

|   |
|---|
| <b>Course title:</b> <i>Gender Perspective of Labour Law</i>  |
| <b>Teacher/Teachers:</b> Prof. Dr. Ljubinka Kovačević   |
| <b>Course status:</b> optional  |
| <b>Number of ECTS:</b> 3 ECTS   |
| <b>Requirements:</b> /  |
| <p><b>Aim of the course:</b><br/>This course is designed to create a framework for understanding gender perspectives on key Labour law institutions and their re-evaluation on the basis of gender equality principle. Students will be stimulated to critical thinking and cooperative learning in order to better conceive the need, challenges and obstacles for effective implementation of gender equality principle in the world of work. This aim shall be realized through analyzing the gender perspective on labour law protection of job seekers, risk of gender-based discrimination regarding rights, obligations, duties and responsibilities deriving from employment relationship, labour law protection of workers with family duties, and promotion of gender equality in employment and occupation.</p>  |
| <p><b>Course result:</b><br/>Upon finishing the course, the students should have a general overview of the concept, principles and aims of gender sensitive Labour law. Also, they should be able to analyze key gender issues throughout this branch of law in its political, social and economic context. Moreover, students will be able to use the gender equality principle as a basis for re-evaluating applicable sources of law and legal concepts and theories, as well as existing legal problems regarding the status of women and persons with family duties in the world of work.</p>  |
| <p><b>Course content:</b></p> <ol style="list-style-type: none"> <li>1. <b>Access to employment and equal treatment of job seekers</b> <ol style="list-style-type: none"> <li>1.1. Job advertisement and job requirements</li> <li>1.2. Gender-based discrimination during the hiring process</li> <li>1.3. Public incentives for the recruitment and maintenance of women in employment</li> <li>1.4. Gender quotas and other positive action measures</li> </ol> </li> <li>2. <b>Equal treatment of men and women at work</b> <ol style="list-style-type: none"> <li>2.1. Working conditions and promotion</li> <li>2.2. The principle of equal pay of men and women and gender pay gap</li> <li>2.3. Gender equality, flexible employment contracts and flexible working conditions</li> <li>2.4. Gender-based discrimination regarding termination of employment</li> </ol> </li> <li>3. <b>Labour law measures to encourage improvements in the occupational safety and health</b> <ol style="list-style-type: none"> <li>3.1. Maternity protection</li> <li>3.2. Protection of workers who have recently given birth</li> <li>3.3. Protection of workers who are breastfeeding</li> <li>3.4. Occupational risk assessment and prevention</li> </ol> </li> <li>4. <b>Protection of workers on work-life balance for parents and caregivers</b> <ol style="list-style-type: none"> <li>4.1. Reconciliation issues</li> <li>4.2. Discrimination based on family issues</li> <li>4.3. Paternity and other family-related leave</li> </ol> </li> <li>5. <b>Gender-based harassment, sexual harassment and other forms of gender-based violence at work</b></li> <li>6. <b>Gender perspective in collective labour law</b> <ol style="list-style-type: none"> <li>6.1. Gender balanced policy in workers' representatives, and in management and decision-making body in trade unions</li> <li>6.2. Collective bargaining agreement with gender perspective: Gender action plans</li> <li>6.3. Gender perspective in social dialogue</li> </ol> </li> </ol> |

**Literature:****Required reading:**

1. *ABC of Women Workers' Rights and Gender Equality*, International Labour Office, 2000.
2. S. Bisom-Rapp, M. Sargeant, *Lifetime Disadvantage, Discrimination, and the Gendered Workforce*, Cambridge University Press, 2016.
3. P. Foubert, S. Burri, A. Numhauser-Henning, *The Gender Pay Gap in Europe from a Legal Perspective*, European Commission, 2010.
4. M. Lansky *et al.* (eds), *Women, Gender and Work*, International Labour Office, 2017.
5. J. Pillinger, N. Wintour, *Collective Bargaining and Gender Equality*, Agenda Publishing, 2019.

**Additional reading:**

1. *A Quantum Leap for Gender Equality: For a Better Future of Work for All*, International Labour Office, 2019.
2. A. Teich Adams, K. Teich Winston, *Mothers at Work: Public Policies in the United States, Sweden, and China*, Longman, 1980.
3. E. Boris, D. Hoehcker, S. Zimmermann (eds), *Women's ILO: Transnational Networks, Global Labour Standards and Gender Equity - 1919 to Present*, International Labour Office, 2019.
4. L. Briskin, *Equity Bargaining/Bargaining Equity*, Centre for Research on Work and Society, York University, 2006.
5. L. Briskin, A. Muller, *Promoting Gender Equality through Social Dialogue: Global Trends and Persistent Obstacles*, International Labour Office, 2011.
6. A. Forrest, „Hidden in the Past: How Labour Relations Policy and Law Perpetuate Women's Economic Inequality“, *Canadian Woman Studies*, Vol. 23, No. 3/2004, 64-71.
7. *Gender and Career Development*, European Foundation for the Improvement of Living and Working Conditions, 2007.
8. *Gender Equality and Decent Work: Good Practices at the Workplace*, International Labour Office, 2005.
9. *Gender Equality Around the World. Articles from World of Work Magazine 1999-2006*, International Labour Office, 2007.
10. T. Gill, L. Whitty, *Women's Rights in the Workplace*, Penguin Books Ltd, 1983.
11. *International Labour Review Special Issue: Women's Labour Force Participation: Gendered Patterns and Trends* (vol. 153, No. 2/2014)
12. *International Labour Review Special Issue: Gender, Jobs and Pay* (vol. 154, No. 4/2015)
13. E. L. Jeanes, D. Knights, P. Yancey Martin (eds), *Handbook of Gender, Work and Organization* (eds), Wiley, 2011.
14. A. McCann, *Sexual Harassment at Work: National and International Responses*, International Labour Office, 2005.
15. M. Oelz, Sh. Olney, M. Tomei, *Equal Pay: An Introductory Guide*, International Labour Office, 2013.

Other literature (including that in other languages known by the students) can be recommended to students for the purposes of exploring concrete issues, writing papers etc.

**Instruction methods:**

Primary interest is in active involving students in their own knowledge acquisition and in stimulating their critical thinking for better understanding the implementation of gender perspective in every legal branch, including this one. Learning approach will be insofar based on collaborative, inquiry-based, student-centred approach to teaching.

Also, the teaching method includes theoretical and practical classes, with the analysis of the jurisprudence of UN, ILO and CoE treaties/conventions-based supervisory bodies, case-law of CJEU, ECtHR and national courts, and case studies focusing on complex legal issues thus

providing students with an opportunity to apply sources of law to facts of hypothetical cases. Also, comparative approach will be conducted.

**Number of classes of active lectures:**    **Theoretical classes: 30**    **Practical classes: 15**

**Evaluation of knowledge (maximum number of points: 100)**

| <b>Pre-exam obligations</b>                   | <b>Points</b> | <b>Final exam</b>    | <b>Points</b> |
|---|---------------|----------------------|---------------|
| Activities during lectures and practical work | 40            | Oral or written exam | 40            |
| Seminar paper                                 | 20            |                      |               |