



Title	<u>Hungarian-Italian comparative Labour Law</u>
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Brief description	<p>After 1945, the development of Hungarian and Italian law - in a period of great importance for modern labour law - fundamentally diverged. Italy embarked on the road to civil democracy in 1945, becoming one of the founding members of the European Community. The conditions and requirements of the social market economy had a decisive impact on labour law. Unlike Hungary, which became a member of the Soviet bloc after 1945, labour law was socialist in approach. The state's legislative role in the regulation was dominated by its ownership approach, given that the vast majority of employers were socially owned. Thus, a significant part of the legal institutions related to the social market economy did not function or functioned only formally.</p> <p>“Jumping to today”, both countries are members of the EU, and Hungarian and Italian legislation and labour relations have to</p>

	<p>comply with the same international legal requirements. The market requirements affecting labour law are similar.</p> <p>The course presents and compares the main legal institutions governing labour law in these two countries with different backgrounds. In this way, students can compare how Hungarian and Italian labour law comply (or not?) with the common requirements of EU directives and International Labour Organization conventions. On the other hand, the course will present and compare how the two countries have developed labour law in the absence of international regulation. And important non-state regulation in labour law is compared. In particular, the regulatory role of collective agreements and the importance of social partnership.</p>
<p>Schedule</p>	<p><u>10 March - 10.00 to 11.30 and 12 to 13.30</u></p> <ul style="list-style-type: none"> - The structure of labour law - an overview of the laws applicable to the private, non-profit and public sectors (civil service) - Regulation of traditional and atypical employment relationships, - Privacy protection <p><u>11 March - 10.00 to 11.30 and 12 to 13.30</u></p> <p>Is time money?</p> <ul style="list-style-type: none"> - The legislative role of the state in regulating working time and rest time (leave) and state intervention in pay conditions - Supply chain regulation – Who is actually the employer? <p><u>12 March - 10.00 to 11.30 and 12 to 13.30</u></p> <p>Termination of employment - protection of employees</p> <p><u>13 March - 10.00 to 11.30 and 12 to 13.30</u></p> <p>Labour relations</p> <ul style="list-style-type: none"> - Social dialogue at national and sectoral level - Trade union and employee participation rights (e.g. works council) - The conclusion and regulatory role of collective agreements - The right to strike
<p>Materials/Recommended readings</p>	<p>Materials:</p> <p>1. The parts of Hungarian and Italian labour law covered by the course</p> <p><u>1.1. Hungarian labour law</u></p> <p>1.1.1. Act I of 2012 on the Labor Code</p> <p>1.1.2. Act I of 1989 on the right to Strike</p>

1.1.3. Government Decree 308/2024 (X. 24.) on the statutory minimum wage and the guaranteed minimum wage on the detailed rules for consultation and amending certain government regulations in connection with the adoption of EU Directive 2022/2041 on the minimum wage to be guaranteed in the European Union

1.1.4. Act CXXXV of 2020 on services and aids to promote employment and on the supervision of employment

1.2. Italian labour law

1.2.1. Constitution - Article 36

Civil Code - Article 2094 on 'Employees'

1.2.2. Law No. 300 of 20 May 1970 (the Workers' Statute) on the freedom and dignity of employees, the freedom of trade unions and trade union activity;

1.2.3. Law No. 604 of 15 July 1966 (amended by Law No. 108 of 11 May 1990) on individual dismissals;

1.2.4. Law No. 223 of 23 July 1991 on collective dismissals;

1.2.5. Legislative Decree No. 151 of 26 March 2001, containing provisions on the protection of maternity and paternity;

1.2.6. Legislative Decree No. 81 of 9 April 2008 on health and safety in the workplace;

1.2.7. Legislative Decree No. 23 of 4 March 2015, which introduced new regulations for unlawful dismissals that apply to all levels of employees – except the highest category of employee (executive-level employees) – hired permanently as of 7 March 2015;

1.2.8. Legislative Decree No. 81 of 15 June 2015, which aims to systematically regulate the different types of employment contracts (fixed-term contracts, staff leasing and apprenticeships, etc);

1.2.9. Legislative Decree No. 104 of 27 June 2022, on implementation of Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019, on transparent and predictable working conditions in the European Union, which introduces provisions governing information on the employment relationship, minimum requirements for working conditions, and a number of additional measures to protect employees.

1.2.10. Legislative Decree No 152 of 26 May 1997 - 'Implementation of Directive 91/533/EEC on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship'

1.2.11. Legislative Decree No 66 of 8 April 2003 - 'Implementation of Directives 93/104/EC and 2000/34/EC concerning certain aspects of the organization of working time'

1.2.12. Legislative Decree No 23 of 4 March 2015 (file pdf) -

1.2.13. Provisions on permanent employment contracts with increasing protection over time, in implementation of Law No 183 of 10 December 2014'

1.2.14. Legislative Decree No 81 of 15 June 2015 - 'General rules governing employment contracts and review of the legislation on jobs, in accordance with Article 1(7) of Law No 183 of 10 December 2014'

- Legislative Decree No 151 of 14 September 2015 Terms and conditions and rights in the event of dismissal

1.2.1.5. Provisions to rationalize and streamline procedures and obligations for citizens and businesses and other provisions on employment relationships and equal opportunities, implementing Law No 183 of 10 December 2014'

2. International labour conventions and European Union certain sources of law related to the curriculum - In particular:

2.1. The Charter of Fundamental Rights of the European Union

2.2. The European Social Charter

2.3. Regulation (EC) No 593/2008 on the law applicable to contractual obligations (Rome I)

2.4. Regulation (EU) No 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation - GDPR)

2.5. Directive 94/33/EC on the protection of young people at work

2.6. Directive 96/71/EC concerning the posting of workers in the framework of the provision of services

2.7. Directive 97/81/EC concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC

2.8. Directive 98/59/EC on the approximation of the laws of the Member States relating to collective redundancies

2.9. Directive 1999/70/EC concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP;

2.10. Directive 2001/23/EC on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses;

2.11. Directive 2002/14/EC establishing a general framework for informing and consulting employees in the European Community;

- 2.12. Directive 2003/88/EC concerning certain aspects of the organization of working time;
- 2.13. Directive 2008/104/EC on temporary agency work;
- 2.14. Directive (EU) 2018/957 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services
- 2.15. Directive (EU) 2019/1152 on transparent and predictable working conditions in the European Union
- 2.16. Directive (EU) 2019/1158 on work-life balance for parents and carers
- 2.17. Directive (EU) 2022/2041 on adequate minimum wages in the European Union

3. Recommended readings

1. Angelo Zambelli - Alberto Testi - Barbara Grasselli: Employment & Labour Law 2023; Practical cross-border insights into employment and labour law; 13th Edition; Chapter-17 – Italy https://www.zambellipartners.com/wp-content/uploads/2023/03/EMP23_Chapter-17_Italy.pdf
2. Employment law overview Italy 2021-2022; LABLAW — Studio Legale / Proud Member of L&E GLOBAL https://lablaw.com/wp-content/uploads/2021/02/LEG_MEMO_Italy_04.02.21_compressed.pdf
3. Emanuele Menegatti: The Evolving Concept of “worker” in EU law. Italian Labour Law E-Journal, 12(1), 71–83. <https://illej.unibo.it/article/view/9699>
4. István Horváth - Daniel Pérez del Prado - Zoltán Petrovics - Andrea Sitzia: The role of digitization in employment and its new challenges for labour law regulation - The Hungarian, Italian and Spanish solutions, comparison and criticism; ELTE Law Journal; No. 2. (2021); <https://ojs.elte.hu/eltelj/article/view/5254>
5. Emanuele Menegatti: Wage-setting in Italy: The Central Role Played by Case Law; Italian Labour Law E-Journal, Vol. 12 No. 2 (2019) 53–66.; <https://illej.unibo.it/article/view/10017>
6. Zoltán Petrovics: Protection against dismissal in the digital age. Hungarian Labour Law E-Journal, 2003/1. 91-102. [06_ZPetrovics_hllj_uj_2023_1.pdf](https://ojs.elte.hu/eltelj/article/view/5254)
7. Zoltán Petrovics: Tendencies on Termination of Employment in Central Eastern Europe. In: Imre Szabó (ed.): Central European Legal Studies - Vol 1. Selected essays on current legal issues from a comparative legal approach. Oradea, Partium, 2023. 75-86.
8. Zoltán Petrovics: Crucial Point: Several Issues of the Termination of Employment. ELTE Law Journal, 2021/1. 57-74. View of No. 1 (2021)

	<p>9. Zoltán Petrovics: Break out of the Box: A Proposal on How to the Interpret Termination without Notice on the Grounds of Objective Impossibility in Hungarian Labour Law. Hungarian Labour Law E-Journal, 2021/1 46-61. 03_Petrovics_ENG_hllj_uj_2021_1.pdf 124.</p> <p>10. Zoltán Petrovics: Some Questions on Cancellation of the Employment Contract. In: Tibor Nochta (ed.): Central European civil law studies 2024. Oradea, Partium, 2024. 115-129.</p> <p>11. István Horváth: Trapped by the Ghost of the Past: Amortization and Problems concerning the Collective Dimension in Hungarian Labour Law; E-Journal of International and Comparative Labour Studies, Volume 12 No. 03/2023; Adapt University Press; 68-82. https://ejcls.adapt.it/index.php/ejcls_adapt/article/view/1453</p> <p>12. Act of 1989, The First Strike Statute in Hungary; Zbornik, Pravnog Fakulteta u Zagrebu; 1990/1., 117-124.</p> <p>13. Domenico Garofalo: The identification of the employer in the context of organisational fragmentation: the Italian legal framework; Italian Labour Law E-Journal; Vol. 13 No. 1 (2020) 29–53.; https://illej.unibo.it/article/view/11321</p> <p>14. Eurofound, Italy: Minimum wage country profile; https://www.eurofound.europa.eu/en/topic/minimum-wage/italy</p> <p>15. Rita Rudrich: Minimum Wage in Hungary 2025; Business Process Innovation, 12/2024.; https://bpion.com/minimum-wage-in-hungary-2025/</p> <p>16. Eurofound, Living and working in Hungary; https://www.eurofound.europa.eu/en/country/hungary</p> <p>17. Eurofound, Living and working in Italy; https://www.eurofound.europa.eu/en/country/italy</p>
Assessment/Exam	<p>„Take home”- solution.</p> <p>After the last lecture of the course students’ll receive a task related to the topic of the course, which must be sent to the Department of Labor Law and Social Law within 14 days at the following e-mail address: nemethne.krisztina@ajk.elte.hu.</p> <p>Thereafter the students will receive their marks in 10 days</p>