The labour-environment nexus: Exploring new frontiers in labour law

ETUI

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Exploring the nexus (volume works in reverse order; starts from top and generally aims downwards)

- Rewrite capitalism
- Integration through inductive/deductive method
- Just transition

Deakin, Zbyszewska & Maximo

Imagination

Recognizing blind spots and compensation

Detailed strategies

Flanagan, Canalda and Novitz

Conflict
From L-E conflict to ... • protect workers in old E industries • move to new E industries
A win-win solution

- Somarco: workers challenged the decree of Chile’s Ministry of Energy phasing out coal-based electricity generation. The workers argued that their rights to equality before the law, freedom of work, and the right to unionize were violated. Chile’s Supreme Court ruled in favor of decarbonizing the electricity generation matrix while protecting workers’ rights.
- The lack of consultation was in violation of the government’s obligation to ensure a just transition. The ruling ordered the government authorities to implement a plan for the reinsertion into the labor market of workers affected by the decarbonization process, consulting them in that process, and adopting the control measures to ensure compliance.
Refining the principles of just transition

- A move from discursive soft law, to more distinct operational rules
  - Substantive norms (Novitz, Giupponi – human rights) (environmental norms – Flanagan)
  - Procedural norms and structures of representation (Canalda)
- Collective agency
  - Who negotiates?
  - Who litigates?
  - Who represents in policy?
  - To what extent are traditional recognition and procedural norms of collective labour law are open, or perhaps vulnerable, to necessary changes?
  - What is the relationship between plurality of voices, within and between ‘benches’ a strength or a weakness?
Strengthening the bonds

- Environmental
- Climate change
- Labour

Diagram showing the connections between environmental, climate change, and Labour.
Traditional JT: You can’t have environmental change without addressing labour concerns

- Labour
  - correct deficiencies in the E-CC nexus

- Environmental

→ Climate Change
Variation 1: Labor change is conducted through environmental change
Variation 2:
The unity of labor-environment nexus must be considered by additional frameworks.
Creating something new

**Inductive development**
- Case studies that demonstrate deficiencies in existing structure
  - Gomez et al
  - Empirical basis – voice of grassroots

**Deductive development**
- Extrapolate from a structural analysis
  - Dermine – what makes ‘just sustainable social law’ different from ‘just’ social law
  - The principle of appreciating non-productive work and downplaying productivity as the sole criterion
  - The extreme version is to re-consider capitalism
The final move – it’s capitalism

The move

- Deakin – a short history of capitalism
- Zbyszewska and Maximo: accumulation of critiques – notably colonial critique

- The nexus should be substituted by a coherent / holistic alternative to capitalism (at least ‘C as we know it’)
- There is **NO environmental** v **labour** law, but a set of norms that redefines the private sphere (property rights, who is an ‘employee’ or why should we care about employees) ...as well as the public sphere

To consider

- What are these new property rights?
- Do we need to reach the top of the pyramid (post-capitalism) to underscore the importance of breaking out of the exclusionary boundaries of ‘employees’?
- The political economy of change: incremental change by new agents – highlighted in the ‘less far-reaching’ articles. But who are the agents of change here?
- Is this an operational plan, or perhaps a normative horizon? (normative imagination)