

SYLLABUS

| Hrs | Frontal teaching |
|-----|--|
| 2 | Introduction. |
| 3 | The international and regional systems of sources of immigration labour and social security law. |
| 3 | The European Union, no-EU migrations and their impact on domestic labour and social security legislations. |
| 4 | The freedom of movement within the European Union: intra-EU migrations and labour law. The posting of workers and the applicable social law. |
| 4 | Immigration and employment law in Italy. |
| 8 | Immigration and social security law in Italy. |

MODULE SOCIOLOGICAL ASPECTS

Prof.ssa ALESSANDRA SCIURBA

SUGGESTED BIBLIOGRAPHY

- 1 Castles S. e Miller M. J. (2003). The Age of Migration, III ed. Basingstoke: Palgrave Macmillan, ISBN 9780230355774 (pp. 25-52)
- 2 Pateman C. (1988). The Sexual Contract, Stanford: Stanford University Press, ISBN 0804714770 (pp. 1-76)
- 3 Nussbaum M. C. (2000). Women and Human Development. The Capabilities Approach. Cambridge-New York: Cambridge University Press, ISBN 9780521003858 (pp. 1-31; pp. 101-161).
- 4 Kittay E. F. (2009). The Moral Harm of Migrant Carework: Realizing a Global Right to Care, Philosophical Topics, 37 (2), pp. 53-73, ISSN 02762080.
- 5 Hochschild A.R. (2009). Love and Gold. The Scholar and Feminist Online, 8, 1, ISSN 080506995X, Available at http://sfoonline.barnard.edu/work/hochschild_02.htm.
- 6 Sciarba A. (2019). Vulnerability, freedom of choice and structural global injustice: The “consent” to exploitation of migrant women workers. In Velasco, J. C. e La Barbera, M. C. (a cura di) Challenging the Borders of Justice in the Age of Migrations, Springer International Publishing, pp. 225-242, ISBN 978-3-030-05590-5.
- 7 Dines N. and Rigo, E. (2015). Postcolonial citizenship between representation, borders and the ‘refugeeization’ of workforce: Critical reflections on migrant agricultural labour in the Italian Mezzogiorno. In S. Ponzanesi and G. Colpani (Eds.), Postcolonial Transition in Europe: Contexts, Practices and Politics, Rowman and Littlefield, London, ISBN 9781783484454

Normative texts:

- 1 ILO Indicators of Forced Labour. Available at http://www.ilo.org/global/topics/forced-labour/publications/WCMS_203832/lang-en/index.htm and ILO Details of indicators for labour exploitation. Available at https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_105035.pdf
- 2 Directive 2011/36/EU of the European Parliament and of the Council on Preventing and Combating Trafficking in Human Beings and Protecting its Victims, and Replacing Council Framework Decision 2002/629/JHA
- 3 FRA (2019). Protecting migrant workers from exploitation in the EU: workers' perspectives, Publication Office of the European Union, Luxemburg. Available at <https://fra.europa.eu/en/publication/2019/victims-severe-labour-exploitation>

| | |
|-------------------------------|------------------------|
| AMBIT | 50647-politico-sociale |
| INDIVIDUAL STUDY (Hrs) | 114 |
| COURSE ACTIVITY (Hrs) | 36 |

EDUCATIONAL OBJECTIVES OF THE MODULE

The main goal of the course is to provide students with specific knowledge and skills, which are necessary to understand the contemporary labour market evolution processes, by devoting particular attention to dynamics of segmentation and segregation based on gender, nationality, legal status, etc. To this end the course will focus on some emblematic issues, which are at the centre of the complex interplay between different regimes, such as the specific condition of migrant women employed in the domestic sector, or the exploitation of migrant work in agricultural contexts. Particular relevance will also be given to the acquisition of specific knowledge to identify continuity and change in the labour market processes due to the presence of migrant workers, and to evaluate the concrete impact of political, normative and economic interventions on dynamics of exploitation.

SYLLABUS

| Hrs | Frontal teaching |
|-----|---|
| 4 | Definition of labour exploitation, forced labour (as defined by ILO) and trafficking (as defined by the EU Directive 36/2011) |
| 4 | Analysis of the specific vulnerability of some categories of workers within the dynamics of contractual freedom |
| 6 | Migration, rights and contemporary labour market |
| 6 | The specific condition of migrant women working in the domestic sector |
| 6 | The specific condition of migrant workers in the agricultural sector |
| 4 | Labour, welfare and migration policies: the interplay of 3 regimes which produce exploitation |
| Hrs | Workshops |
| 3 | The specific condition of migrant women working in the domestic sector - workshop |
| 3 | The specific condition of migrant workers in the agricultural sector - workshop |