

## UČNI NAČRT PREDMETA / COURSE SYLLABUS

**Predmet:** Neenakosti v svetu dela  
**Course title:** Inequalities in the World of Work

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Interdisciplinarni doktorski študijski program HUMANISTIKA IN DRUŽBOSLOVJE, 3. stopnja	Področje: Socialno delo	2.	1.
Interdisciplinary doctoral programme in THE HUMANITIES AND SOCIAL SCIENCES, 3rd level	Field: Social Work	2nd	1st

**Vrsta predmeta / Course type:** Izbirni predmet/Elective course

**Univerzitetna koda predmeta / University course code:**

Predavanja Lectures	Seminar Seminar	Vaje Tutorial	Klinične vaje work	Druge oblike študija	Samost. delo Individ. work	ECTS
20	40				240	10

**Nosilec predmeta / Lecturer:** Izr. prof. dr. Barbara Kresal

**Jeziki / Languages:** **Predavanja / Lectures:** Slovenski /Slovene (Option: English)

**Vaje / Tutorial:** Slovenski /Slovene (Option: English)

**Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:**

Vpis v letnik študija.

**Prerequisites:**

Enrolment into the study year.

**Vsebina:**

**Content (Syllabus outline):**

Kritična analiza delovno- in socialnopravnega položaja ljudi v različnih oblikah zaposlitve in dela ter njihovih možnosti dostopa do zaposlitve in uživanja pravic, ki izhajajo iz konkretnega delovno in socialnopravnega statusa.

- Temeljne značilnosti pravne ureditve delovnih razmerij v primerjalni in mednarodni perspektivi,
- Različne oblike dela, standardna zaposlitev, prekarno delo, domet delovnega prava in vprašanje obstoja delovnega razmerja, prikrita delovna razmerja, samozaposleni
- Diskriminacija na področju dela, zagotavljanje enakih možnosti in enakega obravnavanja ne glede na osebne okoliščine, neposredna diskriminacija, posredna diskriminacija, interseksijska in večkratna diskriminacija, pozitivni ukrepi, učinkovit nadzor in varstvo v primeru kršitev prepovedi diskriminacije
- Vpliv posameznikovih možnosti in statusa v svetu dela na njegov delovno in socialnopravni položaj
- Umestitev tematike neenakosti v svetu dela v širši okvir človekovih pravic, temeljnih socialnih pravic in koncepta dostojnega dela: nedeljivost človekovih pravic, dinamična interpretacija, načelo sorazmernosti, formalne in dejanske možnosti za učinkovito uresničevanje človekovih pravic.

Critical analysis of the employment and social situation of persons in different forms of employment/work and their opportunities for the access to employment and enjoyment of rights stemming from a particular employment and social status.

- basic characteristics of labour relations in the comparative and international perspective,
- different forms of work, standard employment, precarious work, scope of labour law and the question of the existence of the employment relationship, disguised employment relationships, self-employment,
- discrimination in the field of labour relations, implementation of the principle of equal treatment and equal opportunities irrespective of the personal circumstances of a worker, direct discrimination, indirect discrimination, intersectional and multiple discrimination, positive measures, effective control and protection in case of breach of the prohibition of discrimination,
- impact of a person's opportunities and status in the world of work for her or his employment and social situation,
- conceptualizing the issue of inequalities in the world of work within the broader framework of human rights, fundamental social rights and the concept of decent work, indivisibility of human rights, dynamic interpretation, principle of proportionality, formal and actual opportunities for the effective realisation of human rights.

**Temeljni literatura in viri / Readings:**

- Bercusson, Brian (2009), *European Labour Law*. Cambridge: Cambridge University Press.
- Bronstein, Arturo (2009), *International and Comparative Labour Law*. Ženeva: ILO.
- Castel, Robert (2009), *La montée des incertitudes: Travail, protections, statut de l'individu*. Paris: Editions du Seuil.
- Davies, A. C. L. (2009), *Perspectives on Labour Law*. Cambridge: Cambridge University Press.
- Fredman, Sandra (2011), *Discrimination Law*. Oxford: Oxford University Press.
- Fudge, Judy in Rosemary Owens (ur.) (2006), *Precarious work, women, and the new economy*. Oxford: Hart Publishing.
- International Labour Office (2012), *Decent Work Indicators: Concepts and definitions*. Geneva.
- International Labour Office (2007), *Equality at Work: Tackling the Challenges*. Ženeva.
- Kresal, Barbara (2013), Standard and Non-Standard Work in Slovenia. V: Buelens, Jan in Pearson, John (2013), *Standard Work: An Anachronism?*. Cambridge; Antwerp; Portland: Intersentia, str. 117-147.
- Kresal, Barbara (2012), Primerljivost delovnopravnega varstva v različnih oblikah zaposlitve. *Delavci in delodajalci*, let. 12, št. 2-3, str. 245-262.
- Kresal, Barbara (2011), Fleksibilne ali prekerne oblike zaposlitve. *Delavci in delodajalci*, let. 11, št. 2-3, str. 169-183.
- Kresal, Barbara (2007), Enake možnosti hendikepiranih oseb pri vključevanju na trg dela in predlogi *de lege ferenda*, *Pravnik*, let. 62, št. 1-3, str. 53-62.
- Leskošek, Vesna, Smolej, Simona, Rihter, Liljana, Boškić, Ružica, Kresal, Barbara, Breznik, Maja (2013), *Revščina zaposlenih*. Ljubljana: Sophia.
- MacDermott, T. (2014), Older workers and extended workforce participation: Moving beyond the 'barriers to work' approach. *International Journal of Discrimination and the Law*, published online 22 Jan 2014 (<http://jdi.sagepub.com/>).
- Rigaux, Mark, Buelens, Jan, Latinne, Amanda (2014), *From Labour Law to Social Competition Law?*. Cambridge; Antwerp; Portland: Intersentia.
- Schiek, Dagmar in Lawson, Anna (2011), *European Union Non-Discrimination Law and Intersectionality*, Surrey: Achgate.
- Vaughan-Whitehead, Daniel (ur.) (2012), *Work Inequalities in the Crisis: Evidence from Europe*. Geneva: ILO.
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**Cilji in kompetence:**

- pregledno poznavanje različnih vidikov delovnih razmerij v mednarodni in primerjalni perspektivi
- poznavanje in razumevanje značilnosti razmerij med delavci in delodajalci in njihovega pravnega urejanja
- razumevanje temeljnega pomena načela nediskriminacije v delovnih razmerjih
- razumevanje delovno in socialnopravnega položaja ljudi z različnimi osebnimi okoliščinami in vloge protidiskriminacijskega prava za varstvo njihovih pravic in interesov
- sposobnost kritične analize razmerja med dejanskim in pravnim položajem ljudi z različnimi osebnimi okoliščinami v svetu dela
- sposobnost uporabe pravnih instrumentov za uveljavljanje načela enakega obravnavanja in enakih možnosti ljudi iz različnih družbenih skupin na področju dela.

**Objectives and competences:**

- An overview knowledge on different aspects of labour relations in international and comparative perspective,
- knowledge and understanding of characteristics of the relationship between employees and employers and their legal regulation,
- understanding the fundamental role of the principle of non-discrimination in labour relations,
- understanding the employment and social situation of persons with different personal circumstances and the role of the anti-discrimination law for the protection of their rights and interests,
- the ability of critical analysis of the relationship between actual and normative position of people with different personal circumstances in the world of work,
- the ability to use legal instruments for the implementation of the principle of equal treatment and equal opportunities of people from different social groups in the world of work.

**Predvideni študijski rezultati****Znanje in razumevanje:**

- kritični pogled na ureditev delovnih razmerij in vztrajen obstoj neenakosti na tem področju;
- poznavanje in razumevanje problemov povezanih z učinkovitim zagotavljanjem načela enakih možnosti in enakega obravnavanja ljudi z različnimi osebnimi okoliščinami v svetu dela;
- poznavanje in razumevanje sistema pravnih instrumentov za zagotavljanje nediskriminatornih praks na področju delovnih razmerij.

**Sposobnosti:**

- sposobnost kritične analize pravne ureditve

**Intended learning outcomes:****Knowledge and understanding:**

- A critical view on the regulation of labour relations and the persistent existence of inequalities in this field,
- Knowledge and understanding of the problems related to the effective implementation of the principles of equal opportunities and equal treatment of people with different personal circumstances in the world of work,;
- knowledge and understanding of the system of legal instruments for the implementation of non-discriminatory practices in labour relations.

**Abilities:**

delovnih razmerij v primerjalni in mednarodni perspektivi,  
 - sposobnost umestitve tematike neenakosti na področju dela v širši okvir človekovih pravic, temeljnih socialnih pravic in koncepta dostojnega dela,  
 - sposobnost argumentirano in ciljni publiki primerno predstaviti in diseminirati rezultate svojih znanstvenih raziskav na tem področju domači in tuji javnosti.

- The ability of critical analysis of legal regulation of labour relations in the comparative and international perspective;  
 -The ability to conceptualize the issue of inequalities in labour relations in a broader framework of human rights, fundamental social rights and the concept of decent work;  
 - The ability to present and disseminate results of the research in this field to domestic and international public in an argumentative way that is suitable for the target public.

**Metode poučevanja in učenja:**

Seminarji, delavnice, vodeni individualni študij, predstavitve in nastopi študentov in študentk.

**Learning and teaching methods:**

Seminars, workshops, supervised individual studies, students' presentations and performance.

Delež (v %) /

**Načini ocenjevanja:**

Weight (in %)

**Assessment:**

Pisna izpitna naloga z zagovorom.	<b>100%</b>	Written assignment with defence.
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**Reference nosilca / Lecturer's references:**

**Kresal Barbara**

Rigaux, M., Buelens, J., Latinne, A., Kresal, B., Reyniers, K., Däubler, W., Quenaudon, R. de, Dorssemont, F., Jaspers, T., Laronze, F., Martinez, E., Orlandini, G., Roozendaal, W., Schubert, J. M. (2014), *From Labour Law to Social Competition Law?*, (Publications on Labour Law). Cambridge; Antwerp; Portland: Intersentia.

Leskošek, V., Smolej, S., Rihter, L., Boškić, R., Kresal, B., Breznik, M. (2013), *Revščina zaposlenih*. Ljubljana: Sophia.

Kresal, B. (2013), Standard and Non-Standard Work in Slovenia. V: Buelens, J. et al. (2013), *Standard Work : An Anachronism?*. Cambridge; Antwerp; Portland: Intersentia, str. 117-147.

Kresal, B. (2012), Primerljivost delovnopravnega varstva v različnih oblikah zaposlitve. *Delavci in delodajalci*, let. 12, št. 2-3, str. 245-262.

