

Paolo Tomassetti University of Bergamo SSM Research Seminar on **Socially fair transition to a green economy**Brussels, 14 May 2019

#### Research question

 How and why collective bargaining can contribute to embed the principle of environmental sustainability into labour relations, without abandoning but reinvigorating the ideals of justice, equality and democracy that justify the traditional and selective goals of the EU social model and labour law systems.

• The research project is based on the idea that there is no contradiction between environmental sustainability and the fundamental ideals and functions of labour law and industrial relations, although some normative adjustments are needed to put labour regulation at work for sustainability and the environment.

#### Research design, data used and methods

- Purposive approach to labour law (Davidov, 2016)
- Internormativity (Baier, 2013)
- Socio-legal analysis based on statutory legislation, case law, sectoral and firm-level collective agreements, industrial relations cases
- Cross-case analysis on multiple country case studies: France, Hungary, Italy, the Netherlands, Spain and the UK

 The integration between labour and environmental protection through collective bargaining and social partnership is emerging as a process of incremental institutional change, with a focus on the importance of the power balances between interests that tend to be reconciled under the idea of sustainability.

• There is consensus that "there are no jobs on a dead planet" (ITUC, 2015). However, significant differences between trade unions (TUs) in different countries and sectors can be observed on **how Just Transition** should be defined, and **who** should shape this definition.

- There is a wide range of collective bargaining measures through which several traditional provisions and practices regulating the employment relationship can be revised in the light of the principle of sustainability.
- Their implementation and efficacy is highly contextual, depending on the legal framework, different logic of collective action and approaches to collective bargaining, sectoral differences and market characteristics etc.

**GROWTH CSR** Green pay Greening workplaces and commuting Training for green skills Smart working organisation OHS to prevent disasters Environmental democracy at work Green clauses in sub-contracting Green strikes Green ethical cash mobs

• Beyond green clauses in collective agreements, traditional goals of collective labour law converge with the principle of sustainability as long as they have an impact on the **root causes of the environmental crisis**, i.e. human and social hierarchies and **vulnerabilities**.

• In context where vulnerabilities inherent in the employment relationship (democratic deficits and dependency) are exacerbated by the **occupational threat**, the conflict between labour and the environment materializes since workers have no option but to accept unfair working conditions and business practices potentially dangerous for their health and the environment.

 New forms of hierarchical relationships and inequalities are emerging from vertical disintegration of production, subcontracting and global supply chain. Also gig work and sharing economy, whose original objective was disintermediation, collaborative consumption, and optimization of resources, are creating new "predatory intermediaries".

• These new forms of **social hierarchies and vulnerabilities** are very hard to regulate via collective bargaining and are likely to lead to new forms of environmental degradation.

# Implications for future research and policy

• Rethinking the **EU social policy** in the light of article 11 TFEU (and article 37 EUCFR), according to which: "Environmental protection requirements must be integrated into the definition and implementation of the Union policies and activities, in particular with a view to promoting sustainable development".

 On the other hand, traditional sectoral barriers between OHS and environmental policies should be overcome: as the boundaries of workplaces collapse and the notion of work environment overlaps with the etymological definition of environment, the dichotomy between the two policy sectors and principles becomes deeply flawed and outdated.

#### Thank you very much!

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