Valid from 2024.HS

Module description: Employment Law

Module Code	w.BA.XX.3AR-BL.XX
ECTS Credits	6
Language of Instruction/Examination	German
Module Description	Students know the system and the principles of Swiss labor law and its most important points of dispute. They apply the relevant sources of law to specific cases from operational practice.
Organizational Unit	IUR Ltg.
Module Coordinator	Eylem Demir
Deputy Module Coordinator	Andreas Petrik
Program and Specialization	• Business Law
Legal Framework	Academic Regulations BSc dated 29.01.2009, for the degree programs in Business Administration, International Management, Business Information Technology, Business Law, Business Law and Applied Law, first adopted on 12.05.2009
Module Category	**Module Type** Compulsory **Program Phase** Main Study Period
Prerequisite Knowledge	The following modules: • Staats- und Verwaltungsrecht • Anspruchsgrundlagen • Rechtsgeschäfte im Privatrecht
Contribution to Program Learning Objectives (by the concerned Module)	• Professional Competence • Methodological Competence • Social Competence • Self-Competence
Contribution to Program Learning Objectives	**Professional Competence** • Knowing and Understanding Content of Theoretical and Practical Relevance • Apply, Analyze, and Synthesize Content of Theoretical and Practical Relevance • Evaluate Content of Theoretical and Practical Relevance **Methodological Competence** • Problem-Solving & Critical Thinking • Scientific Methodology • Work Methods, Techniques, and Procedures • Information Literacy • Creativity & Innovation **Social Competence** • Written Communication • Oral Communication • Teamwork & Conflict Management • Intercultural Insight & Ability to Change Perspective **Self-Competence** • Self-Management & Self-Reflection • Ethical & Social Responsibility • Learning & Change

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Module Learning Objectives	Students... • know the basics and the structure of Swiss labor law. • describe the structure of Swiss labor law and the areas of application of the relevant laws and pertinent legal norms. • present application-oriented basic knowledge of labor law. • consolidate the knowledge acquired in the first semesters (private law and public law). • apply standards from the core area of labor law to more complex issues from business practice. • apply the norms scattered among various legal sources to more complex issues using the principles of case resolution techniques learned in the course of their studies. • correctly classify labor contract law and labor law issues from everyday business life in this network of standards. • analyze the interests of various stakeholders. • form and articulate opinions on current labor law controversies or common disputes in an expert manner. • present the basis for decision-making to legal laypersons in a comprehensible form. • argue in different roles based on pseudonymous documents in an expert and goal-oriented manner.. • acquire and practice the ability to work individually and in a group on complex issues • acquire and practice the ability to work scentifically and using academic skills.
Module Content	• Introduction to the module: Structure of the module, information on the performance assessment, basics of labor law, legal sources of labor law, scope of application, hierarchy of norms, differentiation of private-law and public-law employment relationships. • Fundamentals of Labor Law II: individual employment contract, formation, type-determining characteristics, types, de facto employment relationships, differentiation from other contracts for work performance, special employment contracts, probationary period. • Duties of employers: salary, types of salary, expenses, the modalities of salary payment • Employer obligations: continued payment and replacement of wages in the event of incapacity to work, in particular in the event of illness, accident, or maternity. • Working hours and time off, vacations, health protection, and special protection. • Group meetings (coaching sessions) to discuss the performance assessment. • Data protection during the employment relationship, application procedure, personnel file, and monitoring at the workplace. • Employer duty of care: protection of personality, protection against discrimination, principle of equal treatment, bullying and sexual harassment, and equality between men and women • Duties of employees: duty specifications and amendments, duty of loyalty, default of acceptance by the employer, secrecy and contractual non-competition clause; duty of care, and liability. Non-compete clause; duty of care and liability. • Termination of employment, overview of the various grounds for termination. • Consequences of termination of contract, references, termination agreement, leave of absence, and post-contractual non-competition clause. • Collective labor law and collective labor agreements • Procedure and administration of justice in labor law • Exam preparation week
Links to other modules	This module is linked to the following modules: • w.BA.XX.1SozVR-BL.XX • w.BA.XX.3LeMe-BL.XX • w.BA.XX.2RGPR-BL.XX • w.BA.XX.2AGPR-BL.XX • w.BA.XX.2SVR-BL.XX
Digital Learning Resources	• Reader • Practice and Application Exercises (with Key) • Case Studies (with Key)

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Methods of Instruction

- Application Tasks
- Literature Review
- Explorative Learning
- Lecture
- Interactive Instruction
- Exercises
- Case Studies
- Presentation
- Simulation
- Group assignment
- Discussion

Social Settings Used:

Type of Instruction

	Classroom Instruction	Guided Self-Study	Autonomous Self-Study
Large Class	28 h	-	
Small Class	28 h	30 h	
Group Instruction	-	-	
Practical Work	-	30 h	
Seminar	-	-	
Total	**56 h**	**60 h**	**64 h**

Performance Assessment

End-of-module exam	Form	Length (min.)	Weighting
Oral exam		15	75.00
Permitted Resources			

Others	Assessment	Format	Length (min.)	Weighting
Written assignment and instructional discussion about the assignment processing	Grade	Gruppenarbeit	20	25.00

Classroom Attendance Requirement

None

All group members are required to be present for group meetings to verify performance. The group meetings last 20 minutes per group.

Compulsory Reading

- Additional documents (graphs, court decisions, references, work and exercise sheets, and sample solutions, etc.) on Moodle
- Pärli, K. & Geiser, T. & Müller, R. (2024). Arbeitsrecht in der Schweiz. 5th Edition. Bern: Stämpfli. ISBN 978-3-7272-2694-6 .
- Demir, E. (2024). Rechtsnormen zum schweizerischen Arbeitsrecht. 5. Edition. Bern: Stämpfli. ISBN 978-3-7272-5274-7 . This edition of the law book or (alternatively) official editions of the laws listed in "Rechtsnormen" will be required for class and the end-of-module exam.

Recommended Reading

- Streiff, U., Von Kaenel, A. & Rudolph, R. (2012). Arbeitsvertrag. Praxiskommentar zu Art. 319-362 OR. 7th edition. Zürich/Basel/Genf: Schulthess. ISBN 978-3-7255-6450-7.

Comments

Demir, E. (2024). Rechtsnormen zum schweizerischen Arbeitsrecht. 5. Auflage. Bern: Stämpfli. SBN 978-3-7272-5274-7. These editions or (alternatively) official editions of the laws listed in "Rechtsnormen" are required for class and the final module exam. These may not include notes.