

Program: Doctoral Academic Studies		
Course title: LEGAL NATURE OF ECONOMIC AND SOCIAL RIGHTS AND LEGAL NATURE OF THE EMPLOYMENT RELATIONSHIP		
Teachers: Prof. Dr. Branko Lubarda, Prof. Dr. Predrag Jovanović, Prof. Dr. Ljubinka Kovačević		
Course status: Optional course –Labour Law narrow scientific field		
Number of ECTS: 10		
Requirements: /		
Aims of the course: The aim of this course is to familiarize the student with the legal nature of human rights that protect the economic and social position of the individual and ensure a dignified life. Since there is a dispute over the legal nature of these rights in professional and scientific literature, the course is designed to allow a critical consideration of their unbreakable relationship with civil and political rights, as well as understanding the guarantees of human rights and fundamental freedoms as a natural defense to the employer's arbitrariness.		
Course result: The course trains students to critically analyze different views on the legal nature of economic and social rights and their protection in international and national law, as well as for independent research in this area of law.		
Course content: The contents of the course include the following units: The need for economic and social security; Respect for human rights and fundamental freedoms at work; Strict conditions for limiting the rights and freedoms at the workplace; The concept of economic and social rights; Developing the idea and understanding of economic and social rights; Origin, development and perspectives of the dispute on the legal nature of economic and social rights; The regime of economic and social rights in national law; Constitutional guarantees of economic and social rights; The process of internationalization of economic and social rights; Subjects of economic and social rights; Prohibition of discrimination in the acquisition, exercise and use of economic and social rights; Supervision of respecting economic and social rights; The right to work; The right to social security; The right to health; Special protection of mother and child; Special protection of persons with disabilities; Respecting the dignity of employees and their protection against psycho-social risks; Labour law aspects of the exercise and protection of the right to respect for private life.		
Literature: Borivoje Šunderić, <i>Socijalno pravo</i> , Beograd, 2009; Branko Lubarda, <i>Radno pravo</i> , Beograd, 2012; Vojislav Koštunica, „Opšta deklaracija i socijalna prava“, <i>Jugoslavenska revija za međunarodno pravo</i> , br. 1-2/1989, str. 23-37; Mihailo Stupar, „Teze za jedan pokušaj sistematizacije socijalnih prava čoveka“, <i>Anali Pravnog fakulteta</i> , br. 2/63; Borivoje Šunderić, „Ekonomska i socijalna prava“, <i>Radno i socijalno pravo</i> , br. 7-12/2005, str. 7-21; Branko Lubarda, „Sloboda rada i sloboda ugovaranja“, <i>Pravni život</i> , br. 5-6/2002, str. 107-118; Branko Lubarda, „Ostvarivanje i zaštita socijalnih prava“, <i>Pravni život</i> , br. 11/2010, str. 753-775; Branko Lubarda, <i>Priroda socijalnih prava i radno pravo u sistemu prava</i> , u: „Aktuelna pitanja savremenog zakonodavstva: zbornik radova sa Savetovanja pravnika, 11-15. jun 2012, Budva“, Beograd, 2012, str. 367-380; Predrag Jovanović, „Normativna izgradnja ljudskih i socijalno-ekonomskih prava“, <i>Zbornik radova Pravnog fakulteta u Novom Sadu</i> , br. 3/2010, str. 103-115; Predrag Jovanović, „Radnopravne granice slobode rada“, <i>Pravo i privreda</i> , br. 7-9/2012, str. 464-482; Drenka Vuković, <i>Socijalna sigurnost i socijalna prava</i> , Beograd, 2005; Ljubinka Kovačević, <i>Pravna subordinacija u radnom odnosu i njene granice</i> , Beograd, 2011; Lenia Samuel, <i>Droits sociaux fondamentaux. Jurisprudence de la Charte sociale européenne</i> , Strasbourg, 2002; Philip Alston (ed.), <i>Labour Rights as Human Rights</i> , New York, 2005; Nikitas Aliprantis (éd.), <i>Les droits sociaux dans les instruments européens et internationaux: défis à l'échelle mondiale</i> , Bruxelles, 2009; Claire La Hovary, <i>Les droits fondamentaux au travail. Origines, statut et impact en droit international</i> , Paris, 2009; Malcom Langford (ed.), <i>Social rights jurisprudence: Emerging trends in International and Comparative law</i> , New York, 2008; Manisuli Ssenyonjo, <i>Economic, social and cultural rights in International law</i> , Oxford/Portland, Oregon, 2009; M. Bossuyt, „La distinction juridique entre les droits civil et politiques et les droits économiques, sociaux et culturels“, <i>Revue des droits de l'homme</i> , vol. 8, 1975, str. 783-820; Thilo Marauhn, <i>Social rights beyond the traditional Welfare State: International instruments and the concept of individual entitlements</i> , u: Eyal Benvenicti, Georg Nolte (eds.), „The Welfare State, globalization, and International Law“, 2004, str. 276-319.		
Number of lectures – active classes	Theoretical classes: 75	Practical classes :
Instruction method: Lectures and consultations.		

Grading system (maximum number of points 100)			
Pre-exam obligations	Points	Final Exam	Points
Activities during lectures	30	Oral exam	70
Activities during practical classes			
Tests			
Seminar classes			