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Bargaining for Sustainable Development and Just Transition: A Mixed Picture from the ‘Agreement’ EU Project

Juan Escribano Gutiérrez and Paolo Tomassetti *

This special issue of the *E-Journal of International and Comparative Labour Studies* (EJICLS) presents and further discusses some of the key findings of *Agreement – A Green Mentality for Collective Bargaining*, the project co-funded by the European Union which in the last few years has investigated the role of collective bargaining and social dialogue in promoting sustainable development and the Just Transition to a low-carbon economy. Coordinated by ADAPT under the scientific direction of Prof. Juan Escribano Gutiérrez, the Agreement project focused on how and why collective bargaining can contribute to embedding the principle of environmental sustainability into labour relations, concurrently reinvigorating the ideals of justice, equality and democracy that justify the traditional goals of the EU social model and collective bargaining.

The timeliness of this project and this special issue is evidenced by the significant number of countries facing the challenges of implementing the UN 2030 Agenda on sustainable development and the COP 21 Paris agreement of 2015-2016, aimed at substantially reducing the impacts of climate change on society by achieving a net-zero emission in the second half of the 21st century.

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At EU level, the European Green Deal and the post-pandemic recovery measures that Member States have to implement within the massive Next Generation EU plan involve significant investments to make the economy compatible with the goal of decarbonising Europe. Yet these policies came with a significant impact on jobs and labour markets. As long as companies compete in a market economy, the costs of regulation are in competition. As a result, environmental policies and regulations have social implications, while the reverse is also true. Coordination between labour law and environmental legislation in lawmaking, policy setting and implementation is therefore crucial to prevent the conflict between the two dimensions, i.e. labour and the environment. Ensuring justice in the transition to a low-carbon economy precisely means avoiding negative externalities of environmental regulation on jobs and communities affected by decarbonisation. In this context, labour law and industrial relations institutions are called on to deconstruct the trade-off between labour and the environment by developing synergies and creating alternatives to the job vs. environment blackmail.

While industrial relations scholars and sociologists have paid attention to how companies and social partners are coping with dilemmas that the transition to a low-carbon economy involves, there was a lack of institutional and socio-legal analysis on how and why collective bargaining systems are responding to sustainable development and Just Transition policies; which normative techniques are used to balance the different and somehow competing interests involved in decarbonisation processes; and what implications these processes generate in labour and environmental law. This special issue was precisely intended to fill this research gap in five core countries: France, Hungary, Italy, Spain and the UK.

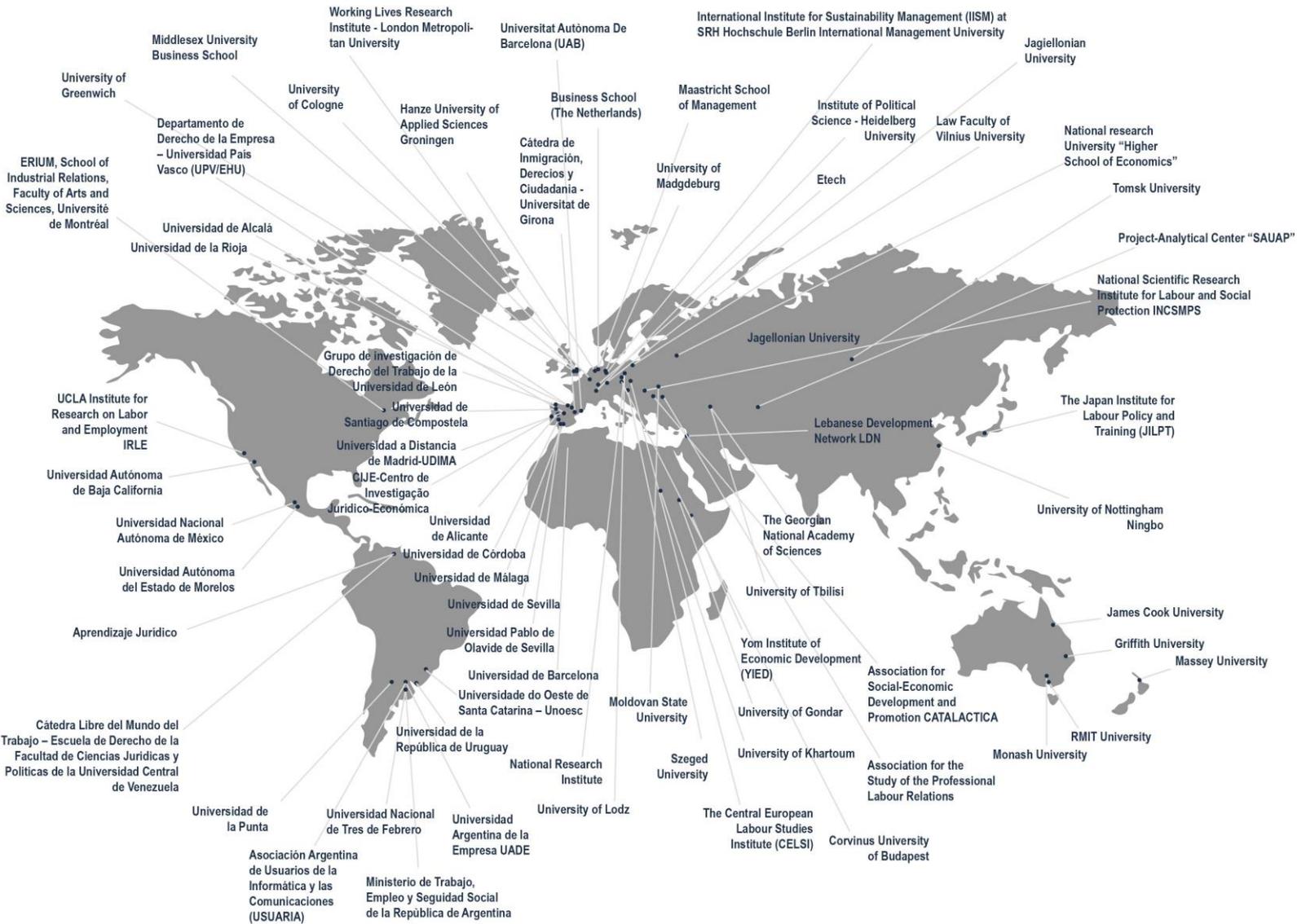
The five contributions shed light on the ways through which management and labour are integrating and pursuing labour and environmental protection simultaneously, by means of collective bargaining and social dialogue activities. Despite in the selected countries the legal systems regulating work, on the one hand, and the environment, on the other hand, remain misaligned and siloed, no formal obstacles exist to their integration. For collective bargaining to become a means to integrate both spheres, no legal restrictions apply in the jurisdictions considered, although explicit references and incentives for workers and employers (or their representatives) to bargain over environmental aspects are far less evident.

The key message that this special issue shares with labour law and environmental law scholars, therefore, is that it is up to the social partners to promote environmental sustainability as a goal for collective bargaining

or to continue with the traditional inertia that divides labour and environmental policies. In this regard, the papers collected in this special issue provide a mixed picture of what has been achieved in the last few years. While the analysis shows how the social partners, especially trade unions, are more and more willing to include environmental aspects in their industrial relations agenda, the narrative on the trade-off between labour and the environment is still evident in many cases. Collective agreements could take a leading role in promoting sustainable development and driving the just transition towards a low-carbon economy, but in practice they do not consider this to be a priority. Environmental clauses in collective agreements are still exceptional and lack momentum. Good policy examples exist, but best practices are difficult to generalise. And good examples coexist with very bad practices under which the twentieth century contraposition between industrialism and environmentalism dramatically revives.

Guided by the five contributions through the negatives and positives of existing practices of collective bargaining for sustainable development and Just Transition, readers of this special issue will have the opportunity to assess whether the glass is half empty or half full, and hopefully engage in a discussion with the authors to further expand the analysis of the labour-environment nexus. Further reflection about this crucial issue is needed. And we are grateful to the EJICLS's editors for hosting and echoing this debate within the labour law scientific community and beyond.

ADAPT International Network



ADAPT is a non-profit organisation founded in 2000 by Prof. Marco Biagi with the aim of promoting studies and research in the field of labour law and industrial relations from an international and comparative perspective. Our purpose is to encourage and implement a new approach to academic research, by establishing ongoing relationships with other universities and advanced studies institutes, and promoting academic and scientific exchange programmes with enterprises, institutions, foundations and associations. In collaboration with the Centre for International and Comparative Studies on Law, Economics, Environment and Work, (DEAL) the Marco Biagi Department of Economics, University of Modena and Reggio Emilia, ADAPT set up the International School of Higher Education in Labour and Industrial Relations, a centre of excellence which is accredited at an international level for research, study and postgraduate programmes in the area of industrial and labour relations. Further information at www.adapt.it.

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