

SCIENZE GIURIDICHE (PAU003)

1. language

Italian.

2. course contents

Coordinator: Prof. NICOLA PICARDI

Year Course: 1st year

Semester: 1st semester

UFC: 8

Modules and lecturers:

- DIRITTO DEL LAVORO (PAU023) - 2 CFU - SSD IUS/07 - Prof. Micaela Vitaletti
- DIRITTO PENALE (PAU021) - 1 CFU - SSD IUS/17 - Prof. Alain Maria Dell'Osso
- DIRITTO PROCESSUALE PENALE (PAU024) - 1 CFU - SSD IUS/16 - Prof. Alain Maria Dell'Osso
- ISTITUZIONI DI DIRITTO PUBBLICO - LEGISLAZIONE SANITARIA (PAU022) - 2 CFU - SSD IUS/09 Prof. Nicola Picardi
- PSICOLOGIA GENERALE - INTERAZIONE TRA UOMO E AMBIENTE (PAU025) - 2 CFU - SSD M-PSI/01 - Prof. Gino Pozzi

3. BIBLIOGRAPHY

Reference bibliography for **Diritto del lavoro**:

- TULLINI P., *Introduzione al diritto della sicurezza sul lavoro*, Giappichelli, latest edition, also ebook version.

For those who would like to delve deeper into trade union law, MARAZZA M., *Diritto sindacale contemporaneo*, Giappichelli, latest edition.

To download the laws, we recommend the following site: www.normattiva.it;

To download the collective agreement for staff employed by healthcare facilities:

<https://www.aiop.it/Portals/0/documenti/CCNL/CCNL%20AIOP%20PERSONALE%20NON%20MEDICO%20DIPENDENTE%202016-2018.pdf>

Reference bibliography for **Diritto penale**:

- BARTOLI R. – PALAZZO F., *Corso di diritto penale. Parte generale*, Giappichelli, Torino, 2023, Chapters I -V (tranne pp. 159 – 190); Chapter VII par. 5 e Chapter. VIII par. 3.
- CONSULICH, F., *Manuale di diritto penale del lavoro*, Giappichelli, Torino, 2024, Chapters II-III-IV e VI.

Reference bibliography for **Diritto processuale penale**:

- CONTI C. - TONINI P., *Lineamenti di diritto processuale penale*, Giuffrè, Milano, latest edition, Part II - Chapters I- III; Part III – Chapters I-II e IV-V; Part IV Chapter. I; Part VI – Chapters I-III.

Reference bibliography for **Istituzioni di diritto pubblico – Legislazione sanitaria**:

For the parts of general regulation of public law:

- BIN R., PITRUZZELLA G., *Diritto Pubblico*, Giappichelli, Torino, latest edition (Part I, Chapters V e VI, with reference to the 2021 edition)
- GROPPI T., SIMONCINI A., *Introduzione allo studio del diritto pubblico*, Giappichelli, Torino, latest edition (Chapters V, VI, VIII-XI, with reference to the 2023 edition)

For the parts of health legislation :

- BIN R., DONATI D., PITRUZZELLA, *Lineamenti di diritto pubblico per i servizi sociali e sanitari*, Giappichelli, Torino, latest edition, Capitoli X-XIV, with reference to the 2021 edition); this text, in its entirety, can replace the two indicated above
- BOTTARI C., *La tutela della salute: lavori in corso*, Giappichelli, Torino, latest edition (Chapters I-II, IV e VI, with reference to the 2020 edition)
- FERRARA R., *L'ordinamento della sanità*, Giappichelli, Torino, latest edition (Chapters II-IV, with reference to the 2020 edition)

For further information on the discipline and case studies of the responsibility of healthcare facilities and healthcare professionals:

- AA.VV., *Danno e responsabilità. La responsabilità professionale*, Ipsoa, Milano, 2024, (ebook version, with case studies and notes on sentences, to be consulted freely and limited to the healthcare sector; in particular, the analysis of the case discussed in pp. 7-20 is suggested)
- CASCINI F. – GELLI F. – HAZAN M. – ZORZIT D., *Responsabilità, rischio e danno in sanità*, Giuffrè Francis Lefebvre, Milano, latest edition (the student will discretionally delve deeper into the themes suggested by the study of one of the cases to which the previous text refers with the possible help of the following Chapters I/paragraph 3, III-IV, IX/Paragraphs 1-5, XI and XXII, with reference to the 2022 edition)

Reference bibliography for ***Psicologia generale - Interazione tra uomo e ambiente:***

- NOLEN-HOEKSEMA S. ET AL., *Atkinson & Hilgard's Introduzione alla Psicologia*. Italian translation. Piccin Padova, 2017 (chapters selected based on the course syllabus).
- MARIANI M., *Manuale di Psicologia del Lavoro*. Pitagora Editrice, Bologna, 2007 (chapters selected based on the course syllabus).
- POZZI G. (a cura di), *Salute mentale e ambiente di lavoro: conoscere e tutelare dal disadattamento al mobbing*. Franco Angeli, Milano, 2008 (chapters selected based on the course syllabus).
- BUZZI F., VANINI M., *Guida alla valutazione psichiatrica e medico-legale del danno biologico di natura psichica. Seconda edizione aggiornata a DSM-5 e PDM*. Giuffrè Editore, Milano, 2014 (chapters selected based on the course syllabus).
- POZZI G., TEDESCHI D., "Valutazione psicologica e psicopatologia nelle controversie di lavoro", in FESTA G. M. – JANIRI L. (edited by), *La valutazione psicologica e psichiatrica in ambito forense*, Giunti Psicologia, Firenze, 2024.

4. LEARNING OBJECTIVES

Description of the specific training objectives of the teaching according to the 5 Dublin Descriptors:

Knowledge and understanding (Dublin 1)

The Legal Sciences course includes its training objectives within the overall objectives of the Degree Course in Prevention Techniques in the Environment and Workplaces, including the main one of enabling the student to achieve, through an integrated study of the subjects object of the teaching modules, the knowledge as well as the necessary interpretative skills of a set of fundamental rules for the profession in the prevention field. To this end, the fundamental professionalising objectives will be kept in mind, both with regard to the legal dynamics of work (in the private sector and within the administrative organization (with particular reference to safety) and with regard to the applications of substantive criminal law (with particular reference to the management of economic and administrative activities and the related criminal responsibilities, as well as the main criminally relevant activities in the field of workplace safety). The basic regulatory

framework will be completed with a survey of the main institutions of criminal procedural law, highlighting the institutions most relevant procedures from the professional perspective of the operator an activity aimed at supervision and control for safety as a public official. All of this will be undertaken in light of the constitutional principles covered in the Institutions of public law module, which it will also range within the fundamental functions of the organization of the State, in a perspective constantly aimed at the health field, whose institutions will be analysed, with regards to the aspects of supervision and control for the purposes of prevention, in an integrated vision also in the legal subjects relevant to the other legal modules of the course.

Applying knowledge and understanding (Dublin 2)

Knowledge and understanding must be used to develop application skills. The study aimed at acquiring theoretical skills will be accompanied by that of concrete cases for the purpose of acquiring the indispensable applications of the interpretative activity to factual reality, also drawing from jurisprudence. The psychology module will provide in-depth analysis of clinical cases with particular reference to the interactions between humans and living and working environments. This knowledge will constitute the prerequisite for the indispensable future study of more specific regulations during studies in the field of health and safety in the workplace. There is also a General Psychology module, with regard to the interaction between man and the environment, with the qualifying programmatic aspects of which maximum attention will be paid for the purposes of possible integrated visions also from a regulatory point of view.

Making judgements (Dublin 3)

The student must be able to independently formulate judgments and observations on legal-interpretative structures; the same will happen in the psychological field; all this, also comparing the different possible theoretical-methodological approaches and their effectiveness in the interpretation of concrete cases and in identifying possible prospects for regulatory improvement (as regards legal aspects) and for the evolution of the approaches with which to deal with clinical cases (with reference to psychological problems).

Communication skills (Dublin 4)

The student must be able to effectively manage the pragmatic aspects of the management of the regulatory discipline for the purposes of the activity that they will be called upon to carry out in the inspection field, drawing from concrete experience, as well as from jurisprudential precedents, the real scope of the regulatory complex that will be called upon to apply. Students will be invited to present and illustrate data, concepts and ideas relating to their specialist field, both in relation to legislation and in relation to the management of the psycho-relational component in the workplace.

Learning skills (Dublin 5)

The course will provide students with a solid foundation on which to base further regulatory and psychological studies at a more advanced level and of a more specific nature, based on subsequent professional training needs relating to their specialist field.

5. prerequisites

A good knowledge of the course language, Italian, is essential in order to learn and use technical expressions and concepts relating to both the legal area and the psychological area, which will be combined with different linguistic skills. from Italian (in particular, English) which the degree course will allow you to achieve already during the first year. The achievement of the training objectives is favored by a previous ability to reflect on basic regulatory aspects and knowledge of the fundamental categories of legal description, as well as basic scientific ones.

6. TEACHING METHODS

For the purposes of acquiring the skills and application skills described above, the integrated course will take place through frontal lessons in which adequate space will be dedicated to in-depth analysis of the case studies guided by the teacher; in particular frontal lessons with display of examples and illustrations of summary tables, guided exercises, case studies, group and/or independent exercises, display of analysis results, verification and comparison of hypotheses. In particular, flipped classroom activities will also be used with the aim of stimulating the active involvement of learners.

7. OTHER INFORMATIONS

The assiduity of presence as well as the quality of participation during the lessons may be taken into consideration as indicative elements of the student's application according to the training objectives and constitute a prerequisite for an optimal path, productive of the best results. As regards interviews between teachers and individual students, they can take place not only in person, but also remotely if necessary using one of the platforms in use at the University (always by appointment).

8. METHODS FOR VERIFYING LEARNING AND FOR EVALUATION

Oral exam with a score out of thirty as an expression of the weighted average of the marks in the individual disciplines of the integrated course.

The following dimensions will be considered in the overall evaluation of the student: knowledge of the fundamental topics of the disciplines of the integrated course; the ability to connect between the different areas of the disciplines of the integrated course and to apply theoretical concepts to practical examples of case analysis brought to his attention; the correctness and clarity of the exposition; the ability to focus, structure and elaborate specific concepts; the correctness of the solutions to the proposed analytical problems.

To achieve the maximum score, the student must demonstrate an in-depth knowledge of a wide range of concepts relating to the disciplines of the integrated course, be able to apply this knowledge to the analysis or study of cases proposed by the teacher, proposing solutions and motivating interpretative or methodological choices also with possible connections between different fields, taking care of the oral presentation for the purposes of clarity and relevance. Given this, the exam will be considered passed and will be recorded if the admitted candidate has obtained a positive evaluation in all modules of the course.

Within the individual modules, ongoing written tests can be carried out to verify the level of preparation.

9. program

Diritto del lavoro

Specific training objectives of the module - The study of Labor Law is aimed at offering basic skills relating to health and safety profiles in the workplace, specifically examining European sources and documentation and Legislative Decree 81/2008 which deals with risk assessment and related prevention measures in the workplace, with particular attention to new climatic and psycho-social risks and the connections with anti-discrimination law. More specifically, moving from constitutional principles and article 2087 of the Civil Code, the study focuses on the fundamental institutions of the health and safety system, with particular attention to the drafting of the risk assessment document, health surveillance in the prevention of accidents at work, the role of training and information and the profiles sanctions, taking into account the complexity of work organisation, outsourcing processes and contractual types.

Specific points of the program - In particular, the following topics will be covered: European

sources, institutions and policies on health and safety - sources of internal law - the notions of health, safety and prevention - recipients and areas of application - prevention obligations - health surveillance - training and information - particular risks and anti-discrimination law - sanctions - working hours - work organization - outsourcing - contractual types.

Diritto penale

Specific training objectives of the module – The teaching aims to provide the necessary knowledge to fully understand the regulatory impact of criminal law on workplace safety and aims to provide the necessary knowledge of the essential notions of criminal law, as well as the tools to fully address, within the framework of the various forms of corporate crime, the analysis of the main criminal offenses foreseen to protect the health and safety of workers. At the end of the course, the student is expected to be able to correctly distinguish the different constituent elements of the criminal offense and independently orient himself in the analysis of the possible liability profiles of the various security guarantors identified by the Legislative Decree 81/2008.

Specific points of the program – In particular: the fundamental principles of the penal system (principle of legality: reservation of law; definiteness and non-retroactivity; structure of the crime: typicality, anti-legality, culpability; in particular: positions of guarantee, causality and guilt; concurrence of people in the crime; commensuration of the sentence: the system outlined by the criminal code; danger, homicide and personal injury).

Diritto processuale penale

Specific training objectives of the module - The Criminal Procedural Law module intends to provide the student with the ability to orient themselves within the procedural system, orienting themselves in the various phases of the procedure and mastering the fundamental principles that govern it.

Specific points of the program - The course will focus, in particular, on the following topics: constitutional principles; the subjects of the trial (the judge; the public prosecutor; the judicial police; the defender; the consultants and experts; the accused and the right of defence); the phases of the proceedings (preliminary investigations; the preliminary hearing; the ordinary rite and the special rites); the appeals system.

Istituzioni di diritto pubblico – Legislazione sanitaria

Specific training objectives of the module - The skills for which the teaching module of Public Law Instructions - Health Legislation is taught concern the functioning of the organizational system of the public administration as a whole. In particular, the student will have to acquire knowledge of the functioning mechanisms of the administrative apparatus in order to achieve skills that can be used in the healthcare sector in the exercise of typical functions of a prevention technician. We will not limit ourselves to just theoretical knowledge, but the verification will also be extended to practical aspects, the analysis of which, during the study phase, will take place through the observation of concrete cases, mostly taken from jurisprudence.

Specific points of the program - In particular, the following topics will be covered: 1. The Italian Constitution: the fundamental principles of the Italian Constitution and public administration; the different organizational levels of the State; the "public" sphere of the administrative function; the public interest and its protection; administrative acts and provisions 2. The distribution of competences between the different administrative levels: the state legal system; the form of State and the form of Government; relations between Parliament and Government; the regions; local autonomies; healthcare skills. 3. The public employment relationship: functional reasons for the possible different methods of recruitment and contractual discipline: general rules on the organization of work employed by public administrations (Legislative Decree 165/2001 and subsequent amendments, including references to the Legislative Decree 74/2017, so-called Madia Reform); responsibility of the public employee; the employment relationship within public health facilities: the territorial exercise of prevention within the overall organization of the national health service. 4. Health protection in the Italian constitution. 5. Public law institutions as a function of health legislation; the national health service: the organization of public health; national and regional health plans; public health companies. 6. Health service reforms: law 833/1978 establishing the National Health Service, legislative decree 502/1992, legislative decree 517/1993, legislative decree 229/1999; the healthcare system that emerged following the reform interventions: the state, regional and territorial levels of government; A.O., ASL, districts, hospitals. 7. Collaborative relationships between public administrations in healthcare functions. 8. Public functions carried out by private individuals: the involvement of private individuals in the health service; accreditation; the conventions. 9. The inspection activity of the ASL prevention services aimed at hygiene, health and safety at work and the collaboration of the prevention technician within the ASL prevention services. The prevention technician as an employee of a public or private structure or as a freelance operator. 10. Responsibility in the healthcare sector: in general

and with reference to the Prevention Technician 11. The Essential Levels of Assistance 12. Healthcare planning.

Psicologia generale – Interazione tra uomo e ambiente

Specific training objectives of the module. The objective of the General Psychology - human-environment interaction module is to introduce the student to general psychology by focusing on its application aspects to the world of work: perception and perceptual errors; vigilance, conscience, attention; learning and memory; language and thought; motivation and emotions; intelligence, reasoning, problem solving; environmental stressors and their effects on cognitive abilities and mental health; psychological bases of social interactions.

Specific points of the program. The module will take into particular consideration topics relating to organizational health and mental well-being of workers, individual safety, psychosocial risks and work-related syndromes (strain, burnout, mobbing, workaholism); Basic notions will also be provided on the impact of psychopathology in working populations and on the subject of non-pecuniary damage of a psychological nature in its various declinations (existential and biological) in light of the current legal context.